



QUEER
FORMAT

Medienkoffer

»Familien und vielfältige Lebensweisen«
für Kindertageseinrichtungen

Begleitmaterial

- didaktische Einführung
- Titelliste
- Büchersteckbriefe zu allen 30 Bilderbüchern
und zum Familienspiel

Didaktische Einführung zum Medienkoffer „Familien und vielfältige Lebensweisen“ für Kindertageseinrichtungen

Heutzutage wachsen Kinder mehr denn je in einer von Vielfalt geprägten Gesellschaft auf. Menschen unterscheiden sich u.a. aufgrund ethnischer oder sozialer Herkunft, Hautfarbe, Geschlecht, Sprache, sexueller Identität, Behinderung, Alter, religiöser oder weltanschaulicher Prägung. Das „Anderssein“ der eigenen Person oder der eigenen Familie kann jedoch schon für Kinder zu Erfahrungen von Ausschluss oder sogar Diskriminierung führen. Die Auseinandersetzung mit Unterschieden und Gemeinsamkeiten von Menschen und die Beschäftigung mit Strategien von Antidiskriminierung und Solidarität werden daher auch in der pädagogischen Arbeit immer wichtiger. In Kindertageseinrichtungen sind Kinder meist zum ersten Mal in einer größeren Kindergemeinschaft und haben dort die Möglichkeit, die Vielfalt an Unterschieden und Gemeinsamkeiten auf der Grundlage von gleichen Rechten und gleichen Möglichkeiten kennen zu lernen (vgl. Berliner Bildungsprogramm für die Bildung, Erziehung und Betreuung von Kindern in Kindertageseinrichtungen bis zu ihrem Schuleintritt; Bereich „Soziale und kulturelle Umwelt“).

Wenn Pädagog_innen Unterschiede in der sozialen und kulturellen Umwelt von Kindern berücksichtigen und wertschätzen, können sie ihnen wesentliche Erfahrungen von Einschluss und Beteiligung ermöglichen. So schaffen sie ein wirksames Gegengewicht zu Ausgrenzungen (etwa durch Rassismus, Sexismus, Trans- oder Homophobie) und leisten im Sinne des Kinder- und Jugendhilfegesetzes einen aktiven Beitrag, um Benachteiligungen abzubauen (vgl. § 9 III KJHG).

Der Medienkoffer „Familien und vielfältige Lebensweisen“ für Kindertageseinrichtungen unterstützt diesen Bildungsauftrag. Hier gibt es nicht *die eine* „Bilderbuchfamilie“, wie wir sie noch immer in den meisten Bilderbüchern vorfinden. Die Bilderbuchfamilien des Medienkoffers sind so vielfältig wie die Familien der Kinder, die die Kitas besuchen. Im Bilderbuch „Alles Familie!“ von Alexandra Maxeiner und Anke Kuhl steht dafür exemplarisch der Untertitel „Vom Kind der neuen Freundin vom Bruder von Papas früherer Frau und anderen Verwandten“.

Die Materialien des Medienkoffers berücksichtigen eine Vielfalt von Lebensrealitäten, die für Kinder eine Rolle spielen. Es wurden Geschichten ausgesucht, die sich für die vorurteilsbewusste Bildung und Erziehung besonders eignen, weil sie möglichst auf Klischees und Zuschreibungen verzichten bzw. sie kritisch unter die Lupe nehmen. Die Figuren in den Büchern bieten den Kindern vielfältige Identifikationsmöglichkeiten für sich und ihr soziales Umfeld an.

Vermutlich gibt es nicht *das* perfekte Bilderbuch: vielleicht kommt nicht jedes Buch völlig ohne Zuschreibungen oder Klischees aus, andere sind möglicherweise sehr textlastig oder die Zeichnungen treffen nicht das ästhetische Empfinden aller Betrachter_innen. Deshalb sei unbedingt eine kritische Auseinandersetzung mit den Materialien empfohlen. Kritische Gespräche mit den Kolleg_innen und auch den Kindern können dabei sicherlich hilfreich und befruchtend sein.

Der Koffer und dieses Begleitmaterial sind im Rahmen des Maßnahmenpakets „Berlin tritt ein für Selbstbestimmung und Akzeptanz Sexueller Vielfalt“ des Berliner Senats entstanden.

Wir wünschen Ihnen so viel Spaß und Inspiration bei der Beschäftigung mit den Materialien wie wir es hatten.

Stephanie Nordt und Thomas Kugler von der Bildungsinitiative QUEERFORMAT

Inhalt des Medienkoffers

Dieser Koffer enthält 30 Bilderbücher, die speziell für den Einsatz in der Kita ausgesucht wurden, und ein Familienspiel. Die Altersangaben sind Empfehlungen.

Darüber hinaus bieten sechs Fachbücher Ihnen als Fachkräften aus Kindertageseinrichtungen spezifische Hintergrundinformationen zu den Themen Vorurteilsbewusste Bildung und Erziehung, Inklusionspädagogik, geschlechtergerechte Erziehung, Regenbogenfamilien sowie lesbische, schwule, bisexuelle und trans* Lebensweisen.

Ziel des Medienkoffers

Dieser Koffer unterstützt Sie mit vielfaltsorientierten Materialien bei Ihrer pädagogischen Arbeit. Im Zentrum stehen dabei die Förderung der Kinder in ihrer Identitätsentwicklung und Selbstbestimmung, die Vermittlung von Werten und Normen und die Auseinandersetzung mit Grundfragen des menschlichen Zusammenlebens. Durch die Beschäftigung mit unterschiedlichen Familien (z.B. große, kleine, konventionelle, Patchwork-, Regenbogen, Adoptions-, Einelternfamilien mit verschiedenen Herkunftssprachen, generationenübergreifend etc.) lernen die Kinder die Vielfalt der Gesellschaft kennen. So erleben sie schon früh den sicheren und selbstverständlichen Umgang sowohl mit bekannten als auch unbekannten Lebenswelten als Bereicherung.

Inhaltliche Themen der Medien

Förderliche Voraussetzung für die Entwicklung von Kindern ist, dass sich ihre Lebensrealitäten auch im Kita-Alltag widerspiegeln. Dies wirkt identitätsstiftend, gibt ihnen Sicherheit und unterstützt sie, offen, stolz und selbstverständlich von sich und ihrer Familie sprechen zu können.

Die Inhalte der Bücher sind entsprechend vielfältig in folgende Themen kategorisiert:

- Anderssein
- Ausgrenzung
- Behinderung
- Familienformen (z.B. Patchwork-, Regenbogen-, Eineltern-, Adoptionsfamilien)
- Freundschaft / Solidarität
- Geschlechtervielfalt / Geschlechterstereotype
- Gesellschaftliche Vielfalt: Gemeinsamkeiten und Unterschiede
- Gleichgeschlechtliche Liebe
- Kultur / Herkunft / Sprachen
- Identität
- Lebensformen / Lebenswelten
- Normen
- Selbstbestimmung

Impressum

Herausgegeben im Oktober 2012 im Rahmen der Initiative „Berlin tritt ein für Selbstbestimmung und Akzeptanz sexueller Vielfalt“ von der Senatsverwaltung für Bildung, Jugend und Wissenschaft

Zusammenstellung und Texte der Handreichung und Bücherkarten:

Stephanie Nordt und Thomas Kugler, Bildungsinitiative QUEERFORMAT, www.queerformat.de

Gesamtleitung: Conny Kempe-Schälicke, Senatsverwaltung für Bildung, Jugend und Wissenschaft Berlin

Diese Handreichung knüpft an den "Medienkoffer für die Grundschule - Vielfältige Familienformen und Lebensweisen" vom Mai 2011 an (Zusammenstellung: Stefanie Ullrich, Bildungsinitiative QUEERFORMAT, Handreichung und Bücherkarten: Melike Çinar, Beratung: Kristine Deharde, Medienforum Berlin) und die „Bücherliste zu unterschiedlichen Lebensrealitäten. Gemeinsam für Akzeptanz“ von GLADT e.V., Berlin 2011 an.

Titelliste zum Medienkoffer „Familien und vielfältige Lebensweisen“ für Kindertageseinrichtungen

Bilderbücher

1. Bansch, Helga (2007): **Ein schräger Vogel** (ab 4 J.)
2. Böttger, Ben; Macedo, Rita (2010): **Unsa Haus und andere Geschichten** (ab 5 J.)
3. Brownjohn, Emma (2003): **GROSS, KLEIN, DICK, DÜNN Ich mag mich, wie ich bin** (ab 4 J.)
4. Carle, Eric (2009): **Herr Seepferdchen** (ab 3 J.)
5. Cave, Kathryn (1994): **Irgendwie Anders** (ab 4 J.)
6. Cole, Babette (2005): **Prinzessin Pfiffigunde** (ab 4 J.)
7. de Haan, Linda; Nijland, Stern (2009): **König & König** (ab 4 J.)
8. Doebele, Matze (2011): **Pauls Glück** (ab 5 J.)
9. Funke, Cornelia (1997): **Prinzessin Isabella** (ab 3 J.)
10. Funke, Cornelia (2001): **Der geheimnisvolle Ritter Namenlos** (ab 3 J.)
11. Hächler, Bruno; Iris Wolfermann (2010): **Ich bin wie ich bin** (ab 3 J.)
12. Heine, Helme (2004): **Der Hase mit der roten Nase** (ab 2 J.)
13. Hense, Nathalie; Green, Ilya; Stewart, Jacoby (2009): **Ich hasse Rosa!** (ab 5 J.)*
14. Hoffman, Mary; Asquith, Ros (2010): **Du gehörst dazu: Das große Buch der Familien** (ab 4 J.)
15. Hüsler, Silvia (2010): **Besuch vom kleinen Wolf. Eine Geschichte in acht Sprachen** (ab 3 J.)
16. Kadasch, Kathrin; Dritter, Svenia (2009): **Mädchen oder Junge** (ab 3 J.) *
17. Kressley, Carson (2008): **Du bist anders und das ist gut so!** (ab 4 J.)
18. Kunert, Almud; Hildebrandt, Anette (2008): **Mit Dir sind wir eine Familie ...** (ab 3 J.)
19. Lindenbaum, Pija (2007): **Luzie Libero und der süße Onkel** (ab 4 J.)
20. Lindenbaum, Pija (2009): **Paul und die Puppen** (ab 3 J.)
21. Lobe, Mira (1992): **Das kleine Ich bin ich** (ab 4 J.)
22. Maxeiner, Alexandra (2010): **Alles Familie!: Vom Kind der neuen Freundin vom Bruder von Papas früherer Frau und anderen Verwandten** (ab 4 J.)
23. McKee, David (1989): **Elmar** (ab 3 J.)
24. Padmanabhan, Manjula (2007): **Ich bin einmalig! Kannst du mich finden?** (ab 2 J.)
25. Pah, Sylvia; Schatt, Joke (2004): **Zusammengehören** (ab 4 J.)*
26. Sansone, Adele (2007, 2. Aufl.): **Florian lässt sich Zeit** (ab 4 J.)
27. Schubert, Ingrid (1990): **Irma hat so große Füße** (ab 4 J.)
28. Zehender, Dirk (2008): **So lebe ich ... und wie lebst Du?** (ab 5 J.)
29. Zehender, Dirk (2011): **Inga und der verschwundene Wurm** (ab 4 J.)
30. Zöllner, Elisabeth (2009): **Ich bin ich und du bist du!: Vorlesegeschichten vom Anders-Sein und Sich-Verstehen** (ab 3 J.)*

* Diese Bücher sind nicht in allen Koffern vorhanden, da vergriffen.

Pädagogisches Material

Azun, Serap; Wagner, Petra; Krause, Anke (2010): **Das Familienspiel** (ab 3 J.)

Fachliteratur für Fachkräfte aus Kindertageseinrichtungen

Brill, Stephanie; Pepper, Rachel (2011): **Wenn Kinder anders fühlen - Identität im anderen Geschlecht: Ein Ratgeber für Eltern**

Gerlach, Stefanie (2010): **Regenbogenfamilien: Ein Handbuch**

Gosemärker, Alexandra (2008): **Erst Recht! - Der Ratgeber zu allen Rechtsfragen rund ums Zusammenleben**

Prenzel, Annedore (2010): **Inklusion in der Frühpädagogik. Bildungstheoretische, empirische und pädagogische Grundlagen**

Sozialpädagogisches Fortbildungsinstitut Berlin-Brandenburg und Bildungsinitiative QUEERFORMAT (Hg.) (2012): **Geschlechtliche und sexuelle Vielfalt in der pädagogischen Arbeit mit Kindern und Jugendlichen. Handreichung für Fachkräfte der Kinder- und Jugendhilfe**

Wagner, Petra (Hg.) (2008): **Handbuch Kinderwelten / Vielfalt als Chance – Grundlagen einer vorurteilsbewussten Bildung und Erziehung**

Walter, Melitta (2005): **Jungen sind anders, Mädchen auch: Den Blick schärfen für eine geschlechtergerechte Erziehung**

Büchersteckbriefe

Zu den Bilderbüchern und dem Familienspiel gibt es jeweils einen Büchersteckbrief, der Ihnen in gut strukturierter Weise einen schnellen Überblick zu dem jeweiligen Material bietet. Die Steckbriefe sind alphabetisch nach Autor_innen sortiert und folgendermaßen aufgebaut:

- Autor_in, Titel, Verlag, Erscheinungsjahr, Buchnummer (ISBN), Preis
- Themen
- Altersempfehlung
- Inhaltsangabe
- Anregungen für die pädagogische Praxis

Impressum

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Zusammenstellung und Texte der Handreichung und Bücherkarten:

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Gesamtleitung: Conny Kempe-Schälicke, Senatsverwaltung für Bildung, Jugend und Wissenschaft, Berlin

Helga Bansch: Ein schräger Vogel

Weinheim Basel: Beltz & Gelberg, 2007

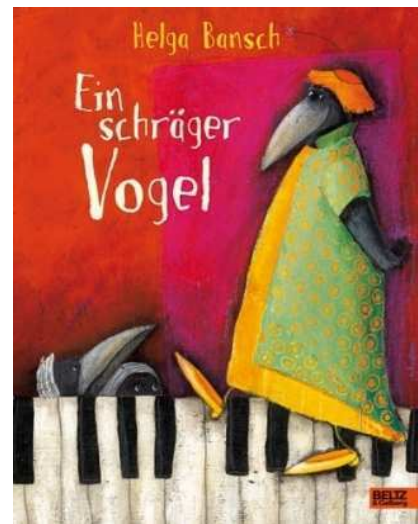
ISBN: 978-3-407-79356-0

Preis: € 12,50

Themen: Anderssein, Ausgrenzung

Altersempfehlung: 4-5 Jahre

Textsorte: Bilderbuch, wenig Text



© 2007 Beltz & Gelberg,
Weinheim Basel

Inhalt:

Robert ist anders als alle anderen Raben, er ist ein fröhlicher Rabe. Doch wenn er singt, halten sich alle die Ohren zu, seine Witze findet niemand lustig und wegen seiner bunten Kleider bemitleiden ihn die anderen. Eines Tages hält er es nicht mehr aus und fliegt davon. Weit weg von zu Hause tanzt, singt und erzählt er, wie ihm der Schnabel gewachsen ist. Und das ist auch gut so. Manchmal dauert es eben eine Weile, bis man seine Einzigartigkeit erkennt und trotzdem glücklich wird. Eine parabelhafte Geschichte zum Thema Anderssein.

Anregungen für die pädagogische Praxis:

Das Buch thematisiert Anderssein und Vielfalt als Gewinn für alle. Kinder lernen, dass individuelle Unterschiede das Leben und das Miteinander bereichern. Dies stärkt sie in ihrer Identitätsentwicklung und fördert den Respekt für die Individualität von anderen Menschen.

Ben Böttger, Rita Macedo u.a.:

Unsa Haus und andere Geschichten

Berlin: NoNo Verlag, 2010 (2. überarbeitete Auflage)

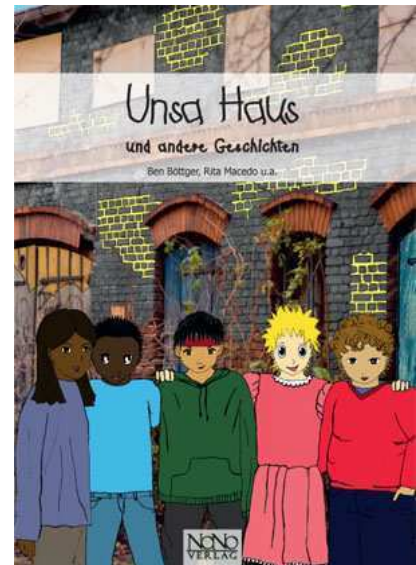
ISBN: 978-3-942471-00-8

Preis: € 8,90

Themen: Freundschaft, Familienformen,
Lebensformen / Lebenswelten, Identität

Altersempfehlung: ab 5 Jahre

Textsorte: Bilderbuch, viel Text



© 2010 NoNo Verlag, Berlin

Inhalt:

Fredi, Liam, Dani, Alex und Fatma entdecken an einem Herbstnachmittag ein verlassenes Haus und fangen sofort an, Zukunftspläne zu schmieden. Was wollen die Kinder mit dem Haus machen? Wozu braucht Alex einen LKW? Warum will Liam ein Labor haben? Und welche Ideen und Träume haben Fredi, Fatma und Dani? In sechs illustrierten Geschichten werden die Freundinnen und Freunde kennen gelernt. Sie entdecken ein verlassenes Haus, es geht um Fredis Träume und Alpträume und wie Liam einen Sonntag mit seinem Vater verbringt. Dani bekommt unerwartete Geschenke, Alex zieht bei ihrer Schwester ein und die Kinder bereiten bei Fatma eine Party vor. Dies sind Geschichten über den Alltag der fünf Freund_innen zu Hause und draußen, ihre Abenteuer und Phantasien, aber vor allem über ihre Freundschaft!

Anregungen für die pädagogische Praxis:

Thematisierung von Unterschiedlichkeit und Vielfalt als gleichwertige Normalität. Mit diesem Buch sollen Kinder ermutigt werden, Umgebungen zu finden und zu gestalten, in denen sie so sein können, wie sie sind, anstatt sich auf eine Weise anzupassen, die ihrem Selbst widerspricht. Das Buch ist online auch auf Englisch, Portugiesisch, Französisch und in Kürze auch Türkisch erhältlich unter: <http://afutureproject.nono-verlag.de/download-de.php>

Emma Brownjohn: Groß, Klein, Dick, Dünn –

Ich mag mich, wie ich bin!

Stuttgart / Wien: Gabriel, 2002

ISBN: 3-522-30044-0

Preis: € 11,90

**Themen: Unterschiede und Gemeinsamkeiten,
Ausgrenzung, (Körper-)Normen**

Altersempfehlung: ab 4 Jahre

**Textsorte: Bilderbuch, wenig Text, Seiten mit
Spielementen**



© 2002 Gabriel Verlag,
Stuttgart/Wien

Inhalt:

Alle Menschen sind anders: sie haben verschiedene Hautfarben, verschiedene Augenfarben und -formen, unterschiedliche Münder und Gesichtsformen. Sie haben Behinderungen oder kleine Beeinträchtigungen. Und doch sind sie alle Menschen und ihr Skelett sieht ziemlich gleich aus. Manche Unterschiede sind deutlicher zu sehen als andere. Und egal wie du bist (dick, dünn, groß oder klein), du bist genau richtig und einzigartig! Diese Botschaft vermittelt das Buch auf sanfte und unterhaltsame Art.

Anregungen für die pädagogische Praxis:

Das Buch bietet Kindern die Möglichkeit, den menschlichen Körper und seine Vielfalt genauer kennen zu lernen. Die wertfreie Thematisierung von Unterschieden und Gemeinsamkeiten fördert die Anerkennung und Akzeptanz von Vielfalt.

Eric Carle: Herr Seepferdchen

Hildesheim: Gerstenberg, 2005

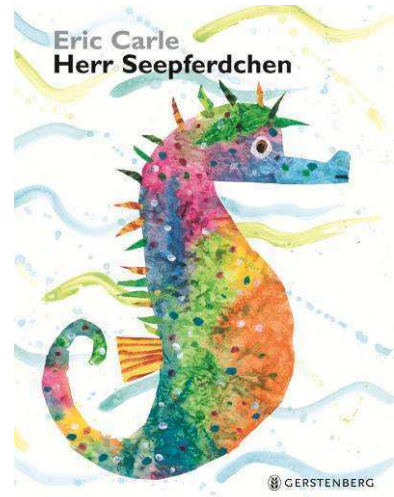
ISBN: 978-3-8369-5069-5

Preis: € 14,90

Themen: Geschlechtervielfalt, Familienformen

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, wenig Text,
transparente Seiten



© 2005 Gerstenberg Verlag,
Hildesheim

Inhalt:

Herr Seepferdchen kümmert sich um die Eier, die Frau Seepferdchen gelegt hat. Er trägt sie in einer Tasche herum. Im Meer trifft er verschiedene andere Fischmännchen, die sich auf unterschiedliche Weise ebenfalls um ihre Kinder kümmern. Nebenbei trifft er andere Fische in ihren Verstecken. Während die Fischfrauen ihre Aufgabe erledigt haben, kümmern sich die Fischmänner um die Kinder bis sie alt genug sind und alleine im Meer leben können. Biologisch korrekt überrascht dieses Buch mit den liebenden Fischvätern.

Anregungen für die pädagogische Praxis:

Dieses Buch bietet Kindern Anknüpfungsmöglichkeiten zu ihren Erfahrungen mit der eigenen und anderen Familien. Sie lernen verschiedene Familienmodelle kennen, die gleichwertig nebeneinander stehen.

Kathryn Cave und Chris Riddell: Irgendwie Anders

Hamburg: Friedrich Oetinger, 1994

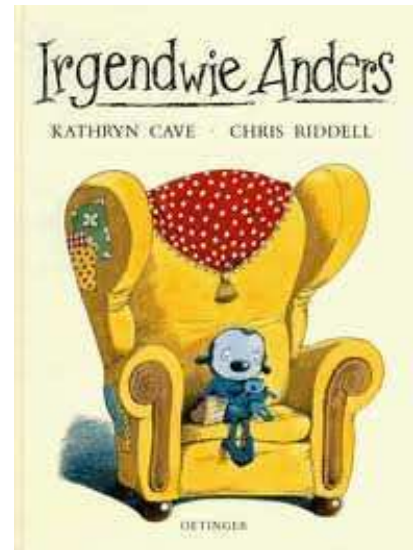
ISBN: 978-3-7891-6352-4

Preis: € 12,00

Themen: Anderssein, Ausgrenzung, Freundschaft /
Solidarität, Normen

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch



© 1994 Oetinger, Hamburg

Inhalt:

Irgendwie Anders wohnt ganz allein und ohne einen einzigen Freund auf einem Berg. Immer wieder versucht er, bei anderen Anschluss zu finden und bemüht sich, alles genauso zu machen wie sie. Doch immer wieder wird er ausgestoßen. Als eines Abends ein merkwürdiges Wesen vor seiner Tür steht, schickt *Irgendwie Anders* es weg, weil es so anders ist. Als er jedoch erkennt, dass das Wesen ebenso traurig darüber ist wie er, holt er es zurück und sie werden Freunde. Eigentlich sind die zwei gar nicht so verschieden, denn sie sind beide irgendwie anders. Sie sind nun nicht mehr allein und falls noch jemand käme, der irgendwie anders ist, würden sie ihn nicht wegschicken, sondern einfach etwas mehr zusammenrücken, um Platz zu machen.

Anregungen für die pädagogische Praxis:

Kinder lernen, dass Menschen auf unterschiedliche Weise anders sein können. Erst indem Unterscheidungen getroffen bzw. Unterschiede konstruiert und bewertet werden, kommt es zu Ausgrenzung. Mit der Erkenntnis, dass alle *irgendwie anders* sind und doch gleiche Wünsche und Bedürfnisse teilen, erhöhen die Kinder ihre Akzeptanzfähigkeit und sozialen Kompetenzen.

Babette Cole: Prinzessin Pfiffigunde

Hamburg: Carlsen, 1987 / 2005

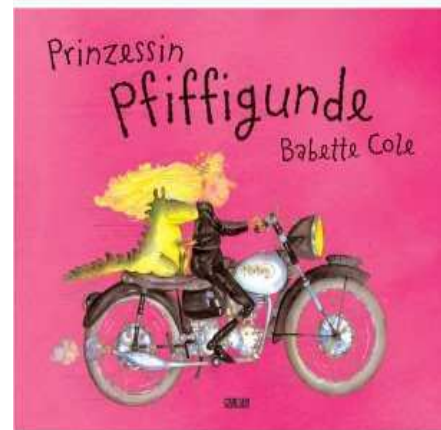
ISBN: 978-3-551-51653-4

Preis: € 14,90

Themen: Selbstbestimmung, Geschlechtervielfalt

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, wenig Text



© der Deutschen Ausgabe, 2005
Carlsen Verlag GmbH, Hamburg

Inhalt:

Pfiffigunde ist Prinzessin und soll endlich heiraten. Aber sie will gar nicht und ist mit ihrem Leben so zufrieden, wie es ist. Sie fährt Motorrad und kümmert sich um ihre Tiere. Als ihre Eltern Heiratsbewerber einladen denkt sich Pfiffigunde so schwierige Aufgaben aus, dass alle daran scheitern. Außer Prinz Prahlschnalle. Aber auch den will sie nicht heiraten und so verwandelt sie ihn mit einem verwunschenen Kuss in eine Kröte. Als sich das herumspricht hat Pfiffigunde endlich wieder ihre Ruhe und führt ein glückliches Leben.

Anregungen für die pädagogische Praxis:

Das Buch unterstützt die kritische Auseinandersetzung mit geschlechtsbezogenen Rollenerwartungen und äußeren Zwängen. Die Kinder finden in der Protagonistin eine Heldin, die ihre Wünsche und Bedürfnisse wahrnimmt und durchsetzt - auch gegen die Erwartungen der Umwelt. Sie erfahren, dass es auch möglich ist, alleine zu leben und glücklich zu sein.

Linda de Haan und Stern Nijland: König und König

Hildesheim: Gerstenberg, 2009

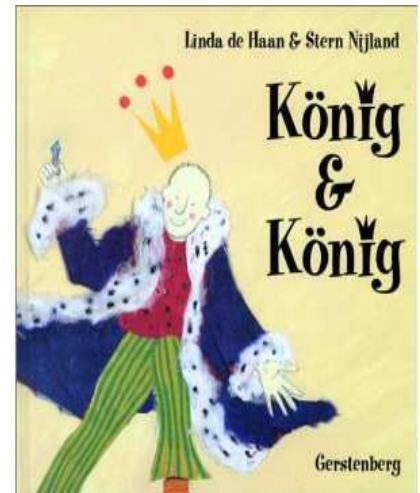
ISBN: 978-3-8369-5239-2

Preis: € 7,90

Themen: Gleichgeschlechtliche Liebe, Familienformen

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, wenig Text



© 2009 Gerstenberg Verlag,
Hildesheim

Inhalt:

Die alte Königin möchte gerne in den Ruhestand gehen und ihre Verpflichtungen an ihren Sohn übergeben. Dafür muss dieser jedoch heiraten, um als König regieren zu können. Auch wenn ihm dies nicht behagt, willigt der Prinz schließlich ein, alle Prinzessinnen der Welt einzuladen. Für keine von ihnen interessiert sich der Prinz so richtig. Erst als eine der Prinzessinnen ihren Bruder mitbringt, macht sein Herz einen Sprung. Die beiden verlieben sich ineinander, feiern Hochzeit und leben fortan als König und König. Ein respektvolles Buch über Familien und Hochzeit, das die Gleichwertigkeit schwuler Lebensweisen anhand einer königlichen Familie veranschaulicht.

Anregungen für die pädagogische Praxis:

Das Buch leistet einen Beitrag zur Akzeptanz gleichgeschlechtlicher Lebensweisen und verdeutlicht, dass Liebe kein Geschlecht kennt. Mit der Thematisierung gleichgeschlechtlicher Liebe als gleichwertige Lebensform wird die soziale Kompetenz ebenso gefördert wie das Erkennen äußerer Zwänge.

Matze Doebele: Pauls Glück

Berlin: Verlagshaus Jakoby & Stuart, 2011

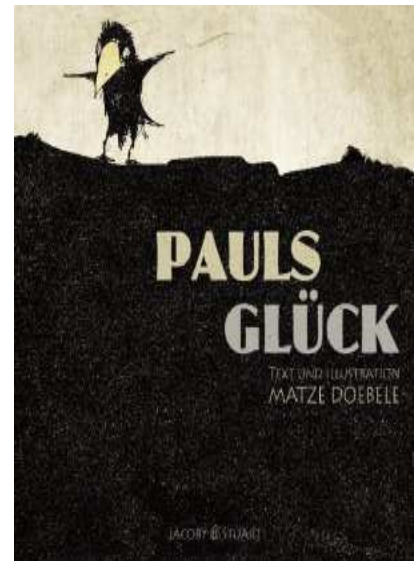
ISBN: 978-3-941787-29-2

Preis: € 14,95

Themen: Anderssein, Ausgrenzung, Solidarität, Selbstbestimmung

Altersempfehlung: ab 5 Jahre

Textsorte: Bilderbuch, relativ viel Text



© 2011 Jacoby & Stuart, Berlin

Inhalt:

Paul ist ein Rabe, der eine Handicap hat: seine Flügel sind nicht flugfähig. Als "Pinguin" verspottet beschließt er, tatsächlich ein Pinguin zu werden. Mit Hilfe eines Katers wandert Paul durch den Zoo, wo er wegen seiner Tauchkünste in die Gemeinschaft der Pinguine aufgenommen wird. Diese Geschichte unterscheidet sich von anderen Geschichten dieser Art: Weder findet der Rabe Anschluss an die eigene Spezies, noch steht er selbstbewusst zu sich selbst. Vielmehr schließt er sich, über biologische Grenzen hinweg, einer neuen Gemeinschaft an - eine sehr nachdenkswerte Botschaft, die durchaus im Rahmen von Migration und Integration oder auch Behinderung gesehen werden kann.

Anregungen für die pädagogische Praxis:

Dieses Buch handelt vom Anderssein und vom Mut, sich den eigenen Weg zum Glück zu suchen. Kinder erfahren, wie das Anderssein gerade durch das Unverständnis des eigenen Umfelds schmerzen kann und wie von unerwarteter Seite Hilfe kommt. Vor allem aber macht es Mut, sich zu bemühen und nicht aufzugeben, sein Glück zu finden.

Cornelia Funke und Kerstin Meyer:

Prinzessin Isabella

Hamburg: Friedrich Oetinger, 1997 / 2010

ISBN: 978-3-7891-6502-3

Preis: € 12,00

Themen: Selbstbestimmung, Geschlechtervielfalt, Lebenswelten



© 1997/2010 Oetinger, Hamburg

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, relativ viel Text

Inhalt:

Isabella und ihre zwei Schwestern sind Prinzessinnen und immer von Dienern umgeben. Sie leben im Schloss, lernen Benimmregeln und bemühen sich stets, schön auszusehen. Nur Isabella hat keine Lust dazu und wirft ihre Krone aus dem Fenster in den Fischteich. Zur Strafe steckt der König sie in die Küche, wo sie so lange arbeiten soll, bis sie ihre Krone aus dem Teich holt. Aber Isabella gefällt die Arbeit in der Küche und sie lernt dabei sogar sehr viel. Der König schickt sie in den Schweinestall. Auch diese Arbeit macht ihr Spaß und stellt keine Strafe dar, Isabella möchte sogar bei den Schweinen übernachten. Am Schluss fischt der König die Krone selber aus dem Teich und bittet Isabella zurück ins Schloss, weil er sie so vermisst. Er bittet sie, ihm von ihren Erfahrungen zu berichten, wodurch er schließlich auch noch etwas lernt.

Anregungen für die pädagogische Praxis:

Das Buch veranschaulicht wie schwierig es (für Kinder) sein kann, eigene Wege zu gehen. Sie erfahren, dass es sich aber durchaus lohnt, wenn der eigene Wille und das eigene Wesen schließlich von der Umwelt akzeptiert werden. Die Geschichte stellt Geschlechterrollen(-erwartungen) in Frage und macht Mut die eigene Persönlichkeit zu entdecken und entfalten.

Cornelia Funke und Kerstin Meyer:

Der geheimnisvolle Ritter Namenlos

Frankfurt am Main: Fischer, 2009 (8. Auflage[2001])

ISBN: 978-3-596-85094-5

Preis: € 12,50

Themen: Geschlechtervielfalt, Selbstbestimmung

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, relativ viel Text



© 2001/2009 Fischer, Frankfurt a. M.

Inhalt:

König Wilfried, der Wohlriechende, hat drei Söhne und lässt diesen alles beibringen was ihm einst sein Vater beibringen ließ: das Reiten, das Kämpfen, gute Manieren beim Essen und – sehr wichtig für die Königssöhne - das Befehlen. Als Violetta geboren wird, lässt sie der König dasselbe lernen wie die Prinzen, weil ihm niemand sagen kann, was man einer Tochter beibringt. „*Violetta Spinnenbein, Violetta Mückenstark, Violetta Fliegenschreck*“ verspotten die Brüder ihre kleinere und schwächere Schwester. Die ist jedoch nicht nur dreimal so klug wie ihre Brüder, sondern auch viel starrköpfiger und so findet sie einen Weg, um besser als die Prinzen zu werden. Als der König Violetta verheiraten will, muss die Prinzessin einmal mehr beweisen, dass sie ihren eigenen Kopf durchsetzen kann und ihren Weg findet.

Anregungen für die pädagogische Praxis:

Dieses Buch bietet die Möglichkeit, kritisch über vermeintliche und zugewiesene Geschlechterrollen(-erwartungen) zu sprechen. Das Mädchen Violetta bleibt nicht in der ihr zugedachten Rolle, sondern übt aktiven und energisch selbst bestimmten Widerstand. Damit bestimmt sie ihren Lebensweg selbst, ohne mit der Familie zu brechen; diese kann sich sogar mit verändern. Kritisch angemerkt sei jedoch: Als Mädchen muss Isabella mindestens genauso gut – wenn nicht sogar besser – sein als ihre Brüder, um dieselbe Anerkennung zu bekommen.

Bruno Hächler und Iris Wolfermann:

Ich bin wie ich bin

Zürich: Nord-Süd-Verlag, 2010

ISBN: 978-3-314-01578-6

Preis: € 8,95

Themen: Vielfalt - Unterschiede und
Gemeinsamkeiten



Altersempfehlung: ab 3 Jahre

© 2010 Nord-Süd Verlag, Zürich

Textsorte: robustes Pappbilderbuch, kurze lustige
Reime

Inhalt:

„Bin ich ich, bin ich du

Mach ich mit, schau ich zu ...“

Die Abbildungen zeigen auf wertfreie Art verschiedene Kinder mit unterschiedlichen Frisuren, Kleidern, Gefühlen, Verhaltensweisen, Hautfarben, Geschlechtern usw.

Anregungen für die pädagogische Praxis:

Die Kinder lernen etwas über das Thema Selbstbewusstsein. Lustige Reime regen die Kinder zum Nachsprechen und genauen Betrachten an.

Helme Heine: Der Hase mit der roten Nase

Weinheim Basel, Beltz & Gelberg 2004

[erstmalig erschienen 1987]

ISBN: 978-3-407-7700-66

Preis: € 4,95

Themen: Anderssein

Altersempfehlung: ab 2 Jahre

Textsorte: robustes Pappbilderbuch,
einge lustige Reime



© 2004 Beltz & Gelberg, Weinheim Basel

Inhalt (gesamter Text):

Es war einmal ein Hase
mit einer roten Nase
und einem blauen Ohr.
Das kommt ganz selten vor.
Die Tiere wunderten sich sehr:
Wo kam denn dieser Hase her?
Er hat im Gras gesessen
und still den Klee gefressen.
Und als der Fuchs vorbeigerannt,
hat er den Hasen nicht erkannt.
Da freute sich der Hase.
"Wie schön ist meine Nase
und auch mein blaues Ohr,
das kommt so selten vor."

Anregungen für die pädagogische Praxis:

Die Kinder erfahren, dass Unterschiede eine wichtige Ressource sein können. Die lustigen Reime animieren Kinder zum Nachsprechen und genauen Betrachten.

Nathalie Hense und Ilya Green: Ich hasse Rosa!

Berlin: Jacoby & Stuart, 2009

ISBN: 978-3-941087-44-6

Preis: 12,95 (z.Zt. nur antiquarisch erhältlich)

Themen: Geschlechtervielfalt / Geschlechterstereotype, (Kleider-)Normen

Altersempfehlung: ab 5 Jahre

Textsorte: Bilderbuch



© 2009 Jacoby & Stuart, Berlin

Inhalt:

Das Bilderbuch ist aus der Perspektive eines Mädchens in der Ich-Form geschrieben: sie liebt Dinosaurier, Hirschkäfer, Glitzerhaarspangen und Würmer - und sie hasst Rosa. Ihre Mutter sagt, an ihr sei ein Junge verloren gegangen. Das mag sie gar nicht. Denn sie ist ein Mädchen und ist gerne ein Mädchen, nur mag sie kein Rosa und keine Prinzessinnen. Außerdem mag sie keine Antworten, die gar keine sind, wie z. B. „so ist das eben“. Ihre Freunde Luis und Anton sind ja auch richtige Jungen, obwohl Luis gern näht und Anton ängstlich ist und Blumen malt. An denen ist kein Mädchen verloren gegangen. Ein liebevolles Plädoyer für weniger Geschlechterzwänge und die Anerkennung und Ausgestaltung verschiedener Geschlechterpräsentationen.

Anregungen für die pädagogische Praxis:

Dieses Buch gibt Impulse für die Auseinandersetzung mit Geschlechternormen und –stereotypen. Es können existierende Ordnungen und Strukturen auf kindgerechte Weise thematisiert werden, etwa durch die Frage: „Was haben eigentlich Farben und Tätigkeiten mit Geschlecht zu tun?“ Die Geschichte regt Kinder zum Nachdenken und Sprechen über individuelle Interessen und Fähigkeiten an.

Mary Hoffman und Ros Asquith: Du gehörst dazu.

Das große Buch der Familien

Mannheim: Sauerländer, 2010

ISBN: 978-3-7941-7311-2

Preis: € 14,90



Themen: Familien- und Lebensformen,
gesellschaftliche Vielfalt

Altersempfehlung: ab 4 Jahre

Textsorte: großformatiges Bilderbuch



©© 2010 Sauerländer, Mannheim

Inhalt:

Früher bestand eine typische Familie aus Vater, Mutter, Kindern, vielleicht noch einem Hund oder einer Katze. Alle lebten in einem Haus mit Garten. So zumindest wurde es in den Kinderbüchern dargestellt. Heute gibt es Familien in allen Größen und Formen. Manche Kinder leben mit ihren Adoptiveltern, mit gleichgeschlechtlichen Eltern, mit nur einem Elternteil oder mit ihren Großeltern zusammen. Familien leben in großen Häusern oder in winzigen Wohnungen und kommen von überall her. Manche fahren in den Ferien weit weg in ferne Länder, andere machen Urlaub zu Hause. So unterschiedlich wie die Farben des Regenbogens, so unterschiedlich sind die Kleidung, die Arbeit, die Hobbies, das Essen und auch die Haustiere – und so verschieden kann das Zusammenleben sein. Und wir alle gehören dazu ...

Ein farbenfroher Überblick über die Vielfalt unserer Gesellschaft.

Anregungen für die pädagogische Praxis:

Mit diesem Buch lernen die Kinder, dass alle Familien wertvoll sind, unabhängig davon, wo ihre Wurzeln liegen oder wie unterschiedlich sie zusammengesetzt sind.

Unterschiedlichkeit kann als identitätsstiftendes Element in der Kindergruppe erfahrbar gemacht werden. Die Kinder werden positiv in ihrer eigenen Identität bestärkt. Der wertfreie Umgang mit Vielfalt fördert Akzeptanz und somit auch soziale und demokratische Kompetenzen in einer von Vielfalt geprägten Gesellschaft.

Silvia Hüsler: Besuch vom kleinen Wolf.

Eine Geschichte in acht Sprachen

Zürich: Lehrmittelverlag, 2010 (3. Auflage [2004])

ISBN: 978-3-03713-043-8

Preis: € 17,60

Themen: Sprachen, Kulturen

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, Text in acht Sprachen



© 2004/2010 Lehrmittelverlag,
Zürich

Inhalt:

Ein kleiner Wolf schleicht in die Kita, versteckt sich unter dem Schrank und beobachtet die Kinder bei allen ihren Aktivitäten: Er sieht sie spielen, bauen, basteln und malen. Nachts schlüpft er hervor, spielt selbst, schreibt und zeichnet, guckt sich alle Bilderbücher an und baut die Holzeisenbahn auf. Zum Schluss kocht er auf dem Puppenkochherd für alle Bären und Puppen eine Buchstabensuppe. Der Text des Buches ist auf jeder Seite in acht Sprachen zu lesen (deutsch, französisch, italienisch, albanisch, portugiesisch, serbisch, tamilisch und türkisch).

Anregungen für die pädagogische Praxis:

Mit diesem Buch lernen Kinder, dass es verschiedene Herkunftssprachen und Schriften gibt. Es eignet sich für die Sprachförderung von Kindern mit unterschiedlichen kulturellen und sprachlichen Hintergründen. Der Text des Buches ist auf jeder Seite in acht Sprachen zu lesen. Die Kinder erkennen die verschiedenen Sprachen an den unterschiedlich farbigen Wolfspfoten.

Kathrin Kadasch & Svenia Dritter:

Mädchen oder Junge?

Berlin: Verlag die Jonglerie, 2009

ISBN: 3-936635-11-0

Preis: € 13,00 (z.Zt. nur antiquarisch erhältlich)

Themen: Geschlechtervielfalt, Geschlechterstereotype, Identität



© 2009, Jonglerie, Berlin

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, relativ viel Text

Inhalt:

„Irgendwann vor langer Zeit beschlossen irgendwelche Menschen, dass die Farbe rosa gut zu Mädchen passe und blau zu Jungen. Dies ist noch heute so und niemand weiß warum und kaum einer fragt: ‚Warum?‘“

Noch heute bestehen viele Klischees darüber, wie Jungen und Mädchen sind bzw. sein sollten. Das Buch beschreibt die Rosa-Blau-Färberei der Welt und zeigt Alternativen auf, die auf die individuellen Interessen der Kinder abzielen. Egal ob Paul oder Paula, jede und jeder muss sich selbst finden und ihren/seinen Weg gehen.

Anregungen für die pädagogische Praxis:

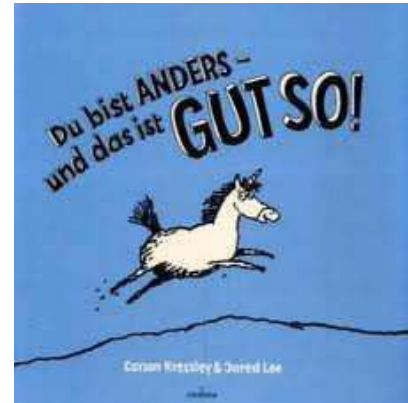
Dieses Buch ermutigt dazu, von den klischeehaften Geschlechternormen abzurücken und vielfältige Lebensweisen und Charaktereigenschaften unabhängig vom Geschlecht auszudrücken. Es räumt auf mit Schubladendenken, stellt Rollenerwartungen in Frage und macht Kindern Mut, die eigene Persönlichkeit jenseits von Klischees und Rollenerwartungen zu entdecken. Am Ende des Buches befindet sich ein Nachwort der Autorin für Eltern, Bezugspersonen und Pädagog_innen, in dem sie kritisch die traditionellen Werte und Normen von Männlichkeit und Weiblichkeit hinterfragt, die auch in den meisten Kinder- und Jugendbüchern noch immer zu finden sind.

Carson Kressley & Jared Lee: Du bist anders und das ist gut so!

Hamburg: Hoffmann und Campe, 2008

ISBN: 978-3-455-38030-9

Preis: € 9,95



Themen: Anderssein, Ausgrenzung, Identität, Vielfalt

Altersempfehlung: ab 4 Jahre

© 2008, Hoffman und Campe,
Hamburg

Textsorte: Bilderbuch

Inhalt:

Felix wächst in einer Ponyherde auf. Als ihm an seinem ersten Geburtstag ein Horn zu wachsen beginnt, meiden ihn die anderen Ponys auf der Weide. Traurig zieht Felix sich immer mehr zurück. Als eines Tages ein Feuer im Stall ausbricht, kann er sein Horn geschickt zur Öffnung der Stalltür einsetzen und somit die Herde retten. Felix wird dadurch berühmt und genießt fortan hohes Ansehen in der Welt.

Anregungen für die pädagogische Praxis:

Das Buch thematisiert Anderssein und Vielfalt als Bereicherung. Kinder lernen, dass Menschen (z. B. körperliche) Unterschiedlichkeiten aufweisen, die sie einzigartig machen. Dies steigert einerseits die Akzeptanz für Unterschiede und stärkt die Kinder andererseits in ihrer Individualität.

Almud Kunert und Anette Hildebrandt: Mit Dir sind wir eine Familie ... Eine Adoptionsgeschichte

Ravensburg: Ravensburger, 2008

ISBN: 978-3-473-32376-0

Preis: € 12,95

Themen: Adoption, Familienformen

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, relativ viel Text



© 2008 Ravensburger,
Ravensburg

Inhalt:

Lisa liebt, wie so viele Kinder, die Geschichte darüber, wie sie zu ihren Eltern kam. Mit dem großen Fotoalbum auf dem Schoß erzählen ihre Mama und ihr Papa ihr alles ganz genau. Ihre Mama hat sie nicht selbst geboren, sondern abgeholt und vorher ganz lange und ungeduldig gewartet. Lisa ist ein Adoptivkind und ihre erste Mama, die sie geboren hat, war arm, sehr jung und ganz allein. Darum hat sie sie weggegeben. Das hat sie gut gemacht, findet Lisa. Und weil sie sich nicht an die erste Mama erinnern kann und es auch kein Foto von ihr gibt, malt Lisa einfach ein Bild von ihr. Das klebt sie mit Mama und Papa auch ins Familienalbum.

Anregungen für die pädagogische Praxis:

Dieses Buch regt dazu an, über Familiengründung, Kinderkriegen und Adoption zu sprechen. Kinder lernen verschiedene Familienhintergründe kennen und besprechen. Sie erfahren, dass Adoptivkinder als Familienmitglieder genauso sind und geliebt werden wie leibliche Kinder auch.

Pija Lindenbaum: Paul und die Puppen

Weinheim: Beltz & Gelberg, 2008

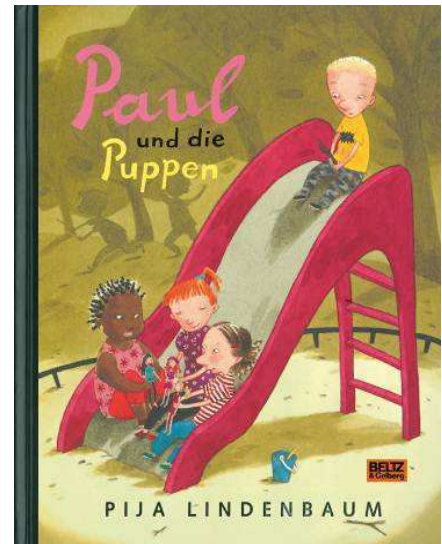
ISBN: 978-3-407-79373-7

Preis: 12,90

Themen: Geschlechtervielfalt, Geschlechterstereotype, Normen

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch, relativ viel Text



© © 2008 Beltz & Gelberg,
Weinheim

Inhalt:

Paul ist ein guter Fußballer und trifft immer ins Tor. Sein Papa findet das toll und auch die anderen Jungen im Kindergarten. Alle wollen ihn in der Mannschaft haben und sie wollen auch mit ihm raufen. Paul will aber viel lieber mit seiner Puppe spielen und ist genervt vom Fußballfieber. Eines Tages lässt er seinen Ball einfach zu Hause und nimmt seine Puppe mit. Er gesellt sich zu den Mädchen. Die spielen mit ihren Puppen und brauchen ganz schön lange, bis sie ihn mitspielen lassen. Doch dann haben sie richtig viel Spaß und verkleiden sich mit Ballkleidern. Als die anderen Jungen dazu kommen, läuft Paul lieber aufs Klo und versteckt sich dort. Er befürchtet negative Reaktionen, wenn sie ihn im Kleid sähen. Es kommt aber anders: Am Ende verkleiden sich alle Kinder und spielen gemeinsam Fußball.

In dem Buch sind ganz selbstverständlich Kinder unterschiedlicher Herkunft und mit rollenunspezifischem Spielverhalten dargestellt.

Anregungen für die pädagogische Praxis:

Die Geschichte eignet sich, um über Mädchen- und Junge-Sein und den damit verbundenen Normen zu sprechen. Dies fördert die Akzeptanz für vielfältige Lebensformen und Interessen. Die enthaltenen Wortwitze fördern zudem sprachliche Kompetenzen.

Pija Lindenbaum: Luzie Libero und der süße Onkel

Weinheim: Beltz & Gelberg, 2007

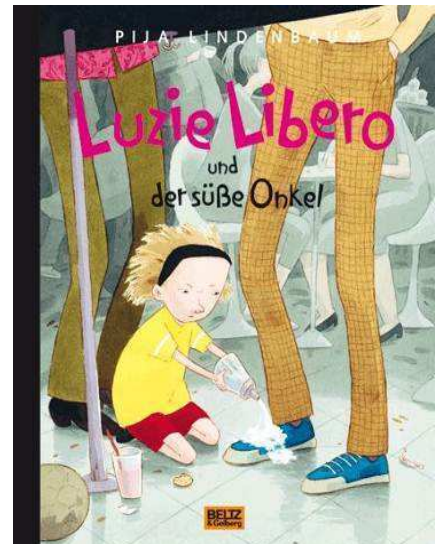
ISBN: 978-3-407-79361-4

Preis: € 12,90

Themen: Lebensformen, gleichgeschlechtliche Liebe

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, relativ viel Text



© 2007 Beltz & Gelberg,
Weinheim

Inhalt:

Luzie ist in den Ferien bei ihrer Oma und freut sich am meisten auf den Besuch von Onkel Tommy. Obwohl er ihre Leidenschaft für Fußball überhaupt nicht teilt, ist er viel aufregender als die anderen Onkel. Er macht ihr zum Beispiel immer neue Frisuren. Aber in diesen Ferien taucht Günther auf, ein Langweiler mit doofen Haaren, der Luzie im Weg ist und offenbar Tommys Lebensgefährte. Luzie setzt alles daran, ihn loszuwerden. Doch Günther hat eine winzige Chance, Luzies Interesse zu wecken: Auch er ist ein leidenschaftlicher Fußballer!

Die Darstellung der gleichgeschlechtlichen Liebesbeziehung zwischen Onkel Tommy und seinem Lebensgefährten Günther ist unaufgeregt und selbstverständlich in die Geschichte eingebettet. Im Fokus des Buches steht immer die Beziehung von Luzie zu ihrem Onkel, sowie ihre Eifersucht, Wut und Enttäuschung über seinen neuen Freund.

Anregungen für die pädagogische Praxis:

Die Kinder lernen unterschiedliche Lebensformen kennen. Das Buch regt Kinder dazu an, sich mit emotionalen Themen wie Wut, Enttäuschung und Eifersucht aufgrund neuer Partner_innen eines geliebten Erwachsenen zu beschäftigen. Die schwule Beziehung des Onkels bietet Gelegenheit, über das Thema gleichgeschlechtliche Liebe zu sprechen.

Mira Lobe: DAS KLEINE ICH BIN ICH

Wien: Jungbrunnen, 1972

ISBN: 978-3-7026-4850-3

Preis: € 13,90

Themen: Vielfalt, Unterschiedlichkeit, Ausgrenzung,
Selbstbestimmung, Identität

Altersempfehlung: ab 3 Jahre

Textsorte: dialogisches Bilderbuch, viel Text in
Reimform



© 1972 Jungbrunnen, Wien

Inhalt:

Ein kleines buntes Tier begibt sich auf die Reise um der Frage „Wer bin ich?“ nachzugehen. Dazu befragt es viele Tiere, die ihm jedoch alle sagen, dass es nicht sei wie sie. Zunächst betrübt über diese Erkenntnis, kommt das kleine Tier schließlich zu dem Schluss: „Sicherlich gibt es mich: ICH BIN ICH!“

Mit dieser selbstbewussten Botschaft geht es auf die anderen Tiere zu und findet schließlich Anerkennung bei ihnen:

„Alle Tiere freuen sich,
niemand sagt zu ihm: ‚Nanu?‘
Schaf und Ziege,
Pferd und Kuh,
alle sagen:
‚Du bist du!‘“

Anregungen für die pädagogische Praxis:

Dieses Buch stärkt Kinder in ihrem Selbstbewusstsein. Es vermittelt ihnen die wichtige Botschaft, dass sie einmalig und einzigartig sind, dass sie richtig, wichtig und liebenswert sind, und zwar so wie sie sind. Sie lernen, dass es jedes Lebewesen in seiner ganz eigenen Art zu achten gilt.

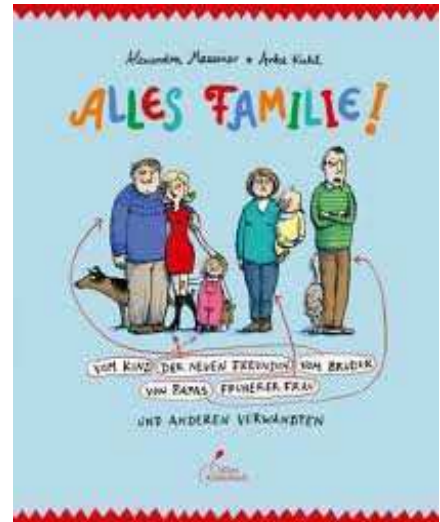
**Alexandra Maxeiner und Anke Kuhl: Alles Familie!
Vom Kind der neuen Freundin vom Bruder von
Papas früherer Frau und anderen Verwandten**

Leipzig: Klett, 2010

ISBN: 978-3-941411-29-6

Preis: 13,90

Themen: Familienformen (Patchworkfamilien,
Regenbogenfamilien, Adoptionsfamilie),
Gleichgeschlechtliche Liebe



Altersempfehlung: ab 4 Jahre

© 2010 Klett, Leipzig

Textsorte: Bilderbuch, relativ viel Text

Inhalt:

Dieses Buch portraitiert ganz unterschiedliche Familien mit vielfältigen Konstellationen, die mitunter auf den ersten Blick verworren scheinen. Es erzählt von Tierfamilien, großen und kleinen Familien, leiblichen Familien, getrennt lebenden Familien, Regenbogenfamilien, Patchworkfamilien, Kinderdorffamilien, Adoptionsfamilien. Es geht um biologische und um soziale Verwandtschaft, deren Verhältnisse sehr komplex sein können. Thematisiert werden die Sonnen- und bisweilen auch die Schattenseiten des familiären Zusammenlebens. Es ist von Liebe und Geborgenheit die Rede, aber auch von und Streit und Gewalt und von Eltern, die sich nicht mehr verstehen und sich deshalb trennen.

Anregungen für die pädagogische Praxis:

Dieses Buch zeigt Kindern auf, wie vielfältig Familien sein können. Sie erfahren, dass die Qualität einer Familie nicht von ihrer Konstellation abhängt, sondern von der Art und Weise des Zusammenlebens. Die Kinder lernen zudem, dass Probleme auch „in den besten Familien“ vorkommen. Das Buch bietet den Kindern vielerlei Identifikationsmöglichkeiten und stärkt somit ihr Selbstbewusstsein, insbesondere wenn sie selbst nicht in konventionellen Familienformen leben. Gleichzeitig wirkt es akzeptanzfördernd und stärkt somit die sozialen Kompetenzen.

David McKee: Elmar

Stuttgart / Wien: Thienemann, 1993

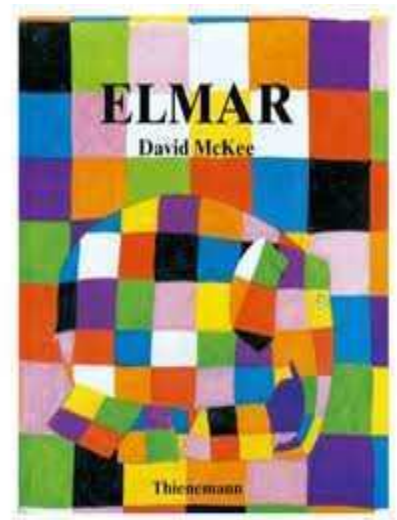
ISBN: 978 3 522 43202 3

Preis: € 11,90

Themen: Anderssein, Vielfalt, Identität

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch



© 1993 Thienemann,
Stuttgart/Wien

Inhalt:

Elmar ist ein bunt kariierter Elefant, der sich wünscht, so grau zu sein wie alle anderen Elefanten. Auf seiner Reise durch den Dschungel findet er Beeren, mit denen er seinen Körper grau färbt. Fortan sehen alle anderen Tiere in ihm einen grauen Elefanten, doch niemand erkennt ihn mehr als Elmar. Das Leben gestaltet sich für ihn und die anderen Elefanten plötzlich sehr eintönig. Erst als ein Regenguss ihm die graue Farbe wieder abwäscht, kommt neue Fröhlichkeit und Farbe in das Leben aller Elefanten.

Anregungen für die pädagogische Praxis:

Das Buch thematisiert Anderssein und Vielfalt als Bereicherung für alle. Kinder lernen, dass individuelle Unterschiede das Leben und das Miteinander interessant machen. Dies stärkt sie in ihrer Identitätsentwicklung und fördert den Respekt für die Individualität von anderen Menschen.

Manjula Padmanabhan: Ich bin einmalig!

Kannst Du mich finden?

Frankfurt am Main: Fischer, 2007

ISBN: 978-3-596-85252-9

Preis: € 12,90



Themen: verschiedene Kulturen, Sprachen, Vielfalt –
Unterschiede und Gemeinsamkeiten

© 2007 Fischer, Frankfurt a.M.

Altersempfehlung: ab 2 Jahre

Textsorte: Suchbilderbuch, kurzer Text in 16 Sprachen

Inhalt:

»Ich bin einmalig!« Das kann jedes Kind von sich sagen. Und auf jeder Seite dieses Suchbilderbuches kann man ein Ding finden, das auch einmalig ist und anders als alle anderen. Vielleicht hat es eine andere Farbe, eine andere Form, vielleicht ist es seitenverkehrt oder einfach ... ganz fest eingeschlafen, während die anderen putzmunter sind!

Der kurze Satz »Kannst du mich finden?« steht in sechzehn verschiedenen Sprachen aus der ganzen Welt dabei (deutsch, englisch, arabisch, schwedisch, hebräisch, spanisch, russisch, niederländisch, chinesisches, italienisch, polnisch, hindi, türkisch,

suaheli und französisch), mit Aussprachetipps und einer Auflösung am Schluss des Buches.

Anregungen für die pädagogische Praxis:

Mit diesem Suchbilderbuch können verschiedene Sprachen, ggf. Schriften und Kulturen kennengelernt werden. Kinder können sich mit den Begriffen und Bedeutungen von „gleich“ und „anders“ auseinandersetzen und erfahren, dass es diesbezüglich unterschiedliche Perspektiven gibt, je nachdem wer darauf blickt.

Sylvia Pah und Joke Schat: Zusammengehören

Ruhnmark: Donna Vita, 1994

ISBN: 3-927796-37-9

Preis: 19,90 (z.Zt. nur antiquarisch erhältlich)

Themen: Familie, Regenbogenfamilie, Trennung, Gleichgeschlechtliche Liebe

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch



© 1994 Donna Vita, Ruhnmark

Inhalt:

Das Buch erzählt die Geschichte der Trennung einer zunächst intakten Familie (Mutter-Vater-Tochter-Sohn) aus Sicht der Tochter Lilly. Zunächst streiten sich die Eltern immer mehr und schließlich zieht der Vater aus der gemeinsamen Wohnung aus. Die Kinder besuchen ihn regelmäßig, sind jedoch traurig und wütend über die Trennung und fangen an, sich mit ihrer Mutter zu streiten. Die Stimmung bessert sich, als den Kindern bewusst wird, dass sie trotz der Trennung von ihren beiden Eltern geliebt werden. Die Mutter verliebt sich neu - in eine Frau, Sophia. Beide Kinder mögen Sophia, sind aber auch eifersüchtig auf sie und mögen es gar nicht, dass die beiden sich umarmen und küssen. Die Situation spitzt sich zu, als der Vater droht, die Kinder wegzunehmen und die Mutter sich auch noch mit ihrer Freundin streitet. Wegen ihrer Liebe zu einer Frau befürchtet die Mutter Diskriminierungen der neuen Familie. Am Ende der Geschichte sind alle Beteiligten miteinander versöhnt und haben die neuen Umstände in ihre Leben integriert.

Anregungen für die pädagogische Praxis:

Dieses Buch eignet sich, um das Thema Trennung mit den dazugehörigen schmerzvollen Gefühlen und Verletzungen zu thematisieren. Kinder erfahren, dass eine Trennung der Eltern nichts mit der Liebe der Eltern zu ihren Kindern zu tun hat. Sie lernen zudem, dass Eltern sich wieder neu verlieben und dadurch neue Familien entstehen können. Darüber hinaus bietet die Beziehung der Mutter zu einer Frau Gelegenheit, mit den Kindern über gleichgeschlechtliche Liebe ins Gespräch zu kommen.

Adele Sansone: Florian lässt sich Zeit

Innsbruck / Wien: Tyrolia, 2007

ISBN: 978-3-7022-2435-6

Preis: € 14,90

Themen: Behinderung, Ausgrenzung, Solidarität, Normen

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, relativ wenig Text



© 2007 Tyrolia, Innsbruck/Wien

Inhalt:

Florian ist Peters großer Bruder und hat das Down-Syndrom. Sie gehen gemeinsam in den Kindergarten und obwohl Florian langsamer ist als Peter und die anderen Kinder, kann er schon alles recht gut, nur eben langsamer. Die anderen Kinder machen sich über Florian lustig und behaupten, er könne gar nichts. Aber das stimmt nicht. Florian hat ganz eigene Stärken: Er lacht andere nie aus, er kann hervorragend trösten und ist besonders gut im Liebhabe. Peter ist froh über seinen Bruder und sogar die große Lisa lässt sich nur von ihm trösten.

Anregungen für die pädagogische Praxis:

Kinder erfahren etwas über das Thema Menschen mit Behinderung. Das Buch ist geeignet, um sich mit gesellschaftlichen Normen, Erwartungen und Bewertungen auseinanderzusetzen. Die Kinder werden für unterschiedliche Befähigungen von Menschen sensibilisiert. Dies fördert Empathie- und Akzeptanzfähigkeit, Solidarität sowie Respekt gegenüber anderen Menschen.

Ingrid und Dieter Schubert: Irma hat so große Füße

Mannheim: Sauerländer, 2010 (23. Auflage [1986])

ISBN: 978-3-7941-2773-3

Preis: € 15,90

Themen: Anderssein, Ausgrenzung, Freundschaft

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, relativ viel Text



© 1986/2010 Sauerländer,
Mannheim

Inhalt:

Die kleine Hexe Irma verschwindet, weil sie von den anderen Hexen wegen ihrer großen Füße ausgelacht wird. Sie hat die Zaubersprüche vergessen, und bei jedem Zauberversuch werden ihre Füße noch größer. Eines Tages taucht sie bei der kleinen Lore auf, die gerade ihre Zähne putzen will. Lore tröstet Irma und zeigt ihr ihre großen Ohren. »Lore, Segelohre« nennen sie die anderen Kinder. Aber Gemeinsamkeit macht stark und Irma erinnert sich sogar wieder an einige Zaubersprüche.

Anregungen für die pädagogische Praxis:

Das Buch thematisiert Anderssein und Ausgrenzung. Kinder erfahren, dass die negative Bewertung von individuellen Unterschieden Menschen wehtut und sie ausgrenzt. Freundschaft und Solidarität dagegen fördern den sozialen Zusammenhalt und wirken sich stärkend auf alle aus.

Dirk Zehender: Inga und der verschwundene Wurm

Hanstedt: Mardi, 2011

ISBN: 978-3-00-032135-1

Preis: 19,90

Themen: Familienformen (insbesondere Regenbogenfamilien)

Altersempfehlung: ab 4 Jahre

Textsorte: Bilderbuch, viel Text



© 2011 Mardi, Hanstedt

Inhalt:

Inga wächst in einer Regenbogenfamilie auf. Sie wohnt bei ihren 2 Mamis und besucht ihre 2 Papas am Wochenende. Auf der Suche nach einem kleinen Regenwurm, der im Abflussrohr verschwunden ist, begegnet Inga den vielen Nachbar_innen in ihrem Haus, die in verschiedensten Familienformen leben: Sie trifft auf eine Patchworkfamilie, ein Adoptivkind, eine Alleinerziehende, eine traditionelle Familie, ein kinderloses Paar und mehrere Singles. Nachdem niemand den kleinen Wurm gesehen hat, legt Inga sich traurig und enttäuscht auf eine Gartenbank im Hof. Schließlich entdeckt sie den Wurm, als er gerade aus dem Wasserhahn an der Hauswand schlüpft, und entlässt ihn in die Freiheit des Rosenbeets.

Anregungen für die pädagogische Praxis:

Am Beispiel der Bewohner_innen eines Wohnhauses lernen Kinder vielfältige Familien- und Wohnformen kennen. Das Buch bietet den Kindern vielerlei Identifikationsmöglichkeiten und stärkt somit ihr Selbstbewusstsein, auch wenn sie selbst nicht in konventionellen Familienformen leben. Insbesondere Kinder aus Regenbogenfamilien finden in Inga eine Protagonistin, die offen, stolz, selbstverständlich und selbstbewusst mit ihrer Familienform umgeht. Dies gibt ihnen Sicherheit und hilft, Stärke und Aufrichtigkeit auch bei sich selbst auszubilden. Bedauerlicherweise gibt es keine wahrnehmbare Vielfalt hinsichtlich kultureller oder nationaler Hintergründe und körperlicher Befähigungen.

Dirk Zehender: So lebe ich ... und wie lebst Du?

Hanstedt: Mardi, 2008

ISBN: 978-3-00-024927-3

Preis: 19,90

Themen: Regenbogenfamilien, Herkunft / Kultur

Altersempfehlung: ab 5 Jahre

Textsorte: Bilderbuch, viel Text



© 2008 Mardi, Hanstedt

Inhalt:

Der Inhalt des Buches handelt von Kindern in Regenbogenfamilien. Es werden acht Geschichten aus der Perspektive der jeweiligen Kinder aus acht verschiedenen Ländern erzählt (Island, Australien, Schweden, USA, Italien, Österreich, Deutschland, Niederlande). Mädchen und Jungen berichten von ihren Familien, ihren Hobbies und ihrem Leben in dem jeweiligen Land. Hierbei steht die spezielle Familienstruktur nicht unbedingt im Zentrum der Erzählung, sondern wird ganz selbstverständlich neben anderen Dingen erwähnt.

Verwendungsmöglichkeiten / Anregungen zur Arbeit:

Kinder erweitern ihren Wissenshorizont indem sie etwas über die Lebenswelten von Kindern in verschiedenen Ländern erfahren. Da die Protagonist_innen zudem alle in Regenbogenfamilien leben, bietet das Buch besonders Kindern mit gleichgeschlechtlichen Eltern(-teilen) Identifikationsmöglichkeiten und stärkt somit ihr Selbstbewusstsein. Sie werden zu einem selbstverständlichen und selbstbewussten Umgang mit ihrer Familienform ermutigt. Bedauerlicherweise spielen die Geschichten ausschließlich in Ländern der sogenannten westlichen Welt (Westeuropa, USA und Australien), es gibt keine Beispiele aus Osteuropa, Afrika, Asien oder Lateinamerika.

Elisabeth Zöllner: Ich bin ich und du bist du!

Hamburg: Ellermann, 2009

ISBN: 978-3-770-75966-8

Preis: € 8,95 (z.Zt. nur antiquarisch erhältlich)

Themen: Anderssein, Ausgrenzung, Identität

Altersempfehlung: ab 3 Jahre

Textsorte: Bilderbuch



© 2009 Ellermann, Hamburg

Inhalt:

Ja! Ich bin anders - und du auch! Paul findet den coolen Max aus seiner Kindertagengruppe toll. Der kriegt immer alles, was er will. Aber will Paul wirklich so sein wie Max? Franzi ist ein bisschen pummelig und Christopher macht sich ständig lustig über sie. Gut, dass Franzi dafür ganz schön clever ist! Sieben einfühlsame Geschichten zum Thema Anderssein, mit einem Nachwort für Eltern und Erzieher_innen.

Anregungen für die pädagogische Praxis:

Das Buch thematisiert Anderssein und Vielfalt als Bereicherung. Kinder lernen, dass Menschen (z. B. körperliche) Unterschiedlichkeiten aufweisen, die sie einzigartig machen. Dies steigert einerseits die Akzeptanz für Unterschiede und stärkt die Kinder andererseits in ihrer Individualität.

Serap Azun, Petra Wagner und Anke Krause:
Das Familienspiel

Verlag das netz / Freie Universität Berlin, 2010

ISBN: 978-3-86892-034-5

Preis: € 19,90

Themen: Verschiedene Familienformen,
Gemeinsamkeiten und Unterschiede

Altersempfehlung: ab 3 Jahre



© 2010 Verlag das netz,
Kiliansroda

Textsorte: Spiel mit Fotokarten, ohne Text

Inhalt:

72 Bilderkarten, davon 36 mit einzelnen Kindern und 36 mit Familien, in denen sich jeweils eins der Kinder wiederfindet. In fünf Sprachen werden

Die Spielanleitung ist auf Deutsch, Türkisch, Englisch, Polnisch und Französisch verfasst. Zum Familienspiel gibt es ein Familienposter. Es trägt den Titel »Respekt für jedes Kind – Respekt für jede Familie«, der ebenfalls in fünf verschiedenen Sprachen zu lesen ist.

Anregungen für die pädagogische Praxis:

Das Familienspiel kann als *Memory*-, *Such- und Finde*- oder *Sortier-Spiel* gespielt werden. Die Kinder lernen viele verschiedene Familien kennen, die in unserer Gesellschaft leben. Jedes Kind kann Familien finden, die Ähnlichkeiten mit der eigenen Familie haben. Sich wiederzuerkennen, stärkt Kinder in der Entwicklung eines positiven Selbstbildes und hilft ihnen, sich zugehörig zu fühlen.

Im Familienspiel können Kinder Gemeinsamkeiten und Unterschiede von Kindern und Familien entdecken: Jedes Kind und jede Familie hat das gleiche Recht auf Anerkennung und Respekt. Aber nicht alle haben das gleiche Aussehen oder die gleiche Anzahl an Familienmitgliedern. So lernen Kinder, sich mit Unterschieden wohl zu fühlen und Respekt zu entwickeln.

Fachliteratur für Fachkräfte aus Kindertageseinrichtungen

Stephanie Brill; Rachel Pepper: Wenn Kinder anders fühlen - Identität im anderen Geschlecht: Ein Ratgeber für Eltern.

Reinhardt Verlag, 2011

ISBN: 978-3-49702216-8

Preis: € 26,90

Dieser Ratgeber für Eltern und alle, die sich mit dem Phänomen der Transidentität von Kindern und Heranwachsenden befassen, klärt sachlich und informativ über Transidentität auf und antwortet auf typische Elternfragen wie: Ist mein Erziehungsverhalten schuld? Ist mein Kind krank? Was sage ich Nachbarn, Lehrer_innen, Verwandten? Wird mein Kind eine normale Liebesbeziehung eingehen können? Es enthält zahlreiche Tipps für Verhalten, Erziehung und Gestaltung des Alltags – damit sich das Kind in Einklang mit seiner Einzigartigkeit entwickeln kann. Das Buch macht sensibel für das Erkennen und Verstehen von Transidentität im Alltag.

Gerlach, Stefanie: Regenbogenfamilien: Ein Handbuch.

Querverlag Berlin, 2010

ISBN: 3-89656-184-8

Preis: €17,90

Dieser praxisorientierte Ratgeber richtet sich informativ, aufklärend und ermutigend sowohl an künftige, werdende oder bereits gewordene Eltern, als auch an Kitafachkräfte, Lehrer_innen, Verwandte und allgemein Interessierte. Es bietet eine große Bandbreite an Wissens- und Überlegungswertem und enthält ein ausführliches Literatur- und Web-Adressen-Kapitel.

Alexandra Gosemärker: Erst Recht! - Der Ratgeber zu allen Rechtsfragen rund ums Zusammenleben

Querverlag, 2011 (zweite überarbeitete und aktualisierte Auflage [2008])

ISBN: 978-3-89656-195-4

Preis: €14,90

Der Ratgeber informiert über die neusten Gesetzen und Regelungen für Lesben, Schwule und Trans*, die in einer eingetragenen Lebenspartnerschaft oder ohne Trauschein als Lebensgemeinschaft leben. Er beschreibt die Möglichkeiten, sich gegenseitig abzusichern, und erläutert relevante Fragen, z.B.: Wie gehe ich eine eingetragene Lebenspartnerschaft ein und wie kann ich sie wieder beenden? Was muss ich beachten, wenn ich ein Testament aufsetze? Wer erbt, wenn ich nicht verpartnert bin? Wie sieht es mit Stiefkindadoption und Unterhaltsrecht aus? Dabei werden auch die besonderen Regelungen beachtet, die sich für binationale Paare ergeben.

Annedore Prengl: Inklusion in der Frühpädagogik. Bildungstheoretische, empirische und pädagogische Grundlagen

Deutsches Jugendinstitut e.V., Weiterbildungsinitiative Frühpädagogische Fachkräfte (WiFF), 2010

ISBN: 978-3-935701-77-8

Kostenlose Bestellung unter:

<http://www.weiterbildungsinitiative.de/publikationen/inklusion/details-inklusion/artikel/inklusion-in-der-fruehpaedagogik.html>

Vor dem Hintergrund der Ratifizierung der UN-Behindertenrechtskonvention gewinnt das Thema Inklusion in Bildungsinstitutionen in Deutschland zunehmend an Bedeutung. Dabei geht der Inklusionsgedanke über die gesellschaftliche Differenzlinie behindert/nicht behindert hinaus und basiert auf dem Ideal des gemeinsamen Lebens und Lernens aller Kinder – mit der ganzen Bandbreite

möglicher körperlicher, psychischer, sozialer und kognitiver Beschaffenheiten und Entwicklungen. „Inklusion in der Frühpädagogik“ beschäftigt sich mit der Frage, inwieweit Inklusion ein geeignetes Konzept ist, auf die heterogenen Ausgangslagen von Kindern in Kindertageseinrichtungen einzugehen. Die Autorin zeigt historische, theoretische und empirische Grundlagen einer inklusiven Frühpädagogik auf und leitet Handlungsimpulse für die pädagogische Praxis daraus ab.

Sozialpädagogisches Fortbildungsinstitut Berlin-Brandenburg und Bildungsinitiative QUEERFORMAT (Hg.): Geschlechtliche und sexuelle Vielfalt in der pädagogischen Arbeit mit Kindern und Jugendlichen. Handreichung für Fachkräfte der Kinder- und Jugendhilfe

SFBB und QUEERFORMAT, 2012

Bestellung unter: <http://www.queerformat.de/kinder-und-jugend-hilfe/publikationen-und-materialien/>

Preis: € 5,00 zzgl. Versandkosten

Die 145-seitige Handreichung sensibilisiert für die Relevanz des Themas geschlechtliche und sexuelle Vielfalt in der Kinder- und Jugendhilfe, schafft einen Überblick über aktuelle Problemlagen, vermittelt Hintergrundwissen auf anschauliche Art und Weise und bietet Praxismaterialien zur Unterstützung der pädagogischen Arbeit. Erstmals liegt im deutschsprachigen Raum eine derart umfassende Handreichung für den Bereich der Kinder- und Jugendhilfe vor.

Grundlagentexte behandeln zum Beispiel die Frage „Was ist Geschlecht?“, stellen Forschungsergebnisse zur psychosozialen Situation von LGBT-Jugendlichen und Kindern aus Regenbogenfamilien dar und greifen Fragen von Jugendlichen zu vielfältigen Lebensweisen auf. Ein ausführliches Glossar und Informationen zu den Themen Geschlechtervielfalt und Intersexualität bieten komprimiertes Hintergrundwissen. Praxismaterialien enthalten konkrete Vorschläge für die pädagogische Praxis, darunter eine Checkliste zur Selbstevaluation von Einrichtungen sowie Handlungsempfehlungen und -strategien. Ein Serviceteil bietet kommentierte Literaturlisten, Materialempfehlungen und Verweisadressen von Beratungsstellen und Treffpunkten in Berlin.

Wagner, Petra (Hg.) : Handbuch Kinderwelten / Vielfalt als Chance – Grundlagen einer vorurteilsbewussten Bildung und Erziehung

Verlag Herder, 2008
ISBN: 978-3-451-32119-1
Preis: € 22,95

Schon früh machen Kinder die Erfahrung, dass unterschiedliche Herkunft und Hautfarbe, Geschlecht oder Religion mit Wertungen verbunden sind. Das „Handbuch Kinderwelten“ gibt Tipps wie Erzieher_innen Diskriminierung zur Sprache bringen können und wie Kinder Unterschiede als Bereicherung verstehen lernen. Praxisnah und mit fundiertem Hintergrundwissen zeigt das Buch, wo Ausgrenzung in der Kita stattfindet, wie Erzieher_innen gegensteuern können und wie Eltern mit eingebunden werden können.

Melitta Walter: Jungen sind anders, Mädchen auch: Den Blick schärfen für eine geschlechtergerechte Erziehung.

Kösel Verlag 2005
ISBN: 978-3-466-30689-3
Preis: € 16,95

Anhand konkreter Beobachtungen und unter Berücksichtigung von Erkenntnissen aus der Geschlechterforschung werden Zusammenhänge zwischen alltäglichem Erleben und dem, was uns zu (sozialen) Männern und Frauen macht, aufgedeckt. Wahrnehmungen und Erfahrungen der Autorin, vor allem aus dem Bereich der Arbeit in Kindertagesstätten, können nachvollzogen werden und münden in Anregungen für Veränderung und Erweiterung des Handlungsspielraumes der Geschlechterrollen auf individueller und auf gesellschaftlicher Ebene.

Gender-Manifest

Plädoyer für eine kritisch reflektierende Praxis in der *gender*orientierten Bildung und Beratung

Mit diesem Manifest verfolgen wir* ein zweifaches Ziel: Einerseits geht es uns um die Aufhebung vergeschlechtlichter Normen und Zuweisungen in der *gender*orientierten Bildungs- und Beratungsarbeit. Zum anderen möchten wir zu einer Rückbesinnung auf den inhaltlichen Kern und kritischen Gehalt des *Gender*begriffs beitragen.

Wir beobachten, dass im Bereich von *Gender* Training und *Gender* Beratung *Gender*konzepte dominieren, die die derzeitige Ordnung der Geschlechter eher reproduzieren als verändern. Wir plädieren demgegenüber für eine kritisch reflektierende Arbeit in diesem Feld, die dualisierende Konzepte von Geschlecht hinterfragt statt sie zu verstärken, die Stereotype analysiert und als solche sichtbar macht statt sie zu reproduzieren und die, anstatt *Gender* isoliert zu denken, Geschlechterverhältnisse immer im Zusammenhang mit anderen gesellschaftlichen Machtverhältnissen begreift. Wir halten eine selbstreflexive, theoretisch fundierte und identitätskritische Praxis in der *gender*orientierten Bildung und Beratung für geboten.

Wir beobachten des Weiteren eine zunehmende Interpretationsweise von *Gender* Mainstreaming als neoliberaler Reorganisationsstrategie zur Optimierung „geschlechterspezifischer Humanressourcen“. Eine solche Engführung des Gleichstellungsbegriffs auf organisationsbezogene Effizienzsteigerung verfehlt u. E. das ursprüngliche emanzipatorische Ziel gleicher Rechte, Chancen und gesellschaftlicher Teilhabe von Männern und Frauen als umfassendes Menschenrecht. Wo vermeintlich geschlechtsspezifische Fähigkeiten als quasi natürliches Vermögen „entdeckt“ werden, mutiert Gleichstellung zum cleveren Management angenommener Differenzen. In der Konsequenz werden soziale Ungleichheiten und Ausschlüsse durch eine bloße Vielfaltsrhetorik verdeckt. Wir plädieren deshalb für eine systematisch emanzipatorische Perspektive, die sich der historischen Wurzeln des *Gender* Mainstreaming in feministischen Bewegungen und internationalen Kontexten bewusst ist.

Wir sehen die Gefahr der Aufrechterhaltung – wenn nicht gar Zementierung – der Mainstream-Geschlechterordnung durch *Gender* Mainstreaming und *Gender* Trainings. Für eine kritisch reflektierende Praxis, die dieser Gefahr wirksam begegnet, sind unseres Erachtens notwendige Voraussetzungen zu erfüllen, die einer stärkeren Anerkennung im Feld bedürfen. Durch die Benennung von theoretischen und methodischen Prämissen sowie von daraus abgeleiteten Standards für die professionelle Praxis leistet dieses Manifest einen Beitrag zur Qualitätssicherung in der *gender*orientierten Bildung und Beratung.

* Das Gender-Manifest entstand in Kooperation zwischen dem genderbüro Berlin (www.gender.de) und dem GenderForum Berlin (www.genderforum-berlin.de).

Theoretische Prämissen: Zu unserem Verständnis von *Gender*

Gender ist mittlerweile in vieler Munde. Spätestens seit die internationale Strategie *Gender* Mainstreaming in deutschen Institutionen Eingang fand, hat sich ein professionelles Feld der *Gender*-Arbeit etabliert, wie es Mitte der 1990er Jahre noch undenkbar war: BeraterInnen, TrainerInnen und Coaches verdienen heute Geld damit, Institutionen aller Art in Sachen *Gender* zu schulen und zu beraten. Das Ziel ist dabei häufig, die gesetzlich verankerte Gleichstellung durch institutionelles Handeln zu fördern, insbesondere in Einrichtungen der öffentlichen Hand. Im Zuge der Einführung von *Gender* Mainstreaming ist *Gender* also – zumindest in Fachkreisen – zu einem gängigen Begriff geworden. Häufig werden die Bezeichnungen „Frauen“ oder „Männer“ durch *Gender* ersetzt oder *Gender* synonym für „Männer *einerseits* und Frauen *andererseits*“ verwendet.

Die Rede von *Gender* im aktuellen Wissenschaftsdiskurs markiert demgegenüber die Haltung, die vorherrschende Geschlechterdualität nicht zu affirmieren, sondern nach deren sozialen Herstellungsprozessen und Funktionsweisen in geschlechtshierarchischen Strukturen zu fragen: Wie wird „Geschlecht“ immer wieder neu als bipolares Muster sozialer Zuschreibung in einer monotonen Weise reproduziert, die Männer und Frauen komplementär aufeinander bezieht und in hierarchische Verhältnisse bringt? In Frage gestellt wird so die gesellschaftliche Norm der heterosexuellen Zweigeschlechtlichkeit und die ihr inhärente kausale Verbindung von *sex* als biologischem Geschlecht mit *Gender* als sozio-kulturellem Geschlecht und mit Begehren: Die vorherrschende Geschlechterordnung, die beispielsweise einen als weiblich klassifizierten Körper mit als weiblich klassifizierten Persönlichkeitsmerkmalen und Verhaltensmustern sowie einem notwendig auf Männer gerichteten Begehren verknüpft, erfährt hier eine grundlegende Kritik. Diese fußt auf der Beobachtung, dass eine Vielzahl sozialer Geschlechter sowie verschiedenste Begehrensweisen unterschieden werden können und auch das „biologische Geschlecht“ Produkt sozio-kultureller Konstruktionen ist.

Unseres Erachtens werden diese kritischen Potentiale des *Gender*-Begriffs in der *Gender*-orientierten Bildungs- und Beratungsarbeit zu wenig aufgegriffen. Vielmehr beobachten wir hier eine problematische Tendenz im Umgang mit dem *Gender*-Begriff: *Gender* dient als analytische Kategorie, die Geschlechterunterschiede diagnostiziert und dabei häufig auf Differenzen zwischen „den Männern“ und „den Frauen“ abstellt. Instrumente der *Gender*-Analyse werden in der Regel dazu verwandt, Unterschiede zwischen Männern und Frauen in einem spezifischen Feld oder Thema aufzudecken und somit problematisierbar zu machen. Ziel der in verschiedensten Formen angewandten *Gender*-Analysen ist es, eine behauptete Geschlechtsneutralität zu widerlegen. Diese zunächst wichtige Funktion muss jedoch als ambivalent bewertet werden: Ein bedenklicher Nebeneffekt der *Gender*-Analyse liegt in der Homogenisierung von Frauen und Männern und in der Ausblendung von Unterschieden innerhalb der Genusgruppen. Zum Zweck der Operationalisierbarkeit geschieht eine Komplexitätsreduktion auf eine duale Geschlechterordnung. Damit laufen *Gender*-Analysen Gefahr, sich unhinterfragt an einem *Doing Gender* zu beteiligen, das diejenigen Differenzen dramatisiert, die vorgeblich nur analysiert werden. Damit wird freilich eben jene Geschlechterordnung manifestiert, die es aus unserer Perspektive zu überwinden gilt.

Wir sehen die Herausforderung daher darin, einen paradoxen Umgang mit *Gender* zum Ausgangspunkt des professionellen Handelns zu machen, d. h. *Gender* als Analysekategorie zu gebrauchen, um *Gender* als Ordnungskategorie zu überwinden. Dafür ist es notwendig, *Gender*-Analysen – dem Dreischritt von Konstruktion-Rekonstruktion-Dekonstruktion folgend – auch in Bezug auf ihre eigene Konstruktionsleistung zu betrachten und somit selbst zum Gegenstand der Analyse zu machen.

Dekonstruktion statt Dramatisierung – ein Beispiel

Anhand eines Beispiels zum unreflektierten Umgang mit dem Terminus *Gender* lässt sich dieser Dreischritt verdeutlichen: Der im professionellen Umfeld neu eingeführte Begriff des *Gender-Teams* wird verwendet, um ein Trainings- oder Beratungsduo zu bezeichnen, das aus einem Mann und einer Frau besteht. AuftraggeberInnen verlangen häufig die Präsenz eines so genannten *Gender-Teams*, da die beteiligten Männer und Frauen sich durch ein gemischtgeschlechtliches Team angesprochen fühlen sollen. Die Bezeichnung *Gender-Team* erweist sich vor dem Hintergrund der entfaltenen theoretischen Überlegungen hierfür jedoch als kontraproduktiv, weil sie bereits selbst eine zu hinterfragende Konstruktion von Zweigeschlechtlichkeit ist.

Die sozialen Herstellungs- und Ausgrenzungsmechanismen dieser Mann-Frau-Differenz lassen sich über eine kritische Rekonstruktion herausarbeiten. Wird *Gender* als kritische Kategorie ernst genommen, kann damit nie ausschließlich ein Mann-Frau-Team gemeint sein, dessen Zusammensetzung allein auf das biologische Geschlecht (*sex*) gegründet ist. *Gender* als Idee markiert ja gerade die Ablösung eines Denkens in biologisierender Dualität und schematischer Mann-Frau-Differenz. Die Reduktion von *Gender* auf biologisches Mann- oder Frausein allerdings ist ein Beispiel für *Doing Gender*, das Geschlechterpolitik zu einem banalen Abzählen von weiblichen und männlichen Köpfen (also bloßem *sex counting*) werden lässt – egal, was in diesen Köpfen steckt, und egal, was diese Menschen verkörpern. Eine solche biologische Fundierung von *Gender* läuft mithin der Grundidee des *Gender-Begriffs* zuwider.

Dagegen eröffnet die Dekonstruktion des *Gender-Team-Begriffs* die Möglichkeit einer Bedeutungsverschiebung. Wer bzw. was ein *Gender-Team* ausmacht wird neu artikuliert. Ein *Gender-Team* kann ohne Not aus zwei oder mehr Personen jeglichen Geschlechts zusammengesetzt sein, wenn sie denn über Gender- und Trainingskompetenz verfügen. *Gender* setzt hier keine Grenzen.

Impulse – Aufbruch zu mehr Geschlechtervielfalt

Häufig unterstützen alltagstheoretische Annahmen sowie fundamentalistisch-religiöse oder soziobiologisch-deterministische Strömungen die These einer Bildung von Geschlechtscharakteren durch vordiskursive Faktoren, wie z.B. göttliche Bestimmung oder genetische Festlegung. Solche Formen geschlechtlicher Platzanweisung stehen jedoch einer Geschlechtergerechtigkeit entgegen, die immer eine individuelle und kollektive Entscheidungs- und Handlungsfreiheit beinhaltet, sei es in der Berufswahl oder der Ausgestaltung von Partnerschaften, Lebensweisen und Modellen des Zusammenlebens. Kritisch reflektierende *Gender-Praxis* hat unseres Erachtens die Aufgabe, auf komplexe *Genderstrukturen* hinzuweisen und gleichzeitig der Banalisierung und Reproduktion von Unterschieden entgegenzusteuern. So sind alle Aussagen, die Frauen oder Männern spezifische Eigenschaften, Fähigkeiten und/oder Beschränkungen allein aufgrund ihrer Geschlechtszugehörigkeit zuschreiben, als Teil eines normativen *Genderkorsetts* zu identifizieren, das in seiner Statik individuelle Interessen, Kompetenzen und Möglichkeiten ignorieren und verkennen muss.

Unseres Erachtens geht es nicht darum, identifizierte Geschlechtsunterschiede zu managen, sondern die unserer Wahrnehmung immanenten Geschlechtsunterscheidungen zu identifizieren. Dies bedeutet, die Herstellung dieser vermeintlichen Unterschiede als Normalisierungsprozess zu erkennen, der gesellschaftlich hergestellte Ungleichheiten als „natürliche“ objektiviert und sie uns scheinbar plausibel als körperlich oder psychisch veranlagt präsentiert. Sie sind als Ausdruck von als „normal“ verstandener gesellschaftlicher Platzanweisung zu entlarven und zurückzuweisen.

Ein verantwortungsvoller Umgang mit der Kategorie *Gender* ist sich der „*Gender-Paradoxie*“ bewusst, nimmt also die Gleichzeitigkeit der Herstellung und Überwindung von Geschlecht zum produktiven Ausgangspunkt des Handelns.

Es geht daher um die Frage, wie *Gender* in einer Weise gebraucht werden kann, die zur Überwindung einer ungerechten Gesellschafts- und Geschlechterordnung beiträgt. Mit Judith Lorber plädieren wir daher eindringlich für eine Praxis des „Using *Gender* to undo *Gender*“. Wie der nähere Blick auf die Bedeutungsebenen des englischen Verbs *to undo* enthüllt, geht es beim *undoing* um Prozesse des Lösen von Gebundenem und der Öffnung von Verschllossenem einerseits sowie um den Aspekt der Aufhebung bestehender Wirkungen andererseits. *Undoing Gender* in diesem Sinne löst die Knoten, Bindungen und Verstrickungen der bipolaren hierarchischen Geschlechterordnung, öffnet die straffe Schnürung des oben skizzierten *Genderkorsetts* und hebt langfristig die noch fortbestehenden Wirkungen der Geschlechterhierarchisierungen auf – dies alles zugunsten einer individuell gestaltbaren gleichwertigen und gleichberechtigten Geschlechtervielfalt und einer partnerschaftlichen und solidarischen Neuaushandlung der Geschlechterverhältnisse.

Methodische Prämissen für eine reflektierende *Gender-Praxis*

Dreischritt Konstruktion-Rekonstruktion-Dekonstruktion systematisch anwenden

- Konstruktionen von Zweigeschlechtlichkeit als solche benennen.
- Geschlechterunterscheidungen rekonstruieren statt Geschlechtsunterschiede anzunehmen.
- Das historische, kulturelle und politische Geworden-Sein von *Gender* nachzeichnen.
- Zusammenhänge und Wechselwirkungen von *Gender* mit anderen sozialen Kategorien beleuchten.
- Das *Genderkorsett* aufbrechen.
- *Gender* dekonstruieren und damit Spielräume für vielfältige geschlechtliche Existenz- und Lebensweisen eröffnen.

Undoing Gender

- *Verlernen* von Geschlechterstereotypen als Chance statt als Bedrohung wahrnehmen.
- Die Geschlechterordnung (dosiert) irritieren statt von „weiblichen“ und „männlichen“ bzw. „geschlechtsspezifischen“ Verhaltensweisen sprechen.
- Für Offenheit und Unabgeschlossenheit des eigenen Identitätsverständnisses motivieren.

Gender-Paradoxie bewusst machen

- Die Zweischneidigkeit von *Doing Gender* reflektieren, wie sie sich z.B. in der Anwendung von *Gender-Analysen* zeigt.

Gender-Konzepte kontextualisieren

- *Gender* als voraussetzungsvolles Konzept von feministischen Theorien und Praktiken thematisieren und historisch in bewegungspolitischen Kontexten verorten.

Machtfragen stellen

- Im Wissen um Dominanzen im Geschlechterverhältnis Privilegstrukturen in den Blick nehmen und konkrete Schritte zur Veränderung erarbeiten.

Partizipationsorientierte Trainings durchführen

- prozess- und teilnehmendenorientiert vorgehen
- *Gender* interaktiv statt instruktiv vermitteln (z.B. durch Übungen zu Stereotypen mit dem Ziel, Vielfalt aufzuzeigen sowie Normierungen und die Sanktionierung von Uneindeutigkeit zu problematisieren).

Passgenaue Konzepte entwickeln statt Standardrezepturen anbieten

- *Gender*-Analysen/*Gender*-Trainings kontextuell und inhaltlich anpassen und Möglichkeiten der Verknüpfung von *Gender* mit anderen sozialen Kategorien aufzeigen.

Fazit: Standards für eine reflektierende *Gender*-Praxis

Aus diesen theoretischen und methodischen Prämissen leiten wir abschließend folgende fachlichen Standards ab:

1. Eine reflektierende *Gender*-Praxis wendet sich gegen die Reproduktion der Zweigeschlechtlichkeit und bietet stattdessen eine Analyse ihrer Ursachen, Funktionsweisen und Auswirkungen, um Lösungen für ihre langfristige Überwindung zu suchen.
2. Eine reflektierende *Gender*-Praxis wendet sich sowohl gegen die Banalisierung als auch gegen die Dramatisierung von *Gender*. Sie fördert stattdessen die genauere Wahrnehmung individueller Interessen und Fähigkeiten jenseits geschlechtsgebundener Zuweisungen, ohne dabei die gesellschaftlich wirkende hierarchische Geschlechterordnung aus dem Blick zu verlieren.
3. Eine reflektierende *Gender*-Praxis vermittelt *Gender* als offenes Konzept und schafft gedankliche Freiräume für die Öffnung überkommener Geschlechterbegrenzungen.
4. Eine reflektierende *Gender*-Praxis ist sich der Wurzeln der *Gender*-Arbeit in feministischen Bewegungen bewusst und stellt den Bezug zu diesen Wurzeln her. Sie respektiert die Arbeit von KollegInnen im Feld und weist die verwendeten Fundstellen und Quellen deutlich aus.
5. Eine reflektierende *Gender*-Praxis beleuchtet das potenzielle Spannungsverhältnis zwischen Effizienz und Gerechtigkeit und verpflichtet sich vorrangig der Geschlechtergerechtigkeit.

Wo Geschlechterdualität war, soll Geschlechtervielfalt werden.

Berlin im Januar 2006

Dr. Regina Frey
Andreas Heilmann
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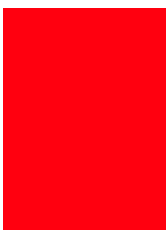
Dr. Jutta Hartmann
Thomas Kugler
Sandra Smykalla



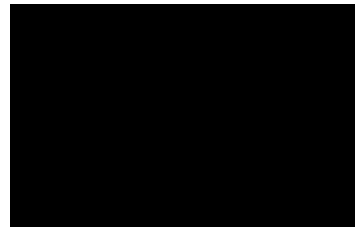
Bundesministerium
für Familie, Senioren, Frauen
und Jugend

Arbeitshilfe zu § 2 GGO:

„Gender Mainstreaming in Forschungsvorhaben“.



(Ressortforschung)



Inhalt

I.	Vorbemerkungen	3
1.1	Grundsätze	3
1.2	Was bedeutet Gender Mainstreaming in der Ressortforschung?	5
1.3	Ziele	6
II.	Prüfablauf	7
2.1	Relevanzprüfung	7
2.1.1	Fragestellungen	7
2.1.2	Ergebnis der Relevanzprüfung	7
2.2	Ablaufschema – Verlauf von Forschungsprojekten	8
 Anlage 1		
Handreichung zur Berücksichtigung von Gender-Aspekten bei Forschungsvorhaben		1
Zeitphase 1		2
Zeitphase 2		7
Zeitphase 3		10
Zeitphase 4		12
Zeitphase 5		14
Zeitphase 6		15
Zeitphase 7		17
Zeitphase 8		20
 Anlage 2		
Hinweise zur Implementierung von Gender Mainstreaming in Forschungsvorhaben		1

I.

Vorbemerkungen

1.1 Grundsätze

Gender Mainstreaming bedeutet, bei allen Vorhaben die unterschiedlichen Lebenssituationen und Interessen von Frauen und Männern von vornherein und regelmäßig zu berücksichtigen.

Gender bezeichnet die gesellschaftlich, sozial und kulturell geprägten Geschlechterrollen von Frauen und Männern. Diese sind – anders als das biologische Geschlecht – erlernt und damit auch veränderbar.

Mainstreaming bedeutet, dass eine bestimmte inhaltliche Vorgabe, die bisher nicht das Handeln bestimmt hat, nun zu einem wichtigen Bestandteil bei allen Vorhaben gemacht wird.

Durch die Ausrichtung an den Lebensrealitäten beider Geschlechter wird die Wirksamkeit der Maßnahmen und Vorhaben erhöht, da sie pass- und zielgenauer werden.

Das Prinzip des Gender Mainstreaming zu beachten gehört gem. § 2 GGO zur Facharbeit eines jeden Ressorts. Hierfür gelten folgende **Grundsätze**:

- Gender Mainstreaming setzt bereits bei den Vorüberlegungen ein: Wenn die Erforderlichkeit einer Maßnahme abgeklärt ist und danach eine Entscheidung über eine einzuleitende Maßnahme getroffen wird, ist zu prüfen und zu berücksichtigen, wie sich der Ausgangs-(Lebens-)Sachverhalt für Männer und Frauen darstellt.
- Es ist bei **jedem** Vorhaben zu Beginn mit zu prüfen, **ob** es gleichstellungspolitisch relevant ist.
- Aufgrund der rechtlichen Vorgaben soll Gender Mainstreaming bei allen gleichstellungspolitisch relevanten Vorhaben unabhängig von den jeweils gegebenen Rahmenbedingungen wie etwa Zeithorizont oder Haushaltssituation angewendet werden.
- **Gleichstellungspolitische Ziele** sind: Abbau von Benachteiligungen (Diskriminierungen), gleiche Teilhabe (Partizipation) und eine von tradierten Rollenmustern freie, selbstbestimmte Lebensgestaltung beider Geschlechter (echte Wahlfreiheit).

■ Gleichstellung bedeutet,

- Frauen und Männern ein gleichermaßen selbstbestimmtes Leben zu ermöglichen. Gleichstellungspolitik gibt nicht vor, wie Menschen zu leben haben.
- dass niemand zur Anpassung an stereotype Vorstellungen von „Männern“ und „Frauen“ gezwungen werden darf. An das Geschlecht und an Geschlechterrollen dürfen grundsätzlich keine Vor- oder Nachteile geknüpft werden. Rollenverteilungen, die zu einer höheren Belastung oder sonstigen Nachteilen für ein Geschlecht führen, dürfen durch staatliche Maßnahmen nicht verfestigt werden. Faktische Nachteile, die typischerweise ein Geschlecht treffen, dürfen durch begünstigende Maßnahmen ausgeglichen werden.

Die Arbeitshilfe basiert auf:

- Artikel 3 Abs. 2 Grundgesetz: „Männer und Frauen sind gleichberechtigt. Der Staat fördert die **tatsächliche** Durchsetzung der Gleichberechtigung von Frauen und Männern und wirkt auf die Beseitigung bestehender Nachteile hin.“
- § 2 Bundesgleichstellungsgesetz verpflichtet alle Beschäftigten der Bundesverwaltung, die Gleichstellung von Frauen und Männern zu fördern und diese Verpflichtung als durchgängiges Leitprinzip in **allen** Aufgabenbereichen der Dienststelle zu berücksichtigen.
- § 1 Abs. 2 Bundesgleichstellungsgesetz verpflichtet die Bundesverwaltung, die Gleichstellung von Frauen und Männern auch **sprachlich** zum Ausdruck zu bringen.
- § 2 GGO bestimmt die Förderung der Gleichstellung von Frauen und Männern zum Leitprinzip bei **allen** politischen, normgebenden und verwaltenden Maßnahmen, also auch bei der Ressortforschung.
- Das Bundesgremienbesetzungsgesetz verpflichtet den Bund, darauf hinzuwirken, dass eine gleichberechtigte Teilhabe von Frauen in **Gremien**, für die er Berufungs- oder Entsenderechte hat, geschaffen wird.

1.2 Was bedeutet Gender Mainstreaming in der Ressortforschung?

Gender Mainstreaming in der Forschung bedeutet, Forschungsfragen und -aufgaben systematisch geschlechtsdifferenziert zu betrachten. Von Beginn des Planungsstadiums an sind die Fragestellungen, Erkenntnisinteressen und Daten geschlechtsbezogen zu prüfen. Ziel ist, in Abhängigkeit vom Untersuchungsgegenstand entsprechend den wissenschaftlichen Standards geschlechterspezifische Erkenntnisse zu erhalten und so aufzubereiten, dass die auf sie aufbauenden politischen Maßnahmen geschlechtersensibel und zielgenau gestaltet werden können.

Geschlechterbezogene Verzerrungseffekte sollen bei der Konzipierung und Durchführung sowie der Überprüfung von Forschungsarbeiten erkannt und vermieden werden. Solche Verzerrungseffekte können in der Forschung vielfältig gegeben sein, z. B. im Titel, in der Sprache, in den theoretischen Konzepten, im Forschungsdesign, in den Methoden, in der Dateninterpretation, in den Schlussfolgerungen und Empfehlungen. Dies gilt gleichermaßen für die Konzipierung, Vergabe, Durchführung und Bewertung von Forschungsaufträgen bzw. die fachlichen und administrativen Abläufe, die damit verbunden sind.

Gender Mainstreaming in der Ressortforschung kann im Einzelfall auch bedeuten, reine Frauenforschungsprojekte oder reine Männerforschungsprojekte durchzuführen, wenn dies erforderlich ist, um einer existierenden einseitig geschlechtsspezifischen Forschungslage gegenzusteuern, oder wenn es um die Aufarbeitung von Problemlagen geht, die hauptsächlich ein Geschlecht betreffen.

Gender Mainstreaming in der Ressortforschung erfüllt eine wichtige Vorbereitungsaufgabe für die Konzeption von geschlechtersensiblen politischen Maßnahmen. Durch die Gewinnung geschlechterspezifischer Erkenntnisse lassen sich die Auswirkungen von Konzepten und Maßnahmen auf die Lebenssituation von Frauen und Männern abschätzen und die Vorhaben entsprechend zielgenau und gleichstellungsfördernd gestalten.

Die zentralen Grundfragen hierbei heißen:

- Wie werden in der Analyse **vor** Beginn einer politischen Maßnahme etwaige geschlechterspezifische Unterschiede benannt oder definiert?
- Wie sehen die geschlechterspezifischen Auswirkungen **nach** Durchführung der politischen Maßnahme aus?
- Welche genderrelevanten Erfordernisse werden daraus abgeleitet?

1.3 Ziele

Mit dieser Arbeitshilfe werden drei konkrete **Ziele** verfolgt:

- Das Ablaufschema für die Planung, Vergabe und Betreuung von Forschungsvorhaben soll die Durchführung eines Forschungsprojektes in allen Bearbeitungsstadien systematisieren und erleichtern.
- Mitarbeiterinnen und Mitarbeiter aller Ressorts und aller Organisationsebenen, die Forschungsvorhaben initiieren, planen und durchführen, sollen durch die beigelegte Handreichung (Anlage 1) in die Lage versetzt werden, Gender Mainstreaming selbstständig anwenden und durchgängig berücksichtigen zu können. Die Anwendung der Handreichung soll Gegenstand entsprechender Fortbildungsmaßnahmen der Ressorts sein.
- Forschungseinrichtungen können die Memopunkte als Orientierung nutzen, um Forschungsanträge und Forschungsdesigns unter Gender-Aspekten zu konzipieren. Dabei sollten die in Anlage 2 aufgeführten Hinweise schon von Anfang an berücksichtigt werden, um ein späteres zeit- und kostenintensives Nachbessern zu vermeiden.

Weitere Arbeitshilfen, z. B. mit konkreten Formulierungshilfen für Auflagen und Vertragsklauseln hinsichtlich der Beachtung von Gender Mainstreaming durch die Forschenden, folgen.

II.

Prüfablauf

2.1 Relevanzprüfung

Anhand von Prüffragen wird ermittelt, ob das geplante Vorhaben eine Geschlechterrelevanz hat oder haben könnte. Diese Prüfung ist gerade bei den Vorhaben, bei denen Gleichstellungsbelange nicht auf den ersten Blick erkennbar und der Forschungsgegenstand vermeintlich geschlechtsneutral ist, von besonderer Bedeutung. (Neben-)Ziel eines jeden geschlechterrelevanten Forschungsvorhabens ist, durch entsprechende Fragestellungen verdeckte Benachteiligungen, Beteiligungsdefizite und verfestigte Rollenmuster sowie evt. gegensteuernde Effekte aufzuzeigen.

2.1.1 Fragestellungen (vgl. auch Anlage 1: Handreichung)

- Auf welchen (Lebens-)Sachverhalt bezieht sich das Forschungsvorhaben?
- Was sind die Ziele des Forschungsvorhabens?
- Sind Personen (z. B. als Zielgruppe) unmittelbar von den Forschungsfragen / vom Forschungsgegenstand betroffen?
- Sind Personen mittelbar von den Forschungsfragen / vom Forschungsgegenstand betroffen? Dies können Personengruppen sein, die nicht Zielgruppen sind, auf die die Forschung jedoch Auswirkungen hat.
- In welchem Bereich sind Frauen und Männer betroffen (z. B. Familie, Beruf, politische Teilhabe, Freizeit, Gesundheit)?
- Sind Frauen und Männer unterschiedlich betroffen? Worin bestehen die Unterschiede? Wäre es vorstellbar, dass das Forschungsvorhaben Frauen und Männer unterschiedlich betrifft?
- Berücksichtigt das Forschungsvorhaben die unterschiedlichen Handlungsmuster und Bedürfnisse von Männern und Frauen?

2.1.2 Ergebnis der Relevanzprüfung

Positive Relevanzprüfung

Bereits bei Vorliegen nur **eines** Anhaltspunktes ist von einer Geschlechterrelevanz auszugehen. Wenn die Relevanzprüfung ergeben hat, dass Frauen und Männer durch ein Forschungsvorhaben betroffen sind, so sind die Gender-Mainstreaming-Aspekte in den jeweiligen Arbeitsabläufen (vgl. 2.2: Ablaufschema) zu berücksichtigen. Dies ist auch dann der Fall, wenn die Geschlechterrelevanz insbesondere aufgrund unzureichender

Datenlage nicht auszuschließen ist. In diesem Fall ist zu prüfen und nachvollziehbar darzulegen, um welche Fragestellungen das Forschungsvorhaben erweitert werden soll.

Negative Relevanzprüfung

Wird festgestellt, dass das Forschungsvorhaben oder Teile von ihm **keine** Geschlechterrelevanz haben, so ist dies **nachvollziehbar darzulegen**. Dazu gehört eine Auflistung der geprüften Fragestellungen und das Ergebnis dieser Prüfung, ferner der Hinweis, ob Expertise von außen beigezogen wurde.

Die nachfolgend dargestellten Prüfungen entfallen. Allerdings ist in jedem Fall darauf zu achten, dass zur Veröffentlichung vorgesehene Forschungsergebnisse in einer geschlechtergerechten Sprache verfasst sind.

2.2 Ablaufschema – Verlauf von Forschungsprojekten

Die Arbeitsschritte bei der Planung, Vorbereitung, Durchführung und Auswertung richten sich nach den ressortinternen Geschäftsordnungen und können daher differieren. Es gibt unterschiedliche Abstimmungsprozesse und Vorgehensweisen. Für manche Ressorts ist es z. B. üblich, Ausschreibungen und Vergaben durchzuführen, Projektbeiräte einzurichten und die Forschungsergebnisse zu veröffentlichen, für andere ist dies eher die Ausnahme. Das nachfolgende Schema stellt daher nur eine der im Ressortkreis bestehenden Möglichkeiten dar. Insbesondere ist die Leitungsvorlage nicht als zusätzliches verwaltungstechnisches Instrument zu verstehen, das durch die Gender-Prüfung neu eingeführt werden soll, sondern als in einzelnen Ressorts praktiziertes Beispiel. Ressorts, in denen die Leitungsvorlage üblich ist, verwenden sie für die Dokumentation ihrer Gender-Prüfung mit; Ressorts, die andere Verwaltungsabläufe haben, dokumentieren die Gender-Prüfung dort an geeigneter Stelle. Erstrebenswert ist das Ziel einer gleichberechtigten Beteiligung von Frauen und Männern an Forschungsaktivitäten. Dabei ist jedoch zu berücksichtigen, dass die geltenden vergaberechtlichen Bestimmungen eine Diskriminierung aufgrund des Geschlechts verbieten.

ARBEITSABLAUF BEI VORBEREITUNG, VERGABE, BEGLEITUNG UND UMSETZUNG UNTER BERÜCKSICHTIGUNG VON GENDER-MAINSTREAMING-ASPEKTEN

Zeitphase	Charakterisierung	Gender-Fragestellung	Gender-Verfahren	Handreichung
1. Entstehung der Grundidee Definition der Forschungsfrage Definition des Forschungsziels	Erkenntnislücken und Erkenntnisbedarf beschreiben, erste Designelemente entwickeln	Relevanzprüfung, Forschungsfrage nach Frauen und Männern aufschlüsseln, Konzept formulieren	Relevanzprüfung, Fachinformationen sammeln und verwerten, Gender-Forschung beachten	Anlage 1 <u>Seiten 2–6</u>
2. fachliche Konzeptentwicklung informelle Vorabstimmungen bei Ausschreibung: Ausschreibungskonzept überlegen	Design entwickeln, Konzeptelemente vervollständigen, Ausschreibungstext vorbereiten	unterschiedliche Betroffenheit von Männern und Frauen aufarbeiten, geschlechtsspezifische Daten und Erkenntnisse sammeln	gezielt Fachleute (Wissenschaftlerinnen/Wissenschaftler) befragen	Anlage 1 <u>Seiten 7–9</u>
3. formelle Abstimmungsprozesse Leitungsentscheidung ggf. Ausschreibung	Finanzierung klären, Beteiligungen beachten je nach Geschäftsordnung des Ressorts, zumindest: Referat Ressortforschung/Forschungskordinierung, Haushaltsreferat, Ausschreibungstext abstimmen	bei negativer Relevanzprüfung: nachvollziehbare Darlegung der Prüfung, sonst: Gender-Fragen in den Ausschreibungstext integrieren, ggf. Anlage 2 übersenden	(frühzeitig) fachliche/ inhaltliche Beteiligungen einbeziehen	Anlage 1 <u>Seiten 10–11</u>
4. Angebotseingang Auswertung Vergabeentscheidung	Angebote prüfen hinsichtlich fachlicher und wissenschaftlicher Qualität und Wirtschaftlichkeit	Werden die geschlechtsspezifischen Fragestellungen der Ausschreibung im Angebot berücksichtigt? Wie wird im Angebot eine Gender-Kompetenz ausgewiesen? Besteht ein Erfordernis, (zusätzlich) Männer oder Frauen in das Forschungsteam aufzunehmen?	ggf. Korrekturen/Erweiterungen des Designs anfordern, soweit erforderlich, Ergänzung des Teams bei Einrichtung eines Projektbeirats: Berücksichtigung des BGremBG	Anlage 1 <u>Seiten 12–13</u>
5. Vergabe des Auftrags Bewilligung Vertrag	Vertrag bzw. Zuwendungsbescheid erstellen, ggf. Auflagen und Zwischenberichte vorsehen	Gender-Aspekte verbindlich regeln	Gender-Aspekte mittels Auflagen bzw. vertraglich konkret regeln, insbesondere auch die geschlechtergerechte Sprache	Anlage 1 <u>Seite 14</u>
6. Begleitung des Forschungsvorhabens	Umsetzung und Einhaltung der Aufträge, Auflagen und Vereinbarungen beobachten, ggf. intervenieren	Werden die Gender-Fragestellungen im Forschungsprozess beachtet, bearbeitet und ausgewertet? Ergeben sich auf der Grundlage von Zwischenergebnissen weitere oder geänderte Gender-Fragestellungen?	kontinuierliche Prüfung und Begleitung unter GM-Aspekten, Überprüfung der methodischen Ansätze, kontinuierlicher Soll-Ist-Vergleich, Erörterung von Gender-Aspekten auf Beiratssitzungen, falls Beirat eingerichtet	Anlage 1 <u>Seiten 15–16</u>
7. Ergebnisse ggf. letzte Beiratssitzung Bericht Abnahme	Berichterstattung prüfen, fachliche und politische Bewertung, Abnahmevorlage	Wie ist die geschlechtsspezifische Ergebnisdarstellung aufgearbeitet, und ist sie hinreichend gewichtet?	ggf. Nachbesserung verlangen, ggf. Abnahme versagen, gleichstellungspolitische Folgen bewertend darstellen	Anlage 1 <u>Seiten 17–19</u>
8. Verwertung Umsetzung a) Öffentlichkeitsarbeit (falls vorgesehen) b) fachliche und politische Umsetzung	ggf. öffentliche Präsentation, Presseveröffentlichungen, Tagungen etc., fachpolitische Konsequenzen, (Träger-) Konferenzen, Gesetzgebung	Unterschiedlichkeit der Ergebnisse bei Frauen und Männern benennen, erläutern und in den Gesamtzusammenhang des Forschungsprojekts stellen	genderrelevante Ergebnisse für Bewusstseinsbildung nutzen	Anlage 1 <u>Seiten 20–21</u>

Handreichung zur

Berücksichtigung von Gender-Aspekten bei Forschungsvorhaben.



(Ressortforschung)



Memopunkte
Bearbeitungshinweise
Beispiele

Zeitphase 1

Entstehung der Grundidee

Definition der Forschungsfrage

Definition des Forschungsziels

Charakterisierung

- Beschreibung der Erkenntnislücken und des Erkenntnisbedarfs
- Entwicklung erster Designelemente

Gender-Fragestellung

- Relevanzprüfung
- Forschungsfrage nach Frauen und Männern aufschlüsseln
- Konzept formulieren

Gender-Verfahren

- Relevanzprüfung
- Fachinformationen sammeln und verwerten
- Gender-Forschung beachten

Memopunkte

Bei der Relevanzprüfung:

- Auf welchen (Lebens-)Sachverhalt bezieht sich das Forschungsvorhaben?
- Was sind die Ziele des Forschungsvorhabens?
- Sind Personen (z. B. als Zielgruppe) unmittelbar von den Forschungsfragen / vom Forschungsgegenstand betroffen?
- Sind Personen mittelbar von den Forschungsfragen / vom Forschungsgegenstand betroffen? Dies können Personengruppen sein, die nicht Zielgruppen sind, auf die die Forschung jedoch Auswirkungen hat.
- In welchem Bereich sind Frauen und Männer betroffen (z. B. Familie, Beruf, politische Teilhabe, Freizeit, Gesundheit)?
- Sind Frauen und Männer unterschiedlich betroffen? Worin bestehen die Unterschiede? Wäre es vorstellbar, dass das Forschungsvorhaben Frauen und Männer unterschiedlich betrifft?
- Berührt das Forschungsvorhaben
 - das herkömmliche (Rollen-)Bild von Frauen und Männern?
 - die gesellschaftliche Wertschätzung von Männern und Frauen?
 - die freie Entscheidung von Frauen oder Männern über Lebensformen?
 - den unterschiedlichen Alltag von Männern und Frauen?
 - die sozialen Unterschiede zwischen den Geschlechtern?
 - die geschlechtsspezifische Arbeitsteilung?
 - Berufswahl und Berufsausübung von Frauen und Männern?
 - den Zugang zu Informationen und Bildung von Frauen und Männern?
 - die Mobilität von Frauen und Männern?
 - die Verfügung über Zeit von Frauen und Männern?
 - den Zugang zu Entscheidungsprozessen?
 - den Zugang zu Kommunikation?
 - den Zugang zu Geld und sozialer Sicherung?
 - Gewalt und Ausbeutung von Mädchen/Frauen und Jungen/Männern?
- Berücksichtigt das Forschungsvorhaben die unterschiedlichen Handlungsmuster und Bedürfnisse von Männern und Frauen?

Bei negativer Relevanzprüfung:

- Prüfung nachvollziehbar darlegen

Bei positiver Relevanzprüfung:

- Schließt die Forschungsfrage Frauen oder Mädchen aus, auch wenn die Schlussfolgerungen auf beide Geschlechter anwendbar sein sollen?
- Schließt die Forschungsfrage Männer oder Jungen aus Bereichen aus, die üblicherweise als besonders wichtig für Frauen angesehen werden?
- Nimmt die Forschungsfrage direkt oder indirekt ein Geschlecht (Männer) als Norm und schränkt insofern das Spektrum der möglichen Antworten ein?
- Wird in der Forschungsfrage direkt oder indirekt Familie bzw. Haushalt als kleinste Analyseeinheit vorgesehen, obwohl unterschiedliche Angaben für Frauen und Männer innerhalb der Familien oder Haushalte zu erwarten sind?
- Wird die leitende Forschungsfrage für die Geschlechter unterschiedlich formuliert?

Bearbeitungshinweise

Die Zeitphasen 1 bis 3 sind entscheidend für die Entwicklung eines geschlechtersensiblen Forschungsdesigns: Hier werden die Weichen gestellt, ob ein Forschungsvorhaben z.B. Stereotype fortschreibt oder ob die Forschungsfrage so formuliert oder ausgeweitet wird, dass sie Stereotype hinterfragt und auf beide Geschlechter anwendbar ist. Hier wird aber auch entschieden, ob ein Forschungsvorhaben überhaupt geschlechterrelevant ist.

Bei Geschlechterrelevanz muss bei der Entwicklung und Formulierung der Forschungsfrage und des Forschungsziels entsprechend den wissenschaftlichen Standards bewusst und systematisch darauf hingearbeitet werden, dass sie auf Frauen und Männer, Jungen und Mädchen oder junge Männer und junge Frauen angewendet werden.

In diesem Anfangsstadium kann aber auch deutlich gemacht und begründet werden, warum sich eine Untersuchung oder ein Teil derselben nur auf ein Geschlecht beziehen soll.

Es muss klar und nachvollziehbar sein, in welcher Weise sich erhobene Daten geschlechterspezifisch auf Frauen und auf Männer beziehen sollen. Die Schlussfolgerungen und damit auch die Anknüpfungspunkte für spätere Maßnahmen können sonst nicht systematisch analysiert und ausgewertet bzw. später in politisches Handeln umgesetzt werden (Beispiel 1).

In dieser Zeitphase muss hinterfragt werden, ob die Forschungsfrage ein Geschlecht, in der Regel Männer, als Norm nimmt und insofern das Spektrum der möglichen Antworten einschränkt (Beispiel 2).

Häufig ist von unterschiedlichen Auswirkungen für Frauen und Männer innerhalb der Familien oder der Haushalte auszugehen, so dass in der Forschungsfrage „Familie“ bzw. „Haushalt“ nicht als kleinste Analyseeinheit vorgesehen werden sollte. Darüber hinaus ist der Begriff „Familie“ nicht einheitlich zu definieren – insbesondere die „klassische“ Vorstellung von „Vater, Mutter und Kind(ern)“ greift zu eng. Auch die Rolle von Frauen und Männern innerhalb der „Familie“ hat sich geändert und darf nicht mehr mit Stereotypen unterstützt werden. Die Forschungsfrage sollte so formuliert werden, dass die Analyseeinheit mit der Beobachtungseinheit korrespondiert (Beispiel 3).

Beispiele

Beispiel 1

Bei Untersuchungen z. B. zu Jugendgewalt, Jugendkriminalität o. Ä. sollten nicht „Jugendliche“ untersucht werden, sondern explizit männliche und weibliche Jugendliche.

So könnte man erfahren, welches die geschlechterspezifischen Charakteristika oder Unterschiede im Gewalthandeln bzw. kriminellen Handeln sind, damit klarer wird, welche Schlussfolgerungen auf männliche Jugendliche und welche auf weibliche Jugendliche bezogen werden können.

Die Fortschreibung von Stereotypen wäre, männliche Jugendliche als Täter und weibliche Jugendliche als Opfer zu befragen.

Anstelle allgemeiner Themenstellungen wie „Überschuldung junger Erwachsener“ sollte das Thema geschlechtsspezifisch konkretisiert werden, z. B. „Situation von Frauen als Bürgen für ihren Partner“.

Beispiele für Untersuchungen, die ohne eine systematische geschlechterspezifische Erhebung von Daten unvollständig und deshalb keine Basis für weitere Maßnahmen sind, wären Untersuchungen über

- ! „Straßenkinder“, stattdessen:

- „Mädchen und Jungen als Straßenkinder“

- ! „Herz-Kreislauf-Beschwerden bei Senioren“, stattdessen:

- „Verlauf und Symptomatik von Herz-Kreislauf-Beschwerden bei Männern und Frauen ab 70 Jahren“

Geschlechterspezifische Unterschiede können eines der Ergebnisse sein, die Untersuchung insgesamt wird allgemeiner sein.

Eine Untersuchung, die nur männliche Probanden einschließt, ist nicht geeignet, Erkenntnisse hervorzubringen, die generell anwendbar sind.

Beispiel 2

Wenn ein Untersuchungskonzept vorsieht, die Person mit dem höchsten Einkommen in einem Haushalt zu befragen, wäre es falsch, von vornherein ausschließlich Männer zu befragen.

Wenn Schwangerschaft bei einer Untersuchung der Abwesenheit vom Arbeitsplatz als Krankheit erfasst wird, kommt es zu höheren Werten für Frauen. Wenn dies korrigiert wird, erweist sich der Unterschied zwischen Frauen und Männern als minimal und korreliert mit Alter, Art der Arbeit (Position) und anderen Variablen.

Bei einer Untersuchung zu Arbeitsunfällen sollten frauentypische Aspekte, z. B. durch die Einbeziehung von Hausarbeit, berücksichtigt werden.

Bei Studien zu Themen wie Familie, Hausarbeit, Haushalt oder Reproduktion sollte die Forschungsfrage so ausgeweitet werden, dass auch die Rolle der Männer berücksichtigt wird.

Beispiel 3

Die jeweilige Arbeitsbelastung der männlichen und weiblichen Personen in einem Haushalt durch unentgeltliche Versorgungsarbeit für die Familie bzw. durch Erwerbsarbeit können bei einer Aggregierung von Daten auf der Ebene von Haushalten nicht ermittelt und nicht aufeinander bezogen werden.

Verzerrungen entstehen auch, wenn Männer als „Hauptverdiener“ nach der Angemessenheit des Einkommens und Frauen als „Partnerin“ nach der Verwendung des Einkommens befragt werden.

Beispiel 4

Die Feststellung von Mykotoxinen im Getreide ist ein Forschungsprojekt, das keine Geschlechterrelevanz hat. Es könnten sich aber geschlechterrelevante Anschlussfragen stellen, wenn z. B. die Aufnahme von Mykotoxinen sich biologisch unterschiedlich auf Männer und Frauen auswirken sollte. Ist eine Veröffentlichung vorgesehen, muss auf eine geschlechtergerechte Sprache geachtet werden.

Zeitphase 2

fachliche Konzeptentwicklung

informelle Vorabstimmungen

ggf. Ausschreibungskonzept überlegen

Charakterisierung

- Design entwickeln
- Konzeptelemente vervollständigen
- Ausschreibungstext vorbereiten

Gender-Fragestellung

unterschiedliche Betroffenheit von Männern und Frauen aufarbeiten,
geschlechterspezifische Daten und Erkenntnisse sammeln

Gender-Verfahren

gezielt Fachleute (Wissenschaftlerinnen und Wissenschaftler) befragen

Memopunkt

Sind im Forschungskonzept/Ausschreibungskonzept beide Geschlechter sowie geschlechtsspezifische Fragestellungen berücksichtigt?

Bearbeitungshinweise

Die Angemessenheit (siehe Memopunkt) sollte begründet und dokumentiert werden und nachvollziehbar sein. Es muss begründet werden, wenn von der Berücksichtigung beider Geschlechter abgewichen wird.

Dabei ist zu beachten, dass die geschlechterspezifischen Lebensverhältnisse von Frauen nicht „besonders“, sondern „anders“ sind, nämlich unterschiedlich zu denen von Männern. Die Anwendung einer männlichen Norm als Ausgangslage und die Perspektive, Frauen und ihre Lebensverhältnisse an Männern zu messen, kann zu unangemessenen Schlüssen führen.

Sowohl beim fachlichen Forschungskonzept als auch beim Ausschreibungskonzept

- muss die Differenzierung nach Geschlecht durchgängig beachtet werden;
- ist die geschlechtergerechte Sprache zu berücksichtigen (Beispiel 1);
- ist angesichts geschlechterspezifisch unterschiedlicher Lebensverhältnisse (z. B. geschlechterspezifische Arbeitsteilung, Geschlechterhierarchie, Gewaltbetroffenheit) und zur Vermeidung von Stereotypisierungen immer eine identische Befragung/Datenerhebung anzuwenden (Beispiele 2, 3);
- darf „Geschlecht“ nicht ohne detaillierte Begründung als erklärende Variable verwendet werden (Beispiel 4).

Beispiele

Beispiel 1

Junge Frauen sind keine „Mädchen“, junge Männer sind keine „Jungen“ oder „Buben“. Pluralbildungen oder Oberbegriffe wie „Studierende“ oder „Behinderte“ können den Blick auf die unterschiedlichen Lebenslagen von Studentinnen und Studenten bzw. behinderten Frauen und behinderten Männern verstellen.

Frauen gehören eindeutig nicht in eine Reihe mit z. B. „ethnischen Minderheiten, Behinderten und anderen marginalisierten Gruppen“.

Beispiel 2

Frauen sollen auch zu angeblich „typisch männlichen“ Aspekten befragt werden (z. B. zu ihren Karrierevorstellungen, ihrer Expertinnenkompetenz, zu ihrer wirtschaftlichen Situation innerhalb der Familie, als Akteurinnen und Entscheiderinnen in betrieblichen Hierarchien, zu Freizeit und Sport, Technik und Computernutzung usw.)

und Männer zu sogenannten typisch weiblichen Aspekten (Probleme mit der Vereinbarkeit, Belastungen im Alltag mit Kindern bzw. versorgungsbedürftigen Angehörigen, Nahrungszubereitung, Hausarbeit usw.).

Beispiel 3

Väter sind in der gleichen Weise wie Mütter zu befragen, wie sie sich für ihre Kinder/ Angehörigen verantwortlich verhalten und mit unentgeltlicher Familienarbeit für sie sorgen; Frauen sind in der gleichen Weise wie Männer zu befragen, ob sie (eigentlich) eine Vollzeiterwerbsarbeit suchen, diese aber wegen zu ermittelnder Faktoren nicht in dem Umfang realisieren können, in dem sie es wünschen.

Beispiel 4

Wenn z. B. die Überstunden oder der Umfang der Arbeitszeit von Arbeitnehmerinnen und Arbeitnehmern untersucht werden, sind „beruflicher Status“, „Alter“, „Anzahl der Kinder“, „familiäre Verpflichtungen“ usw. erklärende Merkmale, aber nicht „Geschlecht“. Geschlecht eignet sich im Normalfall nur als differenzierende Variable.

Berufswahl Tendenzen ergeben sich nicht durch das Geschlecht „weiblich“ oder „männlich“, bedeutsam sind Normen und Vorstellungen zu Weiblichkeit und Männlichkeit.

Wenn statt „Geschlecht“ z. B. das Merkmal „ethnische Zugehörigkeit“ eingesetzt wird, wird der methodische Fehler deutlich.

Zeitphase 3

formeller Abstimmungsprozess

Leitungsentscheidung

ggf. Ausschreibung

Charakterisierung

- ! Finanzierung klären
- ! Beteiligungen beachten
- ! Ausschreibungstext abstimmen

Gender-Fragestellung

Bei negativer Relevanzprüfung:

nachvollziehbare Darlegung der Prüfung

Sonst: Gender-Fragen in den Ausschreibungstext integrieren

ggf. Anlage 2 übersenden

Gender-Verfahren

(frühzeitig) fachliche/inhaltliche Beteiligungen einbeziehen

Memopunkt

Bei negativer Relevanzprüfung: Ist begründet und dargelegt, warum ein Vorhaben keinerlei Geschlechterrelevanz aufzeigt? Ist der Ausschreibungstext in einer geschlechtergerechten Sprache formuliert?

Bearbeitungshinweise

Das Bundesgleichstellungsgesetz (BGleiG) erwartet, dass die Gleichstellung von Frauen und Männern auch sprachlich zum Ausdruck gebracht wird. Ziel ist eine geschlechtergerechte Sprache, d. h. dort, wo Frauen und Männer Trägerinnen und Träger von Rechten und Pflichten sind und als solche angesprochen werden, sollen sie auch ausdrücklich benannt werden. Dort, wo das Geschlecht der Adressatinnen und Adressaten unerheblich ist, sollen neutrale Sprachformen verwendet werden.

Das Handbuch der Rechtsförmlichkeit (Hrsg. BMJ, 2. Auflage 1999, Rn 92 ff.), die von der Gesellschaft für deutsche Sprache herausgegebenen „Fingerzeige für die Gesetzes- und Amtssprache“ (11. Auflage 1998, Kapitel 5) und das Merkblatt M 19 des BVA „Sprachliche Gleichbehandlung von Frauen und Männern“ geben Hinweise zur geschlechtergerechten Sprache.

Es könnte hilfreich sein, im Ausschreibungstext Referenzen und Nachweise über Erfahrungen im Zusammenhang mit der Berücksichtigung des Gender-Mainstreaming-Ansatzes einzufordern.

Gegebenenfalls könnte den Ausschreibungsunterlagen ein Hinweisblatt beigelegt werden, aus dem sich die Anforderungen zu Gender Mainstreaming, bezogen auf das konkrete Forschungsprojekt, ergeben, oder es könnte in der Ausschreibung auf die Möglichkeit, ein solches Hinweisblatt anzufordern, hingewiesen werden.

Zeitphase 4

Angebotseingang

Auswertung

Vergabeentscheidung

Charakterisierung

- Angebote prüfen hinsichtlich fachlicher und wissenschaftlicher Qualität und Wirtschaftlichkeit

Gender-Fragestellung

Werden die geschlechterspezifischen Fragestellungen der Ausschreibung im Angebot berücksichtigt?

Wie wird im Angebot eine Gender-Kompetenz ausgewiesen?

Besteht ein Erfordernis, (zusätzlich) Männer oder Frauen in das Forschungsteam aufzunehmen?

Gender-Verfahren

ggf. Korrekturen/Erweiterungen des Designs anfordern,
soweit erforderlich, Ergänzung des Teams durch Männer/Frauen,
ggf. Projektbeirat vorsehen (adäquate Beteiligung von Frauen und Männern)

Memopunkte

Werden im Forschungsdesign beide Geschlechter betrachtet (in den Hauptvariablen/Themen; in unterschiedlichen Situationen)?

Wird im Methodenteil Auskunft gegeben, ob die Instrumente für beide Geschlechter anwendbar sind?

Nimmt das Forschungsinstrument kein Geschlecht als Norm für das andere Geschlecht (z. B. Männer als Norm für Frauen)?

Ist das Konzept so angelegt, dass keine sozial oder kontextabhängig wichtigen Informationen verloren gehen?

Ist es möglich, Frauen und Männer gesondert zu betrachten?

Bearbeitungshinweise

In dieser Phase werden die Überlegungen bei der Entwicklung der Grundidee und die fachliche Konzeptentwicklung (Phasen 1 und 2) mit den Rückläufen auf die Ausschreibung verglichen. Je genauer in der 1. und 2. Phase gearbeitet bzw. vorbereitet wurde, desto leichter ist es nun, Gender-Kompetenz bei den Angeboten herauszufiltern.

Neben diesem Soll-Ist-Vergleich geben auch

- die sprachliche Aufbereitung,
- die Verwendung von Klischees oder Stereotypen (Beispiel 1) und
- der Einsatz eines geschlechtersensiblen Forschungsinstrumentariums (Beispiel 2)

Auskunft über die Gender-Kompetenz.

Beispiele

Beispiel 1

Männer werden in der aktiven Rolle, in der „normsetzenden“ Rolle dargestellt, Frauen passiv oder als Ausnahme von der Norm.

Beispiel 2

Bei der Verwendung des Instruments „Interview“ kann es bei bestimmten Themen geboten sein, dass Männer von Männern und Frauen von Frauen befragt werden. Zumindest wäre dies in einem Pretest zu prüfen.

Zeitphase 5

Vergabe des Auftrags

Bewilligung

Vertrag

Charakterisierung

- ! Vertrag bzw. Zuwendungsbescheid erstellen
- ! ggf. Auflagen und Zwischenberichte vorsehen

Gender-Fragestellung

Gender-Aspekte verbindlich regeln

Gender-Verfahren

Gender-Aspekte mittels Auflagen bzw. vertraglich konkret regeln, insbesondere auch die geschlechtergerechte Sprache

Zeitphase 6

Begleitung des Forschungsvorhabens

Charakterisierung

- Umsetzung und Einhaltung der Aufträge, Auflagen und Vereinbarungen beobachten
- ggf. intervenieren

Gender-Fragestellung

Werden die Gender-Fragestellungen im Forschungsprozess beachtet, bearbeitet und ausgewertet?

Ergeben sich auf der Grundlage von Zwischenergebnissen weitere oder geänderte Gender-Fragestellungen?

Gender-Verfahren

kontinuierliche Prüfung und Begleitung unter GM-Aspekten,
Überprüfung der methodischen Ansätze,
kontinuierlicher Soll-Ist-Vergleich,
Erörterung von Gender-Aspekten auf Beiratssitzungen

Memopunkte

Werden die Daten für beide Geschlechter getrennt dargestellt?

Werden alle Untergruppen nach Geschlecht analysiert?

Wenn nur ein Geschlecht betrachtet wird, sind die Schlussfolgerungen dann auch nur auf dieses bezogen?

Wird eine geschlechtersensible Sprache verwendet?

Bearbeitungshinweise

Diese Phase ist entscheidend, um – unter Umständen zeit- und kostenintensive – Nacharbeiten zu vermeiden. Durch den Soll-Ist-Vergleich können Fehlentwicklungen vermieden werden; auf neue Entwicklungen, Fragen oder Thematiken kann zeitnah und gendersensibel reagiert werden. Hier können sich unterschiedliche Implikationen für beide Geschlechter herauskristallisieren, die im Abschlussbericht aufgenommen und in den Umsetzungsempfehlungen berücksichtigt werden.

Zwischenberichte können schon auf die Verwendung einer angemessenen Sprache, Tabellen auf das Vorhandensein geschlechterdifferenzierter Daten überprüft werden.

Zeitphase 7

Ergebnisse

ggf. letzte Beiratssitzung

Bericht

Abnahme

Charakterisierung

- Berichterstattung prüfen
- fachliche und politische Bewertung, Abnahmevorlage

Gender-Fragestellung

Wie ist die geschlechterspezifische Ergebnisdarstellung aufgearbeitet, und ist sie hinreichend gewichtet?

Gender-Verfahren

ggf. Nachbesserung verlangen, ggf. Abnahme versagen, gleichstellungspolitische Folgen bewertend darstellen

Memopunkte

Treffen Titel oder Zusammenfassung tatsächlich auf beide Geschlechter zu, oder erwecken sie nur diesen Eindruck?

Werden beide Geschlechter korrekterweise angeführt?

Enthalten Titel oder Zusammenfassung eine geschlechterverzerrende Sprache, Konzepte oder Begriffe?

Sind in Grafiken und Tabellen beide Geschlechter dargestellt?

Sind die Daten für beide Geschlechter getrennt erhoben oder dargestellt worden?

Wurden alle Untergruppen nach Geschlecht analysiert?

Wenn nur ein Geschlecht betrachtet wurde, wurden die Schlussfolgerungen dann auch nur auf dieses bezogen?

Wenn beide Geschlechter betrachtet wurden, sind die Schlussfolgerungen in verallgemeinernden Begriffen ausgedrückt oder korrekterweise nach Geschlecht differenziert?

Wird im Methodenteil Auskunft gegeben, ob die Instrumente für beide Geschlechter anwendbar sind?

Wird im Forschungsbericht reflektiert, dass bestimmte Situationen/Ergebnisse in der Untersuchung potenziell unterschiedliche Implikationen für beide Geschlechter haben können? Wurde dies bei möglichen Umsetzungsempfehlungen berücksichtigt?

Ist der Abschlussbericht in einer geschlechtergerechten Sprache abgefasst?

Werden durch verwendete Begriffe Assoziationen ausgelöst, die geschlechterstereotyp sind?

Werden allgemeine Begriffe für geschlechtsspezifische Situationen benutzt?

Werden Männer und Frauen in vergleichbaren Situationen mit nicht vergleichbaren Begriffen beschrieben?

Bearbeitungshinweise

Titel und Zusammenfassung sind häufig entscheidend im Hinblick auf die Akzeptanz, Verbreitung und Verschlagwortung des Forschungsergebnisses. Das Argument der „besseren Lesbarkeit“ oder die notwendige Verkürzung dürfen nicht zu Stereotypen oder zu unzulässigen Verallgemeinerungen führen (Beispiel 1) und auch nicht zu Informationsverlust.

Grafiken und Tabellen sind wegen ihrer Anschaulichkeit besonders genau im Hinblick auf Verzerrungseffekte und auf die Bezeichnungen zu überprüfen (Beispiel 2).

Die Zitierweise soll insofern gendersensibel sein, dass auch die Vornamen der Zitierten ausgeschrieben werden.

Beispiele

Beispiel 1

Die Verwendung der ausschließlich männlichen Form (sog. „generisches Maskulinum“) zur besseren Lesbarkeit ist nicht zulässig. Nicht individualisierende Begriffe wie „Hauswirtschaftsvorstand“ oder die Anwendung einer verallgemeinernden männlichen Blickweise (z. B. die „Normalerwerbsbiographie“, die eine von Frauen in der Regel nicht zu leistende durchgängige Vollzeittätigkeit unterstellt) sind auch bei Titel und Zusammenfassung nicht akzeptabel.

Beispiel 2

Wenn im Titel einer Tabelle z. B. die „Leistungen zur Rehabilitation“, unterschieden für Männer und Frauen, angekündigt werden, muss die Tabelle auch die entsprechenden Ausdifferenzierungen enthalten.

Zeitphase 8

Verwertung

Umsetzung

ggf. Öffentlichkeitsarbeit

fachliche und politische Umsetzung

Charakterisierung

- ! ggf. öffentliche Präsentation, Presseveröffentlichungen, Tagungen etc.
- ! fachpolitische Konsequenzen, (Träger-)Konferenzen, Gesetzgebung

Gender-Fragestellung

Unterschiedlichkeit der Ergebnisse bei Frauen und Männern benennen, erläutern und in den Gesamtzusammenhang des Forschungsprojekts stellen

Gender-Verfahren

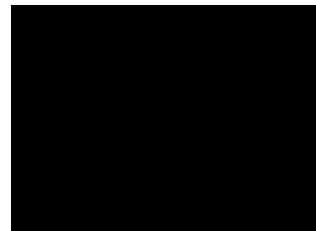
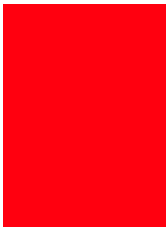
genderrelevante Ergebnisse für Bewusstseinsbildung nutzen

Bearbeitungshinweise

Die Verschlagwortung sollte wesentlicher Bestandteil der Abschlussarbeiten sein, auch für das Intranet. Die Möglichkeiten des Wissensmanagements durch die Nutzung des Internets mit den entsprechenden Suchmaschinen bieten neue Chancen, geschlechtsspezifische Forschungsergebnisse vorzustellen und zu verbreiten.

Hinweise zur

Implementierung von
Gender Mainstreaming
in Forschungsvorhaben.



Es muss bei der Entwicklung und Formulierung der Forschungsfragen und des Forschungsdesigns bewusst und systematisch darauf hingearbeitet werden, dass sie auf Frauen und Männer, Jungen und Mädchen oder junge Männer und junge Frauen angewendet werden. Soweit sich eine Untersuchung oder ein Teil derselben nur auf ein Geschlecht beziehen soll, muss dies deutlich gemacht und begründet werden. Es muss klar und nachvollziehbar sein, in welcher Weise sich erhobene Daten geschlechtsspezifisch auf Frauen und Männer beziehen sollen.

Zumeist ist von unterschiedlichen Auswirkungen für Frauen und Männer innerhalb der Familien oder der Haushalte auszugehen, so dass in der Forschungsfrage „Familie“ bzw. „Haushalt“ nicht als kleinste Analyseeinheit angesehen werden sollte.

Beim Forschungskonzept

- muss die Differenzierung nach Geschlecht durchgängig beachtet und in Tabellen und Grafiken dargestellt werden;
- ist eine geschlechtergerechte Sprache zu berücksichtigen, dies gilt auch für die Forschungsergebnisse;
- ist angesichts geschlechterspezifischer unterschiedlicher Lebensverhältnisse (z. B. geschlechterspezifische Arbeitsteilung, Geschlechterhierarchie, Gewaltbetroffenheit) und zur Vermeidung von Stereotypisierungen immer eine identische Befragung/Datenerhebung anzuwenden;
- darf „Geschlecht“ nicht ohne detaillierte Begründung als erklärende Variable verwendet werden, Geschlecht eignet sich im Normalfall nur als differenzierende Variable;
- sollte bei Literaturziten der ausgeschriebene Vorname verwendet werden.

Im Methodenteil ist Auskunft darüber zu geben, ob und inwieweit die Instrumente für beide Geschlechter anzuwenden sind. Dabei muss berücksichtigt werden, dass Frauen und Männer unterschiedliche Handlungsmuster und Befindlichkeiten aufweisen. Es kann erforderlich sein, die Erhebung bestimmter Daten ausschließlich durch Frauen oder Männer vornehmen zu lassen.

Schlüsselfragen

Wurden beide Geschlechter untersucht, wenn das Thema beide Geschlechter betrifft?
Sind die Daten für beide Geschlechter getrennt erhoben und dargestellt worden?
Werden alle Untergruppen nach Geschlecht analysiert?

Wenn nur ein Geschlecht betrachtet wird, sind die Schlussfolgerungen dann auch nur auf dieses bezogen? Wenn beide Geschlechter betrachtet werden, sind die Schlussfolgerungen in verallgemeinernden Begriffen ausgedrückt oder korrekterweise nach Geschlecht differenziert?

Welches ist die Analyseeinheit?

Wird im Methodenteil Auskunft gegeben, ob die Instrumente für beide Geschlechter gleichermaßen anwendbar sind?

Haben bestimmte Situationen/Ereignisse in der Untersuchung potenziell unterschiedliche Implikationen für beide Geschlechter? Wurde dies bei möglichen Umsetzungsempfehlungen berücksichtigt?

Treffen Titel oder Zusammenfassung tatsächlich auf beide Geschlechter zu, oder erwecken sie nur diesen Eindruck? Werden beide Geschlechter korrekterweise angeführt?

Enthalten Titel oder Zusammenfassung eine geschlechtsverzerrende Sprache, Konzepte oder Begriffe?

Sind in Grafiken und Tabellen beide Geschlechter dargestellt?

Ist der Abschlussbericht in einer geschlechtergerechten Sprache abgefasst?
(Werden durch verwendete Begriffe Assoziationen ausgelöst, die geschlechterstereotyp sind? Werden allgemeine Begriffe für geschlechtsspezifische Situationen benutzt? Werden Männer und Frauen in vergleichbaren Situationen mit nicht vergleichbaren Begriffen beschrieben?)

Wird geschlechtersensibel, d. h. mit ausgeschriebenem Vornamen, zitiert?

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United Nations

Report of the Fourth World Conference on Women

Beijing, 4-15 September 1995

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Beijing, 4-15 September 1995



United Nations · New York, 1996

NOTE

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CONTENTS

<u>Chapter</u>	<u>Page</u>
I. RESOLUTIONS ADOPTED BY THE CONFERENCE	1
1. Beijing Declaration and Platform for Action	1
2. Expression of thanks to the people and Government of the People's Republic of China	133
3. Credentials of representatives to the Fourth World Conference on Women	134
II. ATTENDANCE AND ORGANIZATION OF WORK	135
A. Date and place of the Conference	135
B. Pre-Conference consultations	135
C. Attendance	135
D. Opening of the Conference and election of the President	138
E. Messages from Heads of State or Government	139
F. Adoption of the rules of procedure	139
G. Adoption of the agenda	139
H. Election of officers other than the President	140
I. Organization of work, including the establishment of the Main Committee of the Conference	141
J. Appointment of the members of the Credentials Committee	141
III. GENERAL EXCHANGE OF VIEWS	142
IV. REPORT OF THE MAIN COMMITTEE	146
A. Organization of work	146
B. Consideration of the draft platform for action	147
C. Consideration of the draft declaration	153
V. ADOPTION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION	154
Reservations and interpretative statements on the Beijing Declaration and Platform for Action	154
VI. REPORT OF THE CREDENTIALS COMMITTEE	176
VII. ADOPTION OF THE REPORT OF THE CONFERENCE	178
VIII. CLOSURE OF THE CONFERENCE	179

CONTENTS (continued)

Annexes

	<u>Page</u>
I. LIST OF DOCUMENTS	180
II. OPENING STATEMENTS	183
III. CLOSING STATEMENTS	208
IV. STATEMENT BY THE PRESIDENT OF THE CONFERENCE ON THE COMMONLY UNDERSTOOD MEANING OF THE TERM "GENDER"	218

Chapter I

RESOLUTIONS ADOPTED BY THE CONFERENCE

Resolution 1

Beijing Declaration and Platform for Action*

The Fourth World Conference on Women,

Having met in Beijing from 4 to 15 September 1995,

1. Adopts the Beijing Declaration and Platform for Action, which are annexed to the present resolution;
2. Recommends to the General Assembly of the United Nations at its fiftieth session that it endorse the Beijing Declaration and Platform for Action as adopted by the Conference.

* Adopted at the 16th plenary meeting, on 15 September 1995; for the discussion, see chapter V.

Annex I

BEIJING DECLARATION

1. We, the Governments participating in the Fourth World Conference on Women,
2. Gathered here in Beijing in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,
3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,
4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,
5. Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,
6. Also recognize that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,
7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century.

We reaffirm our commitment to:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;
9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;
10. Build on consensus and progress made at previous United Nations conferences and summits - on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace;
11. Achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women;

12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.

We are convinced that:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;
14. Women's rights are human rights;
15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;
16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;
17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;
18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;
19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;
20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;
21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.

We are determined to:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forward-looking Strategies for the Advancement of Women by the end of this century;
23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms;
24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;
25. Encourage men to participate fully in all actions towards equality;
26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;
27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;
28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;
31. Promote and protect all human rights of women and girls;
32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;
33. Ensure respect for international law, including humanitarian law, in order to protect women and girls in particular;
34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

We are determined to:

35. Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;
36. Ensure the success of the Platform for Action, which will require a strong commitment on the part of Governments, international organizations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, subregional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women;
37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;
38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.

Annex II

PLATFORM FOR ACTION

CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. MISSION STATEMENT	1 - 5	7
II. GLOBAL FRAMEWORK	6 - 40	8
III. CRITICAL AREAS OF CONCERN	41 - 44	16
IV. STRATEGIC OBJECTIVES AND ACTIONS	45 - 285	18
A. Women and poverty	47 - 68	18
B. Education and training of women	69 - 88	26
C. Women and health	89 - 111	34
D. Violence against women	112 - 130	48
E. Women and armed conflict	131 - 149	56
F. Women and the economy	150 - 180	65
G. Women in power and decision-making	181 - 195	79
H. Institutional mechanisms for the advancement of women	196 - 209	84
I. Human rights of women	210 - 233	89
J. Women and the media	234 - 245	99
K. Women and the environment	246 - 258	103
L. The girl child	259 - 285	109
V. INSTITUTIONAL ARRANGEMENTS	286 - 344	119
A. National level	293 - 300	120
B. Subregional/regional level	301 - 305	121
C. International level	306 - 344	122
VI. FINANCIAL ARRANGEMENTS	345 - 361	128
A. National level	346 - 350	128
B. Regional level	351 - 352	129
C. International level	353 - 361	129

Chapter I

MISSION STATEMENT

1. The Platform for Action is an agenda for women's empowerment. It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women 1/ and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.
2. The Platform for Action reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action, 2/ adopted by the World Conference on Human Rights, that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. As an agenda for action, the Platform seeks to promote and protect the full enjoyment of all human rights and the fundamental freedoms of all women throughout their life cycle.
3. The Platform for Action emphasizes that women share common concerns that can be addressed only by working together and in partnership with men towards the common goal of gender* equality around the world. It respects and values the full diversity of women's situations and conditions and recognizes that some women face particular barriers to their empowerment.
4. The Platform for Action requires immediate and concerted action by all to create a peaceful, just and humane world based on human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life, and to this end, recognizes that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice.
5. The success of the Platform for Action will require a strong commitment on the part of Governments, international organizations and institutions at all levels. It will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, subregional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women.

* For the commonly understood meaning of the term "gender", see annex IV to the present report.

Chapter II

GLOBAL FRAMEWORK

6. The Fourth World Conference on Women is taking place as the world stands poised on the threshold of a new millennium.

7. The Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women 3/ and builds upon the Nairobi Forward-looking Strategies for the Advancement of Women, as well as relevant resolutions adopted by the Economic and Social Council and the General Assembly. The formulation of the Platform for Action is aimed at establishing a basic group of priority actions that should be carried out during the next five years.

8. The Platform for Action recognizes the importance of the agreements reached at the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development and the World Summit for Social Development, which set out specific approaches and commitments to fostering sustainable development and international cooperation and to strengthening the role of the United Nations to that end. Similarly, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Nutrition, the International Conference on Primary Health Care and the World Conference on Education for All have addressed the various facets of development and human rights, within their specific perspectives, paying significant attention to the role of women and girls. In addition, the International Year for the World's Indigenous People, 4/ the International Year of the Family, 5/ the United Nations Year for Tolerance, 6/ the Geneva Declaration for Rural Women, 7/ and the Declaration on the Elimination of Violence against Women 8/ have also emphasized the issues of women's empowerment and equality.

9. The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. 9/ The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.

10. Since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985, and the adoption of the Nairobi Forward-looking Strategies for the Advancement of Women, the world has experienced profound political, economic, social and cultural changes, which have had both positive and negative effects on women. The World Conference on Human Rights recognized that the human rights of women and the girl child are an inalienable, integral and

indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community. The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments related to human rights and international law. The universal nature of these rights and freedoms is beyond question.

11. The end of the cold war has resulted in international changes and diminished competition between the super-Powers. The threat of a global armed conflict has diminished, while international relations have improved and prospects for peace among nations have increased. Although the threat of global conflict has been reduced, wars of aggression, armed conflicts, colonial or other forms of alien domination and foreign occupation, civil wars, and terrorism continue to plague many parts of the world. Grave violations of the human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, forced pregnancy and forced abortion, in particular under policies of ethnic cleansing.

12. The maintenance of peace and security at the global, regional and local levels, together with the prevention of policies of aggression and ethnic cleansing and the resolution of armed conflict, is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war.

13. Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly the heavily indebted countries, during the past decade.

14. In this context, the social dimension of development should be emphasized. Accelerated economic growth, although necessary for social development, does not by itself improve the quality of life of the population. In some cases, conditions can arise which can aggravate social inequality and marginalization. Hence, it is indispensable to search for new alternatives that ensure that all members of society benefit from economic growth based on a holistic approach to all aspects of development: growth, equality between women and men, social justice, conservation and protection of the environment, sustainability, solidarity, participation, peace and respect for human rights.

15. A worldwide movement towards democratization has opened up the political process in many nations, but the popular participation of women in key decision-making as full and equal partners with men, particularly in politics, has not yet been achieved. South Africa's policy of institutionalized racism - apartheid - has been dismantled and a peaceful and democratic transfer of power has occurred. In Central and Eastern Europe the transition to parliamentary democracy has been rapid and has given rise to a variety of experiences, depending on the specific circumstances of each country. While the transition has been mostly peaceful, in some countries this process has been hindered by

armed conflict that has resulted in grave violations of human rights.

16. Widespread economic recession, as well as political instability in some regions, has been responsible for setting back development goals in many countries. This has led to the expansion of unspeakable poverty. Of the more than 1 billion people living in abject poverty, women are an overwhelming majority. The rapid process of change and adjustment in all sectors has also led to increased unemployment and underemployment, with particular impact on women. In many cases, structural adjustment programmes have not been designed to minimize their negative effects on vulnerable and disadvantaged groups or on women, nor have they been designed to assure positive effects on those groups by preventing their marginalization in economic and social activities. The Final Act of the Uruguay Round of multilateral trade negotiations 10/ underscored the increasing interdependence of national economies, as well as the importance of trade liberalization and access to open, dynamic markets. There has also been heavy military spending in some regions. Despite increases in official development assistance (ODA) by some countries, ODA has recently declined overall.

17. Absolute poverty and the feminization of poverty, unemployment, the increasing fragility of the environment, continued violence against women and the widespread exclusion of half of humanity from institutions of power and governance underscore the need to continue the search for development, peace and security and for ways of assuring people-centred sustainable development. The participation and leadership of the half of humanity that is female is essential to the success of that search. Therefore, only a new era of international cooperation among Governments and peoples based on a spirit of partnership, an equitable, international social and economic environment, and a radical transformation of the relationship between women and men to one of full and equal partnership will enable the world to meet the challenges of the twenty-first century.

18. Recent international economic developments have had in many cases a disproportionate impact on women and children, the majority of whom live in developing countries. For those States that have carried a large burden of foreign debt, structural adjustment programmes and measures, though beneficial in the long term, have led to a reduction in social expenditures, thereby adversely affecting women, particularly in Africa and the least developed countries. This is exacerbated when responsibilities for basic social services have shifted from Governments to women.

19. Economic recession in many developed and developing countries, as well as ongoing restructuring in countries with economies in transition, have had a disproportionately negative impact on women's employment. Women often have no choice but to take employment that lacks long-term job security or involves dangerous working conditions, to work in unprotected home-based production or to be unemployed. Many women enter the labour market in under-remunerated and undervalued jobs, seeking to improve their household income; others decide to migrate for the same purpose. Without any reduction in their other responsibilities, this has increased the total burden of work for women.

20. Macro and micro-economic policies and programmes, including structural adjustment, have not always been designed to take account of their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and the number of women living in poverty has increased in most regions. There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves

special attention given the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalization.

21. Women are key contributors to the economy and to combating poverty through both remunerated and unremunerated work at home, in the community and in the workplace. Growing numbers of women have achieved economic independence through gainful employment.

22. One fourth of all households world wide are headed by women and many other households are dependent on female income even where men are present. Female-maintained households are very often among the poorest because of wage discrimination, occupational segregation patterns in the labour market and other gender-based barriers. Family disintegration, population movements between urban and rural areas within countries, international migration, war and internal displacements are factors contributing to the rise of female-headed households.

23. Recognizing that the achievement and maintenance of peace and security are a precondition for economic and social progress, women are increasingly establishing themselves as central actors in a variety of capacities in the movement of humanity for peace. Their full participation in decision-making, conflict prevention and resolution and all other peace initiatives is essential to the realization of lasting peace.

24. Religion, spirituality and belief play a central role in the lives of millions of women and men, in the way they live and in the aspirations they have for the future. The right to freedom of thought, conscience and religion is inalienable and must be universally enjoyed. This right includes the freedom to have or to adopt the religion or belief of their choice either individually or in community with others, in public or in private, and to manifest their religion or belief in worship, observance, practice and teaching. In order to realize equality, development and peace, there is a need to respect these rights and freedoms fully. Religion, thought, conscience and belief may, and can, contribute to fulfilling women's and men's moral, ethical and spiritual needs and to realizing their full potential in society. However, it is acknowledged that any form of extremism may have a negative impact on women and can lead to violence and discrimination.

25. The Fourth World Conference on Women should accelerate the process that formally began in 1975, which was proclaimed International Women's Year by the United Nations General Assembly. The Year was a turning-point in that it put women's issues on the agenda. The United Nations Decade for Women (1976-1985) was a worldwide effort to examine the status and rights of women and to bring women into decision-making at all levels. In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in 1981 and set an international standard for what was meant by equality between women and men. In 1985, the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace adopted the Nairobi Forward-looking Strategies for the Advancement of Women, to be implemented by the year 2000. There has been important progress in achieving equality between women and men. Many Governments have enacted legislation to promote equality between women and men and have established national machineries to ensure the mainstreaming of gender perspectives in all spheres of society. International agencies have focused greater attention on women's status and roles.

26. The growing strength of the non-governmental sector, particularly women's organizations and feminist groups, has become a driving force for change. Non-governmental organizations have played an important advocacy role in advancing legislation or mechanisms to ensure the promotion of women. They have also become catalysts for new approaches to development. Many Governments have increasingly recognized the important role that non-governmental organizations play and the importance of working with them for progress. Yet, in some countries, Governments continue to restrict the ability of non-governmental organizations to operate freely. Women, through non-governmental organizations, have participated in and strongly influenced community, national, regional and global forums and international debates.

27. Since 1975, knowledge of the status of women and men, respectively, has increased and is contributing to further actions aimed at promoting equality between women and men. In several countries, there have been important changes in the relationships between women and men, especially where there have been major advances in education for women and significant increases in their participation in the paid labour force. The boundaries of the gender division of labour between productive and reproductive roles are gradually being crossed as women have started to enter formerly male-dominated areas of work and men have started to accept greater responsibility for domestic tasks, including child care. However, changes in women's roles have been greater and much more rapid than changes in men's roles. In many countries, the differences between women's and men's achievements and activities are still not recognized as the consequences of socially constructed gender roles rather than immutable biological differences.

28. Moreover, 10 years after the Nairobi Conference, equality between women and men has still not been achieved. On average, women represent a mere 10 per cent of all elected legislators world wide and in most national and international administrative structures, both public and private, they remain underrepresented. The United Nations is no exception. Fifty years after its creation, the United Nations is continuing to deny itself the benefits of women's leadership by their underrepresentation at decision-making levels within the Secretariat and the specialized agencies.

29. Women play a critical role in the family. The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. The rights, capabilities and responsibilities of family members must be respected. Women make a great contribution to the welfare of the family and to the development of society, which is still not recognized or considered in its full importance. The social significance of maternity, motherhood and the role of parents in the family and in the upbringing of children should be acknowledged. The upbringing of children requires shared responsibility of parents, women and men and society as a whole. Maternity, motherhood, parenting and the role of women in procreation must not be a basis for discrimination nor restrict the full participation of women in society. Recognition should also be given to the important role often played by women in many countries in caring for other members of their family.

30. While the rate of growth of world population is on the decline, world population is at an all-time high in absolute numbers, with current increments approaching 86 million persons annually. Two other major demographic trends have had profound repercussions on the dependency ratio within families. In many developing countries, 45 to 50 per cent of the population is less than 15 years old, while in industrialized nations both the number and proportion of

elderly people are increasing. According to United Nations projections, 72 per cent of the population over 60 years of age will be living in developing countries by the year 2025, and more than half of that population will be women. Care of children, the sick and the elderly is a responsibility that falls disproportionately on women, owing to lack of equality and the unbalanced distribution of remunerated and unremunerated work between women and men.

31. Many women face particular barriers because of various diverse factors in addition to their gender. Often these diverse factors isolate or marginalize such women. They are, inter alia, denied their human rights, they lack access or are denied access to education and vocational training, employment, housing and economic self-sufficiency and they are excluded from decision-making processes. Such women are often denied the opportunity to contribute to their communities as part of the mainstream.

32. The past decade has also witnessed a growing recognition of the distinct interests and concerns of indigenous women, whose identity, cultural traditions and forms of social organization enhance and strengthen the communities in which they live. Indigenous women often face barriers both as women and as members of indigenous communities.

33. In the past 20 years, the world has seen an explosion in the field of communications. With advances in computer technology and satellite and cable television, global access to information continues to increase and expand, creating new opportunities for the participation of women in communications and the mass media and for the dissemination of information about women. However, global communication networks have been used to spread stereotyped and demeaning images of women for narrow commercial and consumerist purposes. Until women participate equally in both the technical and decision-making areas of communications and the mass media, including the arts, they will continue to be misrepresented and awareness of the reality of women's lives will continue to be lacking. The media have a great potential to promote the advancement of women and the equality of women and men by portraying women and men in a non-stereotypical, diverse and balanced manner, and by respecting the dignity and worth of the human person.

34. The continuing environmental degradation that affects all human lives has often a more direct impact on women. Women's health and their livelihood are threatened by pollution and toxic wastes, large-scale deforestation, desertification, drought and depletion of the soil and of coastal and marine resources, with a rising incidence of environmentally related health problems and even death reported among women and girls. Those most affected are rural and indigenous women, whose livelihood and daily subsistence depends directly on sustainable ecosystems.

35. Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable patterns of consumption and production, particularly in industrialized countries, which are a matter of grave concern and aggravate poverty and imbalances.

36. Global trends have brought profound changes in family survival strategies and structures. Rural to urban migration has increased substantially in all regions. The global urban population is projected to reach 47 per cent of the total population by the year 2000. An estimated 125 million people are migrants, refugees and displaced persons, half of whom live in developing countries. These massive movements of people have profound consequences for

family structures and well-being and have unequal consequences for women and men, including in many cases the sexual exploitation of women.

37. According to World Health Organization (WHO) estimates, by the beginning of 1995 the number of cumulative cases of acquired immunodeficiency syndrome (AIDS) was 4.5 million. An estimated 19.5 million men, women and children have been infected with the human immunodeficiency virus (HIV) since it was first diagnosed and it is projected that another 20 million will be infected by the end of the decade. Among new cases, women are twice as likely to be infected as men. In the early stage of the AIDS pandemic, women were not infected in large numbers; however, about 8 million women are now infected. Young women and adolescents are particularly vulnerable. It is estimated that by the year 2000 more than 13 million women will be infected and 4 million women will have died from AIDS-related conditions. In addition, about 250 million new cases of sexually transmitted diseases are estimated to occur every year. The rate of transmission of sexually transmitted diseases, including HIV/AIDS, is increasing at an alarming rate among women and girls, especially in developing countries.

38. Since 1975, significant knowledge and information have been generated about the status of women and the conditions in which they live. Throughout their entire life cycle, women's daily existence and long-term aspirations are restricted by discriminatory attitudes, unjust social and economic structures, and a lack of resources in most countries that prevent their full and equal participation. In a number of countries, the practice of prenatal sex selection, higher rates of mortality among very young girls and lower rates of school enrolment for girls as compared with boys suggest that son preference is curtailing the access of girl children to food, education and health care and even life itself. Discrimination against women begins at the earliest stages of life and must therefore be addressed from then onwards.

39. The girl child of today is the woman of tomorrow. The skills, ideas and energy of the girl child are vital for full attainment of the goals of equality, development and peace. For the girl child to develop her full potential she needs to be nurtured in an enabling environment, where her spiritual, intellectual and material needs for survival, protection and development are met and her equal rights safeguarded. If women are to be equal partners with men, in every aspect of life and development, now is the time to recognize the human dignity and worth of the girl child and to ensure the full enjoyment of her human rights and fundamental freedoms, including the rights assured by the Convention on the Rights of the Child, 11/ universal ratification of which is strongly urged. Yet there exists worldwide evidence that discrimination and violence against girls begin at the earliest stages of life and continue unabated throughout their lives. They often have less access to nutrition, physical and mental health care and education and enjoy fewer rights, opportunities and benefits of childhood and adolescence than do boys. They are often subjected to various forms of sexual and economic exploitation, paedophilia, forced prostitution and possibly the sale of their organs and tissues, violence and harmful practices such as female infanticide and prenatal sex selection, incest, female genital mutilation and early marriage, including child marriage.

40. Half the world's population is under the age of 25 and most of the world's youth - more than 85 per cent - live in developing countries. Policy makers must recognize the implications of these demographic factors. Special measures must be taken to ensure that young women have the life skills necessary for active and effective participation in all levels of social, cultural, political and economic leadership. It will be critical for the international community to

demonstrate a new commitment to the future - a commitment to inspiring a new generation of women and men to work together for a more just society. This new generation of leaders must accept and promote a world in which every child is free from injustice, oppression and inequality and free to develop her/his own potential. The principle of equality of women and men must therefore be integral to the socialization process.

Chapter III

CRITICAL AREAS OF CONCERN

41. The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue. They are the only way to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples.

42. Most of the goals set out in the Nairobi Forward-looking Strategies for the Advancement of Women have not been achieved. Barriers to women's empowerment remain, despite the efforts of Governments, as well as non-governmental organizations and women and men everywhere. Vast political, economic and ecological crises persist in many parts of the world. Among them are wars of aggression, armed conflicts, colonial or other forms of alien domination or foreign occupation, civil wars and terrorism. These situations, combined with systematic or de facto discrimination, violations of and failure to protect all human rights and fundamental freedoms of all women, and their civil, cultural, economic, political and social rights, including the right to development and ingrained prejudicial attitudes towards women and girls are but a few of the impediments encountered since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, in 1985.

43. A review of progress since the Nairobi Conference highlights special concerns - areas of particular urgency that stand out as priorities for action. All actors should focus action and resources on the strategic objectives relating to the critical areas of concern which are, necessarily, interrelated, interdependent and of high priority. There is a need for these actors to develop and implement mechanisms of accountability for all the areas of concern.

44. To this end, Governments, the international community and civil society, including non-governmental organizations and the private sector, are called upon to take strategic action in the following critical areas of concern:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels

- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child

Chapter IV

STRATEGIC OBJECTIVES AND ACTIONS

45. In each critical area of concern, the problem is diagnosed and strategic objectives are proposed with concrete actions to be taken by various actors in order to achieve those objectives. The strategic objectives are derived from the critical areas of concern and specific actions to be taken to achieve them cut across the boundaries of equality, development and peace - the goals of the Nairobi Forward-looking Strategies for the Advancement of Women - and reflect their interdependence. The objectives and actions are interlinked, of high priority and mutually reinforcing. The Platform for Action is intended to improve the situation of all women, without exception, who often face similar barriers, while special attention should be given to groups that are the most disadvantaged.

46. The Platform for Action recognizes that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other status. Many women encounter specific obstacles related to their family status, particularly as single parents; and to their socio-economic status, including their living conditions in rural, isolated or impoverished areas. Additional barriers also exist for refugee women, other displaced women, including internally displaced women as well as for immigrant women and migrant women, including women migrant workers. Many women are also particularly affected by environmental disasters, serious and infectious diseases and various forms of violence against women.

A. Women and poverty

47. More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty, mostly in the developing countries. Poverty has various causes, including structural ones. Poverty is a complex, multidimensional problem, with origins in both the national and international domains. The globalization of the world's economy and the deepening interdependence among nations present challenges and opportunities for sustained economic growth and development, as well as risks and uncertainties for the future of the world economy. The uncertain global economic climate has been accompanied by economic restructuring as well as, in a certain number of countries, persistent, unmanageable levels of external debt and structural adjustment programmes. In addition, all types of conflict, displacement of people and environmental degradation have undermined the capacity of Governments to meet the basic needs of their populations. Transformations in the world economy are profoundly changing the parameters of social development in all countries. One significant trend has been the increased poverty of women, the extent of which varies from region to region. The gender disparities in economic power-sharing are also an important contributing factor to the poverty of women. Migration and consequent changes in family structures have placed additional burdens on women, especially those who provide for several dependants. Macroeconomic policies need rethinking and reformulation to address such trends. These policies focus almost exclusively on the formal sector. They also tend to impede the initiatives of women and fail to consider the differential impact on women and men. The application of gender analysis to a wide range of policies and programmes is therefore critical to poverty reduction strategies. In order to eradicate poverty and achieve sustainable development,

women and men must participate fully and equally in the formulation of macroeconomic and social policies and strategies for the eradication of poverty. The eradication of poverty cannot be accomplished through anti-poverty programmes alone but will require democratic participation and changes in economic structures in order to ensure access for all women to resources, opportunities and public services. Poverty has various manifestations, including lack of income and productive resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increasing morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by lack of participation in decision-making and in civil, social and cultural life. It occurs in all countries - as mass poverty in many developing countries and as pockets of poverty amidst wealth in developed countries. Poverty may be caused by an economic recession that results in loss of livelihood or by disaster or conflict. There is also the poverty of low-wage workers and the utter destitution of people who fall outside family support systems, social institutions and safety nets.

48. In the past decade the number of women living in poverty has increased disproportionately to the number of men, particularly in the developing countries. The feminization of poverty has also recently become a significant problem in the countries with economies in transition as a short-term consequence of the process of political, economic and social transformation. In addition to economic factors, the rigidity of socially ascribed gender roles and women's limited access to power, education, training and productive resources as well as other emerging factors that may lead to insecurity for families are also responsible. The failure to adequately mainstream a gender perspective in all economic analysis and planning and to address the structural causes of poverty is also a contributing factor.

49. Women contribute to the economy and to combating poverty through both remunerated and unremunerated work at home, in the community and in the workplace. The empowerment of women is a critical factor in the eradication of poverty.

50. While poverty affects households as a whole, because of the gender division of labour and responsibilities for household welfare, women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing scarcity. Poverty is particularly acute for women living in rural households.

51. Women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation.

52. In too many countries, social welfare systems do not take sufficient account of the specific conditions of women living in poverty, and there is a tendency to scale back the services provided by such systems. The risk of falling into poverty is greater for women than for men, particularly in old age, where social security systems are based on the principle of continuous remunerated employment. In some cases, women do not fulfil this requirement because of interruptions in their work, due to the unbalanced distribution of remunerated and unremunerated work. Moreover, older women also face greater

obstacles to labour-market re-entry.

53. In many developed countries, where the level of general education and professional training of women and men are similar and where systems of protection against discrimination are available, in some sectors the economic transformations of the past decade have strongly increased either the unemployment of women or the precarious nature of their employment. The proportion of women among the poor has consequently increased. In countries with a high level of school enrolment of girls, those who leave the educational system the earliest, without any qualification, are among the most vulnerable in the labour market.

54. In countries with economies in transition and in other countries undergoing fundamental political, economic and social transformations, these transformations have often led to a reduction in women's income or to women being deprived of income.

55. Particularly in developing countries, the productive capacity of women should be increased through access to capital, resources, credit, land, technology, information, technical assistance and training so as to raise their income and improve nutrition, education, health care and status within the household. The release of women's productive potential is pivotal to breaking the cycle of poverty so that women can share fully in the benefits of development and in the products of their own labour.

56. Sustainable development and economic growth that is both sustained and sustainable are possible only through improving the economic, social, political, legal and cultural status of women. Equitable social development that recognizes empowering the poor, particularly women, to utilize environmental resources sustainably is a necessary foundation for sustainable development.

57. The success of policies and measures aimed at supporting or strengthening the promotion of gender equality and the improvement of the status of women should be based on the integration of the gender perspective in general policies relating to all spheres of society as well as the implementation of positive measures with adequate institutional and financial support at all levels.

Strategic objective A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty

Actions to be taken

58. By Governments:

- (a) Review and modify, with the full and equal participation of women, macroeconomic and social policies with a view to achieving the objectives of the Platform for Action;
- (b) Analyse, from a gender perspective, policies and programmes - including those related to macroeconomic stability, structural adjustment, external debt problems, taxation, investments, employment, markets and all relevant sectors of the economy - with respect to their impact on poverty, on inequality and particularly on women; assess their impact on family well-being and conditions and adjust

them, as appropriate, to promote more equitable distribution of productive assets, wealth, opportunities, income and services;

- (c) Pursue and implement sound and stable macroeconomic and sectoral policies that are designed and monitored with the full and equal participation of women, encourage broad-based sustained economic growth, address the structural causes of poverty and are geared towards eradicating poverty and reducing gender-based inequality within the overall framework of achieving people-centred sustainable development;
- (d) Restructure and target the allocation of public expenditures to promote women's economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women, particularly those living in poverty;
- (e) Develop agricultural and fishing sectors, where and as necessary, in order to ensure, as appropriate, household and national food security and food self-sufficiency, by allocating the necessary financial, technical and human resources;
- (f) Develop policies and programmes to promote equitable distribution of food within the household;
- (g) Provide adequate safety nets and strengthen State-based and community-based support systems, as an integral part of social policy, in order to enable women living in poverty to withstand adverse economic environments and preserve their livelihood, assets and revenues in times of crisis;
- (h) Generate economic policies that have a positive impact on the employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;
- (i) Formulate and implement, when necessary, specific economic, social, agricultural and related policies in support of female-headed households;
- (j) Develop and implement anti-poverty programmes, including employment schemes, that improve access to food for women living in poverty, including through the use of appropriate pricing and distribution mechanisms;
- (k) Ensure the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation; introduce measures for the empowerment of documented women migrants, including women migrant workers; facilitate the productive employment of documented migrant women through greater recognition of their skills, foreign education and credentials, and facilitate their full integration into the labour force;
- (l) Introduce measures to integrate or reintegrate women living in poverty and socially marginalized women into productive employment and the economic mainstream; ensure that internally displaced women have full access to economic opportunities and that the qualifications and skills of immigrant and refugee women are recognized;

- (m) Enable women to obtain affordable housing and access to land by, among other things, removing all obstacles to access, with special emphasis on meeting the needs of women, especially those living in poverty and female heads of household;
- (n) Formulate and implement policies and programmes that enhance the access of women agricultural and fisheries producers (including subsistence farmers and producers, especially in rural areas) to financial, technical, extension and marketing services; provide access to and control of land, appropriate infrastructure and technology in order to increase women's incomes and promote household food security, especially in rural areas and, where appropriate, encourage the development of producer-owned, market-based cooperatives;
- (o) Create social security systems wherever they do not exist, or review them with a view to placing individual women and men on an equal footing, at every stage of their lives;
- (p) Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty;
- (q) Take particular measures to promote and strengthen policies and programmes for indigenous women with their full participation and respect for their cultural diversity, so that they have opportunities and the possibility of choice in the development process in order to eradicate the poverty that affects them.

59. By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:

- (a) In accordance with the commitments made at the World Summit for Social Development, seek to mobilize new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources and uses all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting women living in poverty;
- (b) Strengthen analytical capacity in order to more systematically strengthen gender perspectives and integrate them into the design and implementation of lending programmes, including structural adjustment and economic recovery programmes;
- (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with the priorities of the Platform for Action;
- (d) Invite the international financial institutions to examine innovative approaches to assisting low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden;

- (e) Ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalization in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social activities; take actions to reduce inequality and economic disparity;
- (f) Review the impact of structural adjustment programmes on social development by means of gender-sensitive social impact assessments and other relevant methods, in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs; complement adjustment lending with enhanced, targeted social development lending;
- (g) Create an enabling environment that allows women to build and maintain sustainable livelihoods.

60. By national and international non-governmental organizations and women's groups:

- (a) Mobilize all parties involved in the development process, including academic institutions, non-governmental organizations and grass-roots and women's groups, to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of household, young women and older women, refugees and migrant women and women with disabilities, recognizing that social development is primarily the responsibility of Governments;
- (b) Engage in lobbying and establish monitoring mechanisms, as appropriate, and other relevant activities to ensure implementation of the recommendations on poverty eradication outlined in the Platform for Action and aimed at ensuring accountability and transparency from the State and private sectors;
- (c) Include in their activities women with diverse needs and recognize that youth organizations are increasingly becoming effective partners in development programmes;
- (d) In cooperation with the government and private sectors, participate in the development of a comprehensive national strategy for improving health, education and social services so that girls and women of all ages living in poverty have full access to such services; seek funding to secure access to services with a gender perspective and to extend those services in order to reach the rural and remote areas that are not covered by government institutions;
- (e) In cooperation with Governments, employers, other social partners and relevant parties, contribute to the development of education and training and retraining policies to ensure that women can acquire a wide range of skills to meet new demands;
- (f) Mobilize to protect women's right to full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate

technologies.

Strategic objective A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources

Actions to be taken

61. By Governments:

- (a) Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty;
- (b) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;
- (c) Consider ratification of Convention No. 169 of the International Labour Organization (ILO) as part of their efforts to promote and protect the rights of indigenous people.

Strategic objective A.3. Provide women with access to savings and credit mechanisms and institutions

Actions to be taken

62. By Governments:

- (a) Enhance the access of disadvantaged women, including women entrepreneurs, in rural, remote and urban areas to financial services through strengthening links between the formal banks and intermediary lending organizations, including legislative support, training for women and institutional strengthening for intermediary institutions with a view to mobilizing capital for those institutions and increasing the availability of credit;
- (b) Encourage links between financial institutions and non-governmental organizations and support innovative lending practices, including those that integrate credit with women's services and training and provide credit facilities to rural women.

63. By commercial banks, specialized financial institutions and the private sector in examining their policies:

- (a) Use credit and savings methodologies that are effective in reaching women in poverty and innovative in reducing transaction costs and redefining risk;
- (b) Open special windows for lending to women, including young women, who lack access to traditional sources of collateral;
- (c) Simplify banking practices, for example by reducing the minimum deposit and other requirements for opening bank accounts;

- (d) Ensure the participation and joint ownership, where possible, of women clients in the decision-making of institutions providing credit and financial services.

64. By multilateral and bilateral development cooperation organizations:

Support, through the provision of capital and/or resources, financial institutions that serve low-income, small-scale and micro-scale women entrepreneurs and producers, in both the formal and informal sectors.

65. By Governments and multilateral financial institutions, as appropriate:

Support institutions that meet performance standards in reaching large numbers of low-income women and men through capitalization, refinancing and institutional development support in forms that foster self-sufficiency.

66. By international organizations:

Increase funding for programmes and projects designed to promote sustainable and productive entrepreneurial activities for income-generation among disadvantaged women and women living in poverty.

Strategic objective A.4. Develop gender-based methodologies and conduct research to address the feminization of poverty

Actions to be taken

67. By Governments, intergovernmental organizations, academic and research institutions and the private sector:

- (a) Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy-making, including structural adjustment planning and programmes;
- (b) Apply these methodologies in conducting gender-impact analyses of all policies and programmes, including structural adjustment programmes, and disseminate the research findings.

68. By national and international statistical organizations:

- (a) Collect gender and age-disaggregated data on poverty and all aspects of economic activity and develop qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from a gender perspective;
- (b) Devise suitable statistical means to recognize and make visible the full extent of the work of women and all their contributions to the national economy, including their contribution in the unremunerated and domestic sectors, and examine the relationship of women's unremunerated work to the incidence of and their vulnerability to poverty.

B. Education and training of women

69. Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change. Literacy of women is an important key to improving health, nutrition and education in the family and to empowering women to participate in decision-making in society. Investing in formal and non-formal education and training for girls and women, with its exceptionally high social and economic return, has proved to be one of the best means of achieving sustainable development and economic growth that is both sustained and sustainable.

70. On a regional level, girls and boys have achieved equal access to primary education, except in some parts of Africa, in particular sub-Saharan Africa, and Central Asia, where access to education facilities is still inadequate. Progress has been made in secondary education, where equal access of girls and boys has been achieved in some countries. Enrolment of girls and women in tertiary education has increased considerably. In many countries, private schools have also played an important complementary role in improving access to education at all levels. Yet, more than five years after the World Conference on Education for All (Jomtien, Thailand, 1990) adopted the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs, 12/ approximately 100 million children, including at least 60 million girls, are without access to primary schooling and more than two thirds of the world's 960 million illiterate adults are women. The high rate of illiteracy prevailing in most developing countries, in particular in sub-Saharan Africa and some Arab States, remains a severe impediment to the advancement of women and to development.

71. Discrimination in girls' access to education persists in many areas, owing to customary attitudes, early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate and physically and otherwise accessible schooling facilities. Girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system. This has long-lasting consequences for all aspects of women's lives.

72. Creation of an educational and social environment, in which women and men, girls and boys, are treated equally and encouraged to achieve their full potential, respecting their freedom of thought, conscience, religion and belief, and where educational resources promote non-stereotyped images of women and men, would be effective in the elimination of the causes of discrimination against women and inequalities between women and men.

73. Women should be enabled to benefit from an ongoing acquisition of knowledge and skills beyond those acquired during youth. This concept of lifelong learning includes knowledge and skills gained in formal education and training, as well as learning that occurs in informal ways, including volunteer activity, unremunerated work and traditional knowledge.

74. Curricula and teaching materials remain gender-biased to a large degree, and are rarely sensitive to the specific needs of girls and women. This reinforces traditional female and male roles that deny women opportunities for full and equal partnership in society. Lack of gender awareness by educators at all levels strengthens existing inequities between males and females by reinforcing discriminatory tendencies and undermining girls' self-esteem. The

lack of sexual and reproductive health education has a profound impact on women and men.

75. Science curricula in particular are gender-biased. Science textbooks do not relate to women's and girls' daily experience and fail to give recognition to women scientists. Girls are often deprived of basic education in mathematics and science and technical training, which provide knowledge they could apply to improve their daily lives and enhance their employment opportunities. Advanced study in science and technology prepares women to take an active role in the technological and industrial development of their countries, thus necessitating a diverse approach to vocational and technical training. Technology is rapidly changing the world and has also affected the developing countries. It is essential that women not only benefit from technology, but also participate in the process from the design to the application, monitoring and evaluation stages.

76. Access for and retention of girls and women at all levels of education, including the higher level, and all academic areas is one of the factors of their continued progress in professional activities. Nevertheless, it can be noted that girls are still concentrated in a limited number of fields of study.

77. The mass media are a powerful means of education. As an educational tool the mass media can be an instrument for educators and governmental and non-governmental institutions for the advancement of women and for development. Computerized education and information systems are increasingly becoming an important element in learning and the dissemination of knowledge. Television especially has the greatest impact on young people and, as such, has the ability to shape values, attitudes and perceptions of women and girls in both positive and negative ways. It is therefore essential that educators teach critical judgement and analytical skills.

78. Resources allocated to education, particularly for girls and women, are in many countries insufficient and in some cases have been further diminished, including in the context of adjustment policies and programmes. Such insufficient resource allocations have a long-term adverse effect on human development, particularly on the development of women.

79. In addressing unequal access to and inadequate educational opportunities, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective B.1. Ensure equal access to education

Actions to be taken

80. By Governments:

- (a) Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances;
- (b) By the year 2000, provide universal access to basic education and

ensure completion of primary education by at least 80 per cent of primary school-age children; close the gender gap in primary and secondary school education by the year 2005; provide universal primary education in all countries before the year 2015;

- (c) Eliminate gender disparities in access to all areas of tertiary education by ensuring that women have equal access to career development, training, scholarships and fellowships, and by adopting positive action when appropriate;
- (d) Create a gender-sensitive educational system in order to ensure equal educational and training opportunities and full and equal participation of women in educational administration and policy- and decision-making;
- (e) Provide - in collaboration with parents, non-governmental organizations, including youth organizations, communities and the private sector - young women with academic and technical training, career planning, leadership and social skills and work experience to prepare them to participate fully in society;
- (f) Increase enrolment and retention rates of girls by allocating appropriate budgetary resources; by enlisting the support of parents and the community, as well as through campaigns, flexible school schedules, incentives, scholarships and other means to minimize the costs of girls' education to their families and to facilitate parents' ability to choose education for the girl child; and by ensuring that the rights of women and girls to freedom of conscience and religion are respected in educational institutions through repealing any discriminatory laws or legislation based on religion, race or culture;
- (g) Promote an educational setting that eliminates all barriers that impeded the schooling of pregnant adolescents and young mothers, including, as appropriate, affordable and physically accessible child-care facilities and parental education to encourage those who are responsible for the care of their children and siblings during their school years, to return to or continue with and complete schooling;
- (h) Improve the quality of education and equal opportunities for women and men in terms of access in order to ensure that women of all ages can acquire the knowledge, capacities, aptitudes, skills and ethical values needed to develop and to participate fully under equal conditions in the process of social, economic and political development;
- (i) Make available non-discriminatory and gender-sensitive professional school counselling and career education programmes to encourage girls to pursue academic and technical curricula in order to widen their future career opportunities;
- (j) Encourage ratification of the International Covenant on Economic, Social and Cultural Rights 13/ where they have not already done so.

Strategic objective B.2. Eradicate illiteracy among women

Actions to be taken

81. By Governments, national, regional and international bodies, bilateral and multilateral donors and non-governmental organizations:

- (a) Reduce the female illiteracy rate to at least half its 1990 level, with emphasis on rural women, migrant, refugee and internally displaced women and women with disabilities;
- (b) Provide universal access to, and seek to ensure gender equality in the completion of, primary education for girls by the year 2000;
- (c) Eliminate the gender gap in basic and functional literacy, as recommended in the World Declaration on Education for All (Jomtien);
- (d) Narrow the disparities between developed and developing countries;
- (e) Encourage adult and family engagement in learning to promote total literacy for all people;
- (f) Promote, together with literacy, life skills and scientific and technological knowledge and work towards an expansion of the definition of literacy, taking into account current targets and benchmarks.

Strategic objective B.3. Improve women's access to vocational training, science and technology, and continuing education

Actions to be taken

82. By Governments, in cooperation with employers, workers and trade unions, international and non-governmental organizations, including women's and youth organizations, and educational institutions:

- (a) Develop and implement education, training and retraining policies for women, especially young women and women re-entering the labour market, to provide skills to meet the needs of a changing socio-economic context for improving their employment opportunities;
- (b) Provide recognition to non-formal educational opportunities for girls and women in the educational system;
- (c) Provide information to women and girls on the availability and benefits of vocational training, training programmes in science and technology and programmes of continuing education;
- (d) Design educational and training programmes for women who are unemployed in order to provide them with new knowledge and skills that will enhance and broaden their employment opportunities, including self-employment, and development of their entrepreneurial skills;
- (e) Diversify vocational and technical training and improve access for and retention of girls and women in education and vocational training in

such fields as science, mathematics, engineering, environmental sciences and technology, information technology and high technology, as well as management training;

- (f) Promote women's central role in food and agricultural research, extension and education programmes;
- (g) Encourage the adaptation of curricula and teaching materials, encourage a supportive training environment and take positive measures to promote training for the full range of occupational choices of non-traditional careers for women and men, including the development of multidisciplinary courses for science and mathematics teachers to sensitize them to the relevance of science and technology to women's lives;
- (h) Develop curricula and teaching materials and formulate and take positive measures to ensure women better access to and participation in technical and scientific areas, especially areas where they are not represented or are underrepresented;
- (i) Develop policies and programmes to encourage women to participate in all apprenticeship programmes;
- (j) Increase training in technical, managerial, agricultural extension and marketing areas for women in agriculture, fisheries, industry and business, arts and crafts, to increase income-generating opportunities, women's participation in economic decision-making, in particular through women's organizations at the grass-roots level, and their contribution to production, marketing, business, and science and technology;
- (k) Ensure access to quality education and training at all appropriate levels for adult women with little or no education, for women with disabilities and for documented migrant, refugee and displaced women to improve their work opportunities.

Strategic objective B.4. Develop non-discriminatory education and training

Actions to be taken

83. By Governments, educational authorities and other educational and academic institutions:

- (a) Elaborate recommendations and develop curricula, textbooks and teaching aids free of gender-based stereotypes for all levels of education, including teacher training, in association with all concerned - publishers, teachers, public authorities and parents' associations;
- (b) Develop training programmes and materials for teachers and educators that raise awareness about the status, role and contribution of women and men in the family, as defined in paragraph 29 above, and society; in this context, promote equality, cooperation, mutual respect and shared responsibilities between girls and boys from pre-school level onward and develop, in particular, educational modules to ensure that

boys have the skills necessary to take care of their own domestic needs and to share responsibility for their household and for the care of dependants;

- (c) Develop training programmes and materials for teachers and educators that raise awareness of their own role in the educational process, with a view to providing them with effective strategies for gender-sensitive teaching;
- (d) Take actions to ensure that female teachers and professors have the same opportunities as and equal status with male teachers and professors, in view of the importance of having female teachers at all levels and in order to attract girls to school and retain them in school;
- (e) Introduce and promote training in peaceful conflict resolution;
- (f) Take positive measures to increase the proportion of women gaining access to educational policy- and decision-making, particularly women teachers at all levels of education and in academic disciplines that are traditionally male-dominated, such as the scientific and technological fields;
- (g) Support and develop gender studies and research at all levels of education, especially at the postgraduate level of academic institutions, and apply them in the development of curricula, including university curricula, textbooks and teaching aids, and in teacher training;
- (h) Develop leadership training and opportunities for all women to encourage them to take leadership roles both as students and as adults in civil society;
- (i) Develop appropriate education and information programmes with due respect for multilingualism, particularly in conjunction with the mass media, that make the public, particularly parents, aware of the importance of non-discriminatory education for children and the equal sharing of family responsibilities by girls and boys;
- (j) Develop human rights education programmes that incorporate the gender dimension at all levels of education, in particular by encouraging higher education institutions, especially in their graduate and postgraduate juridical, social and political science curricula, to include the study of the human rights of women as they appear in United Nations conventions;
- (k) Remove legal, regulatory and social barriers, where appropriate, to sexual and reproductive health education within formal education programmes regarding women's health issues;
- (l) Encourage, with the guidance and support of their parents and in cooperation with educational staff and institutions, the elaboration of educational programmes for girls and boys and the creation of integrated services in order to raise awareness of their responsibilities and to help them to assume those responsibilities, taking into account the importance of such education and services to personal development and self-esteem, as well as the urgent need to

avoid unwanted pregnancy, the spread of sexually transmitted diseases, especially HIV/AIDS, and such phenomena as sexual violence and abuse;

- (m) Provide accessible recreational and sports facilities and establish and strengthen gender-sensitive programmes for girls and women of all ages in education and community institutions and support the advancement of women in all areas of athletics and physical activity, including coaching, training and administration, and as participants at the national, regional and international levels;
- (n) Recognize and support the right of indigenous women and girls to education and promote a multicultural approach to education that is responsive to the needs, aspirations and cultures of indigenous women, including by developing appropriate education programmes, curricula and teaching aids, to the extent possible in the languages of indigenous people, and by providing for the participation of indigenous women in these processes;
- (o) Acknowledge and respect the artistic, spiritual and cultural activities of indigenous women;
- (p) Ensure that gender equality and cultural, religious and other diversity are respected in educational institutions;
- (q) Promote education, training and relevant information programmes for rural and farming women through the use of affordable and appropriate technologies and the mass media - for example, radio programmes, cassettes and mobile units;
- (r) Provide non-formal education, especially for rural women, in order to realize their potential with regard to health, micro-enterprise, agriculture and legal rights;
- (s) Remove all barriers to access to formal education for pregnant adolescents and young mothers, and support the provision of child care and other support services where necessary.

Strategic objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms

Actions to be taken

84. By Governments:

- (a) Provide the required budgetary resources to the educational sector, with reallocation within the educational sector to ensure increased funds for basic education, as appropriate;
- (b) Establish a mechanism at appropriate levels to monitor the implementation of educational reforms and measures in relevant ministries, and establish technical assistance programmes, as appropriate, to address issues raised by the monitoring efforts.

85. By Governments and, as appropriate, private and public institutions, foundations, research institutes and non-governmental organizations:

- (a) When necessary, mobilize additional funds from private and public institutions, foundations, research institutes and non-governmental organizations to enable girls and women, as well as boys and men on an equal basis, to complete their education, with particular emphasis on under-served populations;
- (b) Provide funding for special programmes, such as programmes in mathematics, science and computer technology, to advance opportunities for all girls and women.

86. By multilateral development institutions, including the World Bank, regional development banks, bilateral donors and foundations:

- (a) Consider increasing funding for the education and training needs of girls and women as a priority in development assistance programmes;
- (b) Consider working with recipient Governments to ensure that funding for women's education is maintained or increased in structural adjustment and economic recovery programmes, including lending and stabilization programmes.

87. By international and intergovernmental organizations, especially the United Nations Educational, Scientific and Cultural Organization, at the global level:

- (a) Contribute to the evaluation of progress achieved, using educational indicators generated by national, regional and international bodies, and urge Governments, in implementing measures, to eliminate differences between women and men and boys and girls with regard to opportunities in education and training and the levels achieved in all fields, particularly in primary and literacy programmes;
- (b) Provide technical assistance upon request to developing countries to strengthen the capacity to monitor progress in closing the gap between women and men in education, training and research, and in levels of achievement in all fields, particularly basic education and the elimination of illiteracy;
- (c) Conduct an international campaign promoting the right of women and girls to education;
- (d) Allocate a substantial percentage of their resources to basic education for women and girls.

Strategic objective B.6. Promote life-long education and training for girls and women

Actions to be taken

88. By Governments, educational institutions and communities:

- (a) Ensure the availability of a broad range of educational and training programmes that lead to ongoing acquisition by women and girls of the knowledge and skills required for living in, contributing to and benefiting from their communities and nations;
- (b) Provide support for child care and other services to enable mothers to

continue their schooling;

- (c) Create flexible education, training and retraining programmes for life-long learning that facilitate transitions between women's activities at all stages of their lives.

C. Women and health*

89. Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology. However, health and well-being elude the majority of women. A major barrier for women to the achievement of the highest attainable standard of health is inequality, both between men and women and among women in different geographical regions, social classes and indigenous and ethnic groups. In national and international forums, women have emphasized that to attain optimal health throughout the life cycle, equality, including the sharing of family responsibilities, development and peace are necessary conditions.

90. Women have different and unequal access to and use of basic health resources, including primary health services for the prevention and treatment of childhood diseases, malnutrition, anaemia, diarrhoeal diseases, communicable diseases, malaria and other tropical diseases and tuberculosis, among others. Women also have different and unequal opportunities for the protection, promotion and maintenance of their health. In many developing countries, the lack of emergency obstetric services is also of particular concern. Health policies and programmes often perpetuate gender stereotypes and fail to consider socio-economic disparities and other differences among women and may not fully take account of the lack of autonomy of women regarding their health. Women's health is also affected by gender bias in the health system and by the provision of inadequate and inappropriate medical services to women.

91. In many countries, especially developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access to affordable health care further reduces health-care availability. This situation not only directly affects the health of girls and women, but also places disproportionate responsibilities on women, whose multiple roles, including their roles within the family and the community, are often not acknowledged; hence they do not receive the necessary social, psychological and economic support.

* The Holy See expressed a general reservation on this section. The reservation is to be interpreted in terms of the statement made by the representative of the Holy See at the 4th meeting of the Main Committee, on 14 September 1995 (see chap. V of the present report, para. 11).

92. Women's right to the enjoyment of the highest standard of health must be secured throughout the whole life cycle in equality with men. Women are affected by many of the same health conditions as men, but women experience them differently. The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, racial and other forms of discrimination, the limited power many women have over their sexual and reproductive lives and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of food and inequitable distribution of food for girls and women in the household, inadequate access to safe water, sanitation facilities and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, all overburden women and their families and have a negative effect on their health. Good health is essential to leading a productive and fulfilling life, and the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.

93. Discrimination against girls, often resulting from son preference, in access to nutrition and health-care services endangers their current and future health and well-being. Conditions that force girls into early marriage, pregnancy and child-bearing and subject them to harmful practices, such as female genital mutilation, pose grave health risks. Adolescent girls need, but too often do not have, access to necessary health and nutrition services as they mature. Counselling and access to sexual and reproductive health information and services for adolescents are still inadequate or lacking completely, and a young woman's right to privacy, confidentiality, respect and informed consent is often not considered. Adolescent girls are both biologically and psychosocially more vulnerable than boys to sexual abuse, violence and prostitution, and to the consequences of unprotected and premature sexual relations. The trend towards early sexual experience, combined with a lack of information and services, increases the risk of unwanted and too early pregnancy, HIV infection and other sexually transmitted diseases, as well as unsafe abortions. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, for young women early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children. Young men are often not educated to respect women's self-determination and to share responsibility with women in matters of sexuality and reproduction.

94. Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases.

95. Bearing in mind the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world's people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. Adolescents are particularly vulnerable because of their lack of information and access to relevant services in most countries. Older women and men have distinct reproductive and sexual health issues which are often inadequately addressed.

96. The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.

97. Further, women are subject to particular health risks due to inadequate responsiveness and lack of services to meet health needs related to sexuality and reproduction. Complications related to pregnancy and childbirth are among the leading causes of mortality and morbidity of women of reproductive age in many parts of the developing world. Similar problems exist to a certain degree in some countries with economies in transition. Unsafe abortions threaten the lives of a large number of women, representing a grave public health problem as it is primarily the poorest and youngest who take the highest risk. Most of these deaths, health problems and injuries are preventable through improved access to adequate health-care services, including safe and effective family planning methods and emergency obstetric care, recognizing the right of women and men to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. These problems and means should be addressed on the basis of the report of the International Conference on Population and Development, with particular reference to relevant paragraphs of the Programme of Action of the Conference. 14/ In most countries, the neglect of women's reproductive rights severely limits their opportunities in public and private

life, including opportunities for education and economic and political empowerment. The ability of women to control their own fertility forms an important basis for the enjoyment of other rights. Shared responsibility between women and men in matters related to sexual and reproductive behaviour is also essential to improving women's health.

98. HIV/AIDS and other sexually transmitted diseases, the transmission of which is sometimes a consequence of sexual violence, are having a devastating effect on women's health, particularly the health of adolescent girls and young women. They often do not have the power to insist on safe and responsible sex practices and have little access to information and services for prevention and treatment. Women, who represent half of all adults newly infected with HIV/AIDS and other sexually transmitted diseases, have emphasized that social vulnerability and the unequal power relationships between women and men are obstacles to safe sex, in their efforts to control the spread of sexually transmitted diseases. The consequences of HIV/AIDS reach beyond women's health to their role as mothers and caregivers and their contribution to the economic support of their families. The social, developmental and health consequences of HIV/AIDS and other sexually transmitted diseases need to be seen from a gender perspective.

99. Sexual and gender-based violence, including physical and psychological abuse, trafficking in women and girls, and other forms of abuse and sexual exploitation place girls and women at high risk of physical and mental trauma, disease and unwanted pregnancy. Such situations often deter women from using health and other services.

100. Mental disorders related to marginalization, powerlessness and poverty, along with overwork and stress and the growing incidence of domestic violence as well as substance abuse, are among other health issues of growing concern to women. Women throughout the world, especially young women, are increasing their use of tobacco with serious effects on their health and that of their children. Occupational health issues are also growing in importance, as a large number of women work in low-paid jobs in either the formal or the informal labour market under tedious and unhealthy conditions, and the number is rising. Cancers of the breast and cervix and other cancers of the reproductive system, as well as infertility affect growing numbers of women and may be preventable, or curable, if detected early.

101. With the increase in life expectancy and the growing number of older women, their health concerns require particular attention. The long-term health prospects of women are influenced by changes at menopause, which, in combination with life-long conditions and other factors, such as poor nutrition and lack of physical activity, may increase the risk of cardiovascular disease and osteoporosis. Other diseases of ageing and the interrelationships of ageing and disability among women also need particular attention.

102. Women, like men, particularly in rural areas and poor urban areas, are increasingly exposed to environmental health hazards owing to environmental catastrophes and degradation. Women have a different susceptibility to various environmental hazards, contaminants and substances and they suffer different consequences from exposure to them.

103. The quality of women's health care is often deficient in various ways, depending on local circumstances. Women are frequently not treated with respect, nor are they guaranteed privacy and confidentiality, nor do they always receive full information about the options and services available. Furthermore, in some countries, over-medicating of women's life events is common, leading to

unnecessary surgical intervention and inappropriate medication.

104. Statistical data on health are often not systematically collected, disaggregated and analysed by age, sex and socio-economic status and by established demographic criteria used to serve the interests and solve the problems of subgroups, with particular emphasis on the vulnerable and marginalized and other relevant variables. Recent and reliable data on the mortality and morbidity of women and conditions and diseases particularly affecting women are not available in many countries. Relatively little is known about how social and economic factors affect the health of girls and women of all ages, about the provision of health services to girls and women and the patterns of their use of such services, and about the value of disease prevention and health promotion programmes for women. Subjects of importance to women's health have not been adequately researched and women's health research often lacks funding. Medical research, on heart disease, for example, and epidemiological studies in many countries are often based solely on men; they are not gender specific. Clinical trials involving women to establish basic information about dosage, side-effects and effectiveness of drugs, including contraceptives, are noticeably absent and do not always conform to ethical standards for research and testing. Many drug therapy protocols and other medical treatments and interventions administered to women are based on research on men without any investigation and adjustment for gender differences.

105. In addressing inequalities in health status and unequal access to and inadequate health-care services between women and men, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects for women and men, respectively.

Strategic objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services

Actions to be taken

106. By Governments, in collaboration with non-governmental organizations and employers' and workers' organizations and with the support of international institutions:

- (a) Support and implement the commitments made in the Programme of Action of the International Conference on Population and Development, as established in the report of that Conference and the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development 15/ and the obligations of States parties under the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international agreements, to meet the health needs of girls and women of all ages;
- (b) Reaffirm the right to the enjoyment of the highest attainable standards of physical and mental health, protect and promote the attainment of this right for women and girls and incorporate it in national legislation, for example; review existing legislation, including health legislation, as well as policies, where necessary, to reflect a commitment to women's health and to ensure that they meet the changing roles and responsibilities of women wherever they reside;

- (c) Design and implement, in cooperation with women and community-based organizations, gender-sensitive health programmes, including decentralized health services, that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities and programmes; remove all barriers to women's health services and provide a broad range of health-care services;
- (d) Allow women access to social security systems in equality with men throughout the whole life cycle;
- (e) Provide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care, as agreed to in the Programme of Action of the International Conference on Population and Development;
- (f) Redesign health information, services and training for health workers so that they are gender-sensitive and reflect the user's perspectives with regard to interpersonal and communications skills and the user's right to privacy and confidentiality; these services, information and training should be based on a holistic approach;
- (g) Ensure that all health services and workers conform to human rights and to ethical, professional and gender-sensitive standards in the delivery of women's health services aimed at ensuring responsible, voluntary and informed consent; encourage the development, implementation and dissemination of codes of ethics guided by existing international codes of medical ethics as well as ethical principles that govern other health professionals;
- (h) Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions, as well as inappropriate medication and over-medication of women, and ensure that all women are fully informed of their options, including likely benefits and potential side-effects, by properly trained personnel;
- (i) Strengthen and reorient health services, particularly primary health care, in order to ensure universal access to quality health services for women and girls; reduce ill health and maternal morbidity and achieve world wide the agreed-upon goal of reducing maternal mortality by at least 50 per cent of the 1990 levels by the year 2000 and a further one half by the year 2015; ensure that the necessary services are available at each level of the health system and make reproductive health care accessible, through the primary health-care system, to all individuals of appropriate ages as soon as possible and no later than the year 2015;
- (j) Recognize and deal with the health impact of unsafe abortion as a major public health concern, as agreed in paragraph 8.25 of the Programme of Action of the International Conference on Population and Development; 14/

- (k) In the light of paragraph 8.25 of the Programme of Action of the International Conference on Population and Development, which states: "In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion 16/ as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counselling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions", consider reviewing laws containing punitive measures against women who have undergone illegal abortions;
- (l) Give particular attention to the needs of girls, especially the promotion of healthy behaviour, including physical activities; take specific measures for closing the gender gaps in morbidity and mortality where girls are disadvantaged, while achieving internationally approved goals for the reduction of infant and child mortality - specifically, by the year 2000, the reduction of mortality rates of infants and children under five years of age by one third of the 1990 level, or 50 to 70 per 1,000 live births, whichever is less; by the year 2015 an infant mortality rate below 35 per 1,000 live births and an under-five mortality rate below 45 per 1,000;
- (m) Ensure that girls have continuing access to necessary health and nutrition information and services as they mature, to facilitate a healthful transition from childhood to adulthood;
- (n) Develop information, programmes and services to assist women to understand and adapt to changes associated with ageing and to address and treat the health needs of older women, paying particular attention to those who are physically or psychologically dependent;
- (o) Ensure that girls and women of all ages with any form of disability receive supportive services;
- (p) Formulate special policies, design programmes and enact the legislation necessary to alleviate and eliminate environmental and occupational health hazards associated with work in the home, in the workplace and elsewhere with attention to pregnant and lactating women;
- (q) Integrate mental health services into primary health-care systems or other appropriate levels, develop supportive programmes and train primary health workers to recognize and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and

non-armed conflict;

- (r) Promote public information on the benefits of breast-feeding; examine ways and means of implementing fully the WHO/UNICEF International Code of Marketing of Breast-milk Substitutes, and enable mothers to breast-feed their infants by providing legal, economic, practical and emotional support;
- (s) Establish mechanisms to support and involve non-governmental organizations, particularly women's organizations, professional groups and other bodies working to improve the health of girls and women, in government policy-making, programme design, as appropriate, and implementation within the health sector and related sectors at all levels;
- (t) Support non-governmental organizations working on women's health and help develop networks aimed at improving coordination and collaboration between all sectors that affect health;
- (u) Rationalize drug procurement and ensure a reliable, continuous supply of high-quality pharmaceutical, contraceptive and other supplies and equipment, using the WHO Model List of Essential Drugs as a guide, and ensure the safety of drugs and devices through national regulatory drug approval processes;
- (v) Provide improved access to appropriate treatment and rehabilitation services for women substance abusers and their families;
- (w) Promote and ensure household and national food security, as appropriate, and implement programmes aimed at improving the nutritional status of all girls and women by implementing the commitments made in the Plan of Action on Nutrition of the International Conference on Nutrition, 17/ including a reduction world wide of severe and moderate malnutrition among children under the age of five by one half of 1990 levels by the year 2000, giving special attention to the gender gap in nutrition, and a reduction in iron deficiency anaemia in girls and women by one third of the 1990 levels by the year 2000;
- (x) Ensure the availability of and universal access to safe drinking water and sanitation and put in place effective public distribution systems as soon as possible;
- (y) Ensure full and equal access to health-care infrastructure and services for indigenous women.

Strategic objective C.2. Strengthen preventive programmes
that promote women's health

Actions to be taken

107. By Governments, in cooperation with non-governmental organizations, the mass media, the private sector and relevant international organizations, including United Nations bodies, as appropriate:

- (a) Give priority to both formal and informal educational programmes that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health, achieve mutual respect in matters concerning sexuality and fertility and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including female genital mutilation, son preference (which results in female infanticide and prenatal sex selection), early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, which at times is conducive to infection with HIV/AIDS and other sexually transmitted diseases, drug abuse, discrimination against girls and women in food allocation and other harmful attitudes and practices related to the life, health and well-being of women, and recognizing that some of these practices can be violations of human rights and ethical medical principles;
- (b) Pursue social, human development, education and employment policies to eliminate poverty among women in order to reduce their susceptibility to ill health and to improve their health;
- (c) Encourage men to share equally in child care and household work and to provide their share of financial support for their families, even if they do not live with them;
- (d) Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour; ensure full respect for the integrity of the person, take action to ensure the conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices;
- (e) Prepare and disseminate accessible information, through public health campaigns, the media, reliable counselling and the education system, designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially information on sexuality and reproduction, taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent, as well as the responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child, and in conformity with the Convention on the Elimination of All Forms of Discrimination against Women; ensure that in all actions concerning children, the best interests of the child are a primary consideration;
- (f) Create and support programmes in the educational system, in the

workplace and in the community to make opportunities to participate in sport, physical activity and recreation available to girls and women of all ages on the same basis as they are made available to men and boys;

- (g) Recognize the specific needs of adolescents and implement specific appropriate programmes, such as education and information on sexual and reproductive health issues and on sexually transmitted diseases, including HIV/AIDS, taking into account the rights of the child and the responsibilities, rights and duties of parents as stated in paragraph 107 (e) above;
- (h) Develop policies that reduce the disproportionate and increasing burden on women who have multiple roles within the family and the community by providing them with adequate support and programmes from health and social services;
- (i) Adopt regulations to ensure that the working conditions, including remuneration and promotion of women at all levels of the health system, are non-discriminatory and meet fair and professional standards to enable them to work effectively;
- (j) Ensure that health and nutritional information and training form an integral part of all adult literacy programmes and school curricula from the primary level;
- (k) Develop and undertake media campaigns and information and educational programmes that inform women and girls of the health and related risks of substance abuse and addiction and pursue strategies and programmes that discourage substance abuse and addiction and promote rehabilitation and recovery;
- (l) Devise and implement comprehensive and coherent programmes for the prevention, diagnosis and treatment of osteoporosis, a condition that predominantly affects women;
- (m) Establish and/or strengthen programmes and services, including media campaigns, that address the prevention, early detection and treatment of breast, cervical and other cancers of the reproductive system;
- (n) Reduce environmental hazards that pose a growing threat to health, especially in poor regions and communities; apply a precautionary approach, as agreed to in the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, 18/ and include reporting on women's health risks related to the environment in monitoring the implementation of Agenda 21; 19/
- (o) Create awareness among women, health professionals, policy makers and the general public about the serious but preventable health hazards stemming from tobacco consumption and the need for regulatory and education measures to reduce smoking as important health promotion and disease prevention activities;
- (p) Ensure that medical school curricula and other health-care training include gender-sensitive, comprehensive and mandatory courses on women's health;

- (q) Adopt specific preventive measures to protect women, youth and children from any abuse - sexual abuse, exploitation, trafficking and violence, for example - including the formulation and enforcement of laws, and provide legal protection and medical and other assistance.

Strategic objective C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues

Actions to be taken

108. By Governments, international bodies including relevant United Nations organizations, bilateral and multilateral donors and non-governmental organizations:

- (a) Ensure the involvement of women, especially those infected with HIV/AIDS or other sexually transmitted diseases or affected by the HIV/AIDS pandemic, in all decision-making relating to the development, implementation, monitoring and evaluation of policies and programmes on HIV/AIDS and other sexually transmitted diseases;
- (b) Review and amend laws and combat practices, as appropriate, that may contribute to women's susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those socio-cultural practices that contribute to it, and implement legislation, policies and practices to protect women, adolescents and young girls from discrimination related to HIV/AIDS;
- (c) Encourage all sectors of society, including the public sector, as well as international organizations, to develop compassionate and supportive, non-discriminatory HIV/AIDS-related policies and practices that protect the rights of infected individuals;
- (d) Recognize the extent of the HIV/AIDS pandemic in their countries, taking particularly into account its impact on women, with a view to ensuring that infected women do not suffer stigmatization and discrimination, including during travel;
- (e) Develop gender-sensitive multisectoral programmes and strategies to end social subordination of women and girls and to ensure their social and economic empowerment and equality; facilitate promotion of programmes to educate and enable men to assume their responsibilities to prevent HIV/AIDS and other sexually transmitted diseases;
- (f) Facilitate the development of community strategies that will protect women of all ages from HIV and other sexually transmitted diseases; provide care and support to infected girls, women and their families and mobilize all parts of the community in response to the HIV/AIDS pandemic to exert pressure on all responsible authorities to respond in a timely, effective, sustainable and gender-sensitive manner;
- (g) Support and strengthen national capacity to create and improve gender-sensitive policies and programmes on HIV/AIDS and other sexually transmitted diseases, including the provision of resources and facilities to women who find themselves the principal caregivers or

economic support for those infected with HIV/AIDS or affected by the pandemic, and the survivors, particularly children and older persons;

- (h) Provide workshops and specialized education and training to parents, decision makers and opinion leaders at all levels of the community, including religious and traditional authorities, on prevention of HIV/AIDS and other sexually transmitted diseases and on their repercussions on both women and men of all ages;
- (i) Give all women and health workers all relevant information and education about sexually transmitted diseases including HIV/AIDS and pregnancy and the implications for the baby, including breast-feeding;
- (j) Assist women and their formal and informal organizations to establish and expand effective peer education and outreach programmes and to participate in the design, implementation and monitoring of these programmes;
- (k) Give full attention to the promotion of mutually respectful and equitable gender relations and, in particular, to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality;
- (l) Design specific programmes for men of all ages and male adolescents, recognizing the parental roles referred to in paragraph 107 (e) above, aimed at providing complete and accurate information on safe and responsible sexual and reproductive behaviour, including voluntary, appropriate and effective male methods for the prevention of HIV/AIDS and other sexually transmitted diseases through, inter alia, abstinence and condom use;
- (m) Ensure the provision, through the primary health-care system, of universal access of couples and individuals to appropriate and affordable preventive services with respect to sexually transmitted diseases, including HIV/AIDS, and expand the provision of counselling and voluntary and confidential diagnostic and treatment services for women; ensure that high-quality condoms as well as drugs for the treatment of sexually transmitted diseases are, where possible, supplied and distributed to health services;
- (n) Support programmes which acknowledge that the higher risk among women of contracting HIV is linked to high-risk behaviour, including intravenous substance use and substance-influenced unprotected and irresponsible sexual behaviour, and take appropriate preventive measures;
- (o) Support and expedite action-oriented research on affordable methods, controlled by women, to prevent HIV and other sexually transmitted diseases, on strategies empowering women to protect themselves from sexually transmitted diseases, including HIV/AIDS, and on methods of care, support and treatment of women, ensuring their involvement in all aspects of such research;
- (p) Support and initiate research which addresses women's needs and situations, including research on HIV infection and other sexually transmitted diseases in women, on women-controlled methods of protection, such as non-spermicidal microbicides, and on male and

female risk-taking attitudes and practices.

Strategic objective C.4. Promote research and disseminate
information on women's health

Actions to be taken

109. By Governments, the United Nations system, health professions, research institutions, non-governmental organizations, donors, pharmaceutical industries and the mass media, as appropriate:

- (a) Train researchers and introduce systems that allow for the use of data collected, analysed and disaggregated by, among other factors, sex and age, other established demographic criteria and socio-economic variables, in policy-making, as appropriate, planning, monitoring and evaluation;
- (b) Promote gender-sensitive and women-centred health research, treatment and technology and link traditional and indigenous knowledge with modern medicine, making information available to women to enable them to make informed and responsible decisions;
- (c) Increase the number of women in leadership positions in the health professions, including researchers and scientists, to achieve equality at the earliest possible date;
- (d) Increase financial and other support from all sources for preventive, appropriate biomedical, behavioural, epidemiological and health service research on women's health issues and for research on the social, economic and political causes of women's health problems, and their consequences, including the impact of gender and age inequalities, especially with respect to chronic and non-communicable diseases, particularly cardiovascular diseases and conditions, cancers, reproductive tract infections and injuries, HIV/AIDS and other sexually transmitted diseases, domestic violence, occupational health, disabilities, environmentally related health problems, tropical diseases and health aspects of ageing;
- (e) Inform women about the factors which increase the risks of developing cancers and infections of the reproductive tract, so that they can make informed decisions about their health;
- (f) Support and fund social, economic, political and cultural research on how gender-based inequalities affect women's health, including etiology, epidemiology, provision and utilization of services and eventual outcome of treatment;
- (g) Support health service systems and operations research to strengthen access and improve the quality of service delivery, to ensure appropriate support for women as health-care providers and to examine patterns with respect to the provision of health services to women and use of such services by women;
- (h) Provide financial and institutional support for research on safe, effective, affordable and acceptable methods and technologies for the reproductive and sexual health of women and men, including more safe,

effective, affordable and acceptable methods for the regulation of fertility, including natural family planning for both sexes, methods to protect against HIV/AIDS and other sexually transmitted diseases and simple and inexpensive methods of diagnosing such diseases, among others; this research needs to be guided at all stages by users and from the perspective of gender, particularly the perspective of women, and should be carried out in strict conformity with internationally accepted legal, ethical, medical and scientific standards for biomedical research;

- (i) Since unsafe abortion 16/ is a major threat to the health and life of women, research to understand and better address the determinants and consequences of induced abortion, including its effects on subsequent fertility, reproductive and mental health and contraceptive practice, should be promoted, as well as research on treatment of complications of abortions and post-abortion care;
- (j) Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed towards achieving this aim;
- (k) Develop mechanisms to evaluate and disseminate available data and research findings to researchers, policy makers, health professionals and women's groups, among others;
- (l) Monitor human genome and related genetic research from the perspective of women's health and disseminate information and results of studies conducted in accordance with accepted ethical standards.

Strategic objective C.5. Increase resources and monitor follow-up for women's health

Actions to be taken

110. By Governments at all levels and, where appropriate, in cooperation with non-governmental organizations, especially women's and youth organizations:

- (a) Increase budgetary allocations for primary health care and social services, with adequate support for secondary and tertiary levels, and give special attention to the reproductive and sexual health of girls and women and give priority to health programmes in rural and poor urban areas;
- (b) Develop innovative approaches to funding health services through promoting community participation and local financing; increase, where necessary, budgetary allocations for community health centres and community-based programmes and services that address women's specific health needs;
- (c) Develop local health services, promoting the incorporation of gender-sensitive community-based participation and self-care and specially designed preventive health programmes;
- (d) Develop goals and time-frames, where appropriate, for improving

women's health and for planning, implementing, monitoring and evaluating programmes, based on gender-impact assessments using qualitative and quantitative data disaggregated by sex, age, other established demographic criteria and socio-economic variables;

- (e) Establish, as appropriate, ministerial and inter-ministerial mechanisms for monitoring the implementation of women's health policy and programme reforms and establish, as appropriate, high-level focal points in national planning authorities responsible for monitoring to ensure that women's health concerns are mainstreamed in all relevant government agencies and programmes.

111. By Governments, the United Nations and its specialized agencies, international financial institutions, bilateral donors and the private sector, as appropriate:

- (a) Formulate policies favourable to investment in women's health and, where appropriate, increase allocations for such investment;
- (b) Provide appropriate material, financial and logistical assistance to youth non-governmental organizations in order to strengthen them to address youth concerns in the area of health, including sexual and reproductive health;
- (c) Give higher priority to women's health and develop mechanisms for coordinating and implementing the health objectives of the Platform for Action and relevant international agreements to ensure progress.

D. Violence against women

112. Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.

113. The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

114. Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.

115. Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

116. Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.

117. Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

118. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women

and girls as sex objects, including pornography, are factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

119. Developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialization process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.

120. The absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies. Experience in a number of countries shows that women and men can be mobilized to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence. Men's groups mobilizing against gender violence are necessary allies for change.

121. Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.

122. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 20/ as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.

123. In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women

Actions to be taken

124. By Governments:

- (a) Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;
- (b) Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- (c) Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;
- (d) Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;
- (e) Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, 21/ the International Covenant on Civil and Political Rights, 13/ the International Covenant on Economic, Social and Cultural Rights, 13/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 22/
- (f) Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session; 23/
- (g) Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women; actively encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices;
- (h) Provide women who are subjected to violence with access to the mechanisms of justice and, as provided for by national legislation, to

just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms;

- (i) Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;
- (j) Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women;
- (k) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- (l) Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation, and file charges;
- (m) Ensure that women with disabilities have access to information and services in the field of violence against women;
- (n) Create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;
- (o) Adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties; review existing legislation and take effective measures against the perpetrators of such violence;
- (p) Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;
- (q) Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;
- (r) Cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested; cooperate also with other competent mechanisms, such as the Special Rapporteur of the Commission on Human Rights on torture and the Special Rapporteur of the Commission on Human Rights on summary, extrajudiciary and arbitrary executions, in relation to violence against women;

- (s) Recommend that the Commission on Human Rights renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.

125. By Governments, including local governments, community organizations, non-governmental organizations, educational institutions, the public and private sectors, particularly enterprises, and the mass media, as appropriate:

- (a) Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;
- (b) Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence;
- (c) Recognize the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation;
- (d) Support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;
- (e) Organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilize local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;
- (f) Recognize, support and promote the fundamental role of intermediate institutions, such as primary health-care centres, family-planning centres, existing school health services, mother and baby protection services, centres for migrant families and so forth in the field of information and education related to abuse;
- (g) Organize and fund information campaigns and educational and training programmes in order to sensitize girls and boys and women and men to the personal and social detrimental effects of violence in the family, community and society; teach them how to communicate without violence and promote training for victims and potential victims so that they can protect themselves and others against such violence;
- (h) Disseminate information on the assistance available to women and families who are victims of violence;
- (i) Provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence and promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;
- (j) Raise awareness of the responsibility of the media in promoting non-stereotyped images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible for media content to establish professional

guidelines and codes of conduct; also raise awareness of the important role of the media in informing and educating people about the causes and effects of violence against women and in stimulating public debate on the topic.

126. By Governments, employers, trade unions, community and youth organizations and non-governmental organizations, as appropriate:

- (a) Develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;
- (b) Develop programmes and procedures to educate and raise awareness of acts of violence against women that constitute a crime and a violation of the human rights of women;
- (c) Develop counselling, healing and support programmes for girls, adolescents and young women who have been or are involved in abusive relationships, particularly those who live in homes or institutions where abuse occurs;
- (d) Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries.

127. By the Secretary-General of the United Nations:

Provide the Special Rapporteur of the Commission on Human Rights on violence against women with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all treaty bodies.

128. By Governments, international organizations and non-governmental organizations:

Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees.

Strategic objective D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures

Actions to be taken

129. By Governments, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organizations and non-governmental organizations, as appropriate:

- (a) Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;
- (b) Disseminate findings of research and studies widely;
- (c) Support and initiate research on the impact of violence, such as rape, on women and girl children, and make the resulting information and statistics available to the public;
- (d) Encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements which foster gender-based violence and inequalities, and how they are transmitted during the life cycle, and take measures to eliminate these negative images with a view to promoting a violence-free society.

Strategic objective D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

Actions to be taken

130. By Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:

- (a) Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;
- (b) Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;
- (c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
- (d) Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;
- (e) Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

E. Women and armed conflict

131. An environment that maintains world peace and promotes and protects human rights, democracy and the peaceful settlement of disputes, in accordance with the principles of non-threat or use of force against territorial integrity or political independence and of respect for sovereignty as set forth in the Charter of the United Nations, is an important factor for the advancement of women. Peace is inextricably linked with equality between women and men and development. Armed and other types of conflicts and terrorism and hostage-taking still persist in many parts of the world. Aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism and racial discrimination, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law. International humanitarian law, prohibiting attacks on civilian populations, as such, is at times systematically ignored and human rights are often violated in connection with situations of armed conflict, affecting the civilian population, especially women, children, the elderly and the disabled. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, ethnic cleansing as a strategy of war and its consequences, and rape, including systematic rape of women in war situations, creating a mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be stopped immediately, while perpetrators of such crimes must be punished. Some of these situations of armed conflict have their origin in the conquest or colonialization of a country by another State and the perpetuation of that colonization through state and military repression.

132. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and the Additional Protocols of 1977 24/ provide that women shall especially be protected against any attack on their honour, in particular against humiliating and degrading treatment, rape, enforced prostitution or any form of indecent assault. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, states that "violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law". 25/ All violations of this kind, including in particular murder, rape, including systematic rape, sexual slavery and forced pregnancy require a particularly effective response. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or summary and arbitrary detention, all forms of racism, racial discrimination, xenophobia, denial of economic, social and cultural rights and religious intolerance.

133. Violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and in the Geneva Conventions of 1949 and the Additional Protocols

thereto. Gross human rights violations and policies of ethnic cleansing in war-torn and occupied areas continue to be carried out. These practices have created, inter alia, a mass flow of refugees and other displaced persons in need of international protection and internally displaced persons, the majority of whom are women, adolescent girls and children. Civilian victims, mostly women and children, often outnumber casualties among combatants. In addition, women often become caregivers for injured combatants and find themselves, as a result of conflict, unexpectedly cast as sole manager of household, sole parent, and caretaker of elderly relatives.

134. In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. Although women have begun to play an important role in conflict resolution, peace-keeping and defence and foreign affairs mechanisms, they are still underrepresented in decision-making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.

135. While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination.

136. Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. Women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on such persecution.

137. Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them.

138. Many women's non-governmental organizations have called for reductions in military expenditures world wide, as well as in international trade and trafficking in and the proliferation of weapons. Those affected most negatively by conflict and excessive military spending are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, particularly rural women, also suffer because of the use of arms that are particularly injurious or have indiscriminate effects. There are more than 100 million anti-personnel land-mines scattered in 64 countries globally. The negative impact on development of excessive military expenditures, the arms trade, and investment for arms production and acquisition must be addressed. At the same time, maintenance of national security and peace is an important factor for economic growth and development and the empowerment of women.

139. During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts. Women make an important but often unrecognized contribution as peace educators both in their families and in their societies.

140. Education to foster a culture of peace that upholds justice and tolerance for all nations and peoples is essential to attaining lasting peace and should be begun at an early age. It should include elements of conflict resolution, mediation, reduction of prejudice and respect for diversity.

141. In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively.

Strategic objective E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation

Actions to be taken

142. By Governments and international and regional intergovernmental institutions:

- (a) Take action to promote equal participation of women and equal opportunities for women to participate in all forums and peace activities at all levels, particularly at the decision-making level, including in the United Nations Secretariat with due regard to equitable geographical distribution in accordance with Article 101 of the Charter of the United Nations;
- (b) Integrate a gender perspective in the resolution of armed or other conflicts and foreign occupation and aim for gender balance when nominating or promoting candidates for judicial and other positions in all relevant international bodies, such as the United Nations International Tribunals for the former Yugoslavia and for Rwanda and the International Court of Justice, as well as in other bodies related to the peaceful settlement of disputes;
- (c) Ensure that these bodies are able to address gender issues properly by providing appropriate training to prosecutors, judges and other

officials in handling cases involving rape, forced pregnancy in situations of armed conflict, indecent assault and other forms of violence against women in armed conflicts, including terrorism, and integrate a gender perspective into their work.

Strategic objective E.2. Reduce excessive military expenditures and control the availability of armaments

Actions to be taken

143. By Governments:

- (a) Increase and hasten, as appropriate, subject to national security considerations, the conversion of military resources and related industries to development and peaceful purposes;
- (b) Undertake to explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment for arms production and acquisition, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women;
- (c) Take action to investigate and punish members of the police, security and armed forces and others who perpetrate acts of violence against women, violations of international humanitarian law and violations of the human rights of women in situations of armed conflict;
- (d) While acknowledging legitimate national defence needs, recognize and address the dangers to society of armed conflict and the negative effect of excessive military expenditures, trade in arms, especially those arms that are particularly injurious or have indiscriminate effects, and excessive investment for arms production and acquisition; similarly, recognize the need to combat illicit arms trafficking, violence, crime, the production and use of and trafficking in illicit drugs, and trafficking in women and children;
- (e) Recognizing that women and children are particularly affected by the indiscriminate use of anti-personnel land-mines:
 - (i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), 26/ with a view to universal ratification by the year 2000;
 - (ii) Undertake to strongly consider strengthening the Convention to promote a reduction in the casualties and intense suffering caused to the civilian population by the indiscriminate use of land-mines;

- (iii) Undertake to promote assistance in mine clearance, notably by facilitating, in respect of the means of mine-clearing, the exchange of information, the transfer of technology and the promotion of scientific research;
 - (iv) Within the United Nations context, undertake to support efforts to coordinate a common response programme of assistance in de-mining without unnecessary discrimination;
 - (v) Adopt at the earliest possible date, if they have not already done so, a moratorium on the export of anti-personnel land-mines, including to non-governmental entities, noting with satisfaction that many States have already declared moratoriums on the export, transfer or sale of such mines;
 - (vi) Undertake to encourage further international efforts to seek solutions to the problems caused by antipersonnel land-mines, with a view to their eventual elimination, recognizing that States can move most effectively towards this goal as viable and humane alternatives are developed;
- (f) Recognizing the leading role that women have played in the peace movement:
- (i) Work actively towards general and complete disarmament under strict and effective international control;
 - (ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
 - (iii) Pending the entry into force of a comprehensive nuclear-test-ban treaty, exercise the utmost restraint in respect of nuclear testing.

Strategic objective E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations

Actions to be taken

144. By Governments:

- (a) Consider the ratification of or accession to international instruments containing provisions relative to the protection of women and children in armed conflicts, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, the Protocols Additional to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II); 24/
- (b) Respect fully the norms of international humanitarian law in armed

conflicts and take all measures required for the protection of women and children, in particular against rape, forced prostitution and any other form of indecent assault;

- (c) Strengthen the role of women and ensure equal representation of women at all decision-making levels in national and international institutions which may make or influence policy with regard to matters related to peace-keeping, preventive diplomacy and related activities and in all stages of peace mediation and negotiations, taking note of the specific recommendations of the Secretary-General in his strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) (A/49/587, sect. IV).

145. By Governments and international and regional organizations:

- (a) Reaffirm the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, inter alia, in the Vienna Declaration and Programme of Action, 2/ adopted by the World Conference on Human Rights;
- (b) Encourage diplomacy, negotiation and peaceful settlement of disputes in accordance with the Charter of the United Nations, in particular Article 2, paragraphs 3 and 4 thereof;
- (c) Urge the identification and condemnation of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation;
- (d) Reaffirm that rape in the conduct of armed conflict constitutes a war crime and under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; 27/ take all measures required for the protection of women and children from such acts and strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;
- (e) Uphold and reinforce standards set out in international humanitarian law and international human rights instruments to prevent all acts of violence against women in situations of armed and other conflicts; undertake a full investigation of all acts of violence against women committed during war, including rape, in particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery; prosecute all criminals responsible for war crimes against women and provide full redress to women victims;
- (f) Call upon the international community to condemn and act against all forms and manifestations of terrorism;
- (g) Take into account gender-sensitive concerns in developing training programmes for all relevant personnel on international humanitarian law and human rights awareness and recommend such training for those involved in United Nations peace-keeping and humanitarian aid, with a view to preventing violence against women, in particular;

- (h) Discourage the adoption of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations, that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. This Conference reaffirms that food and medicine must not be used as a tool for political pressure;
- (i) Take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children.

Strategic objective E.4. Promote women's contribution to fostering a culture of peace

Actions to be taken

146. By Governments, international and regional intergovernmental institutions and non-governmental organizations:

- (a) Promote peaceful conflict resolution and peace, reconciliation and tolerance through education, training, community actions and youth exchange programmes, in particular for young women;
- (b) Encourage the further development of peace research, involving the participation of women, to examine the impact of armed conflict on women and children and the nature and contribution of women's participation in national, regional and international peace movements; engage in research and identify innovative mechanisms for containing violence and for conflict resolution for public dissemination and for use by women and men;
- (c) Develop and disseminate research on the physical, psychological, economic and social effects of armed conflicts on women, particularly young women and girls, with a view to developing policies and programmes to address the consequences of conflicts;
- (d) Consider establishing educational programmes for girls and boys to foster a culture of peace, focusing on conflict resolution by non-violent means and the promotion of tolerance.

Strategic objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women

Actions to be taken

147. By Governments, intergovernmental and non-governmental organizations and other institutions involved in providing protection, assistance and training to refugee women, other displaced women in need of international protection and

internally displaced women, including the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as appropriate:

- (a) Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee and displaced women and girls have direct access to the services provided;
- (b) Offer adequate protection and assistance to women and children displaced within their country and find solutions to the root causes of their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement;
- (c) Take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection and internally displaced women during their displacement and upon their return to their communities of origin, including programmes of rehabilitation; take effective measures to protect from violence women who are refugees or displaced; hold an impartial and thorough investigation of any such violations and bring those responsible to justice;
- (d) While fully respecting and strictly observing the principle of non-refoulement of refugees, take all the necessary steps to ensure the right of refugee and displaced women to return voluntarily to their place of origin in safety and with dignity, and their right to protection after their return;
- (e) Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin;
- (f) Ensure that the international community and its international organizations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women in need of international protection and internally displaced women; in the provision of protection and assistance, take all appropriate measures to eliminate discrimination against women and girls in order to ensure equal access to appropriate and adequate food, water and shelter, education, and social and health services, including reproductive health care and maternity care and services to combat tropical diseases;
- (g) Facilitate the availability of educational materials in the appropriate language - in emergency situations also - in order to minimize disruption of schooling among refugee and displaced children;
- (h) Apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement through, inter alia, bringing national

immigration regulations into conformity with relevant international instruments, and consider recognizing as refugees those women whose claim to refugee status is based upon the well-founded fear of persecution for reasons enumerated in the 1951 Convention 28/ and the 1967 Protocol 29/ relating to the Status of Refugees, including persecution through sexual violence or other gender-related persecution, and provide access to specially trained officers, including female officers, to interview women regarding sensitive or painful experiences, such as sexual assault;

- (i) Support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application;
- (j) Promote the self-reliant capacities of refugee women, other displaced women in need of international protection and internally displaced women and provide programmes for women, particularly young women, in leadership and decision-making within refugee and returnee communities;
- (k) Ensure that the human rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognized;
- (l) Provide, as appropriate, women who have been determined refugees with access to vocational/professional training programmes, including language training, small-scale enterprise development training and planning and counselling on all forms of violence against women, which should include rehabilitation programmes for victims of torture and trauma; Governments and other donors should contribute adequately to assistance programmes for refugee women, other displaced women in need of international protection and internally displaced women, taking into account in particular the effects on the host countries of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing;
- (m) Raise public awareness of the contribution made by refugee women to their countries of resettlement, promote understanding of their human rights and of their needs and abilities and encourage mutual understanding and acceptance through educational programmes promoting cross-cultural and interracial harmony;
- (n) Provide basic and support services to women who are displaced from their place of origin as a result of terrorism, violence, drug trafficking or other reasons linked to violence situations;
- (o) Develop awareness of the human rights of women and provide, as appropriate, human rights education and training to military and police personnel operating in areas of armed conflict and areas where there are refugees.

148. By Governments:

- (a) Disseminate and implement the UNHCR Guidelines on the Protection of

Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes;

- (b) Protect women and children who migrate as family members from abuse or denial of their human rights by sponsors and consider extending their stay, should the family relationship dissolve, within the limits of national legislation.

Strategic objective E.6. Provide assistance to the women of the colonies and non-self-governing territories

Actions to be taken

149. By Governments and intergovernmental and non-governmental organizations:

- (a) Support and promote the implementation of the right of self-determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision-making;
- (b) Raise public awareness, as appropriate, through the mass media, education at all levels and special programmes to create a better understanding of the situation of women of the colonies and non-self-governing territories.

F. Women and the economy

150. There are considerable differences in women's and men's access to and opportunities to exert power over economic structures in their societies. In most parts of the world, women are virtually absent from or are poorly represented in economic decision-making, including the formulation of financial, monetary, commercial and other economic policies, as well as tax systems and rules governing pay. Since it is often within the framework of such policies that individual men and women make their decisions, inter alia, on how to divide their time between remunerated and unremunerated work, the actual development of these economic structures and policies has a direct impact on women's and men's access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole.

151. In many regions, women's participation in remunerated work in the formal and non-formal labour market has increased significantly and has changed during the past decade. While women continue to work in agriculture and fisheries, they have also become increasingly involved in micro, small and medium-sized enterprises and, in some cases, have become more dominant in the expanding informal sector. Due to, inter alia, difficult economic situations and a lack of bargaining power resulting from gender inequality, many women have been forced to accept low pay and poor working conditions and thus have often become preferred workers. On the other hand, women have entered the workforce increasingly by choice when they have become aware of and demanded their rights. Some have succeeded in entering and advancing in the workplace and improving their pay and working conditions. However, women have been particularly

affected by the economic situation and restructuring processes, which have changed the nature of employment and, in some cases, have led to a loss of jobs, even for professional and skilled women. In addition, many women have entered the informal sector owing to the lack of other opportunities. Women's participation and gender concerns are still largely absent from and should be integrated in the policy formulation process of the multilateral institutions that define the terms and, in cooperation with Governments, set the goals of structural adjustment programmes, loans and grants.

152. Discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibilities, combined with a lack of or insufficient services such as child care, continue to restrict employment, economic, professional and other opportunities and mobility for women and make their involvement stressful. Moreover, attitudinal obstacles inhibit women's participation in developing economic policy and in some regions restrict the access of women and girls to education and training for economic management.

153. Women's share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the household and community. Women's income is becoming increasingly necessary to households of all types. In some regions, there has been a growth in women's entrepreneurship and other self-reliant activities, particularly in the informal sector. In many countries, women are the majority of workers in non-standard work, such as temporary, casual, multiple part-time, contract and home-based employment.

154. Women migrant workers, including domestic workers, contribute to the economy of the sending country through their remittances and also to the economy of the receiving country through their participation in the labour force. However, in many receiving countries, migrant women experience higher levels of unemployment compared with both non-migrant workers and male migrant workers.

155. Insufficient attention to gender analysis has meant that women's contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men. Where progress has been made in integrating gender perspectives, programme and policy effectiveness has also been enhanced.

156. Although many women have advanced in economic structures, for the majority of women, particularly those who face additional barriers, continuing obstacles have hindered their ability to achieve economic autonomy and to ensure sustainable livelihoods for themselves and their dependants. Women are active in a variety of economic areas, which they often combine, ranging from wage labour and subsistence farming and fishing to the informal sector. However, legal and customary barriers to ownership of or access to land, natural resources, capital, credit, technology and other means of production, as well as wage differentials, contribute to impeding the economic progress of women. Women contribute to development not only through remunerated work but also through a great deal of unremunerated work. On the one hand, women participate in the production of goods and services for the market and household consumption, in agriculture, food production or family enterprises. Though

included in the United Nations System of National Accounts and therefore in international standards for labour statistics, this unremunerated work - particularly that related to agriculture - is often undervalued and under-recorded. On the other hand, women still also perform the great majority of unremunerated domestic work and community work, such as caring for children and older persons, preparing food for the family, protecting the environment and providing voluntary assistance to vulnerable and disadvantaged individuals and groups. This work is often not measured in quantitative terms and is not valued in national accounts. Women's contribution to development is seriously underestimated, and thus its social recognition is limited. The full visibility of the type, extent and distribution of this unremunerated work will also contribute to a better sharing of responsibilities.

157. Although some new employment opportunities have been created for women as a result of the globalization of the economy, there are also trends that have exacerbated inequalities between women and men. At the same time, globalization, including economic integration, can create pressures on the employment situation of women to adjust to new circumstances and to find new sources of employment as patterns of trade change. More analysis needs to be done of the impact of globalization on women's economic status.

158. These trends have been characterized by low wages, little or no labour standards protection, poor working conditions, particularly with regard to women's occupational health and safety, low skill levels, and a lack of job security and social security, in both the formal and informal sectors. Women's unemployment is a serious and increasing problem in many countries and sectors. Young workers in the informal and rural sectors and migrant female workers remain the least protected by labour and immigration laws. Women, particularly those who are heads of households with young children, are limited in their employment opportunities for reasons that include inflexible working conditions and inadequate sharing, by men and by society, of family responsibilities.

159. In countries that are undergoing fundamental political, economic and social transformation, the skills of women, if better utilized, could constitute a major contribution to the economic life of their respective countries. Their input should continue to be developed and supported and their potential further realized.

160. Lack of employment in the private sector and reductions in public services and public service jobs have affected women disproportionately. In some countries, women take on more unpaid work, such as the care of children and those who are ill or elderly, compensating for lost household income, particularly when public services are not available. In many cases, employment creation strategies have not paid sufficient attention to occupations and sectors where women predominate; nor have they adequately promoted the access of women to those occupations and sectors that are traditionally male.

161. For those women in paid work, many experience obstacles that prevent them from achieving their potential. While some are increasingly found in lower levels of management, attitudinal discrimination often prevents them from being promoted further. The experience of sexual harassment is an affront to a worker's dignity and prevents women from making a contribution commensurate with their abilities. The lack of a family-friendly work environment, including a lack of appropriate and affordable child care, and inflexible working hours further prevent women from achieving their full potential.

162. In the private sector, including transnational and national enterprises,

women are largely absent from management and policy levels, denoting discriminatory hiring and promotion policies and practices. The unfavourable work environment as well as the limited number of employment opportunities available have led many women to seek alternatives. Women have increasingly become self-employed and owners and managers of micro, small and medium-scale enterprises. The expansion of the informal sector, in many countries, and of self-organized and independent enterprises is in large part due to women, whose collaborative, self-help and traditional practices and initiatives in production and trade represent a vital economic resource. When they gain access to and control over capital, credit and other resources, technology and training, women can increase production, marketing and income for sustainable development.

163. Taking into account the fact that continuing inequalities and noticeable progress coexist, rethinking employment policies is necessary in order to integrate the gender perspective and to draw attention to a wider range of opportunities as well as to address any negative gender implications of current patterns of work and employment. To realize fully equality between women and men in their contribution to the economy, active efforts are required for equal recognition and appreciation of the influence that the work, experience, knowledge and values of both women and men have in society.

164. In addressing the economic potential and independence of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources

Actions to be taken

165. By Governments:

- (a) Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;
- (b) Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions;
- (c) Eliminate discriminatory practices by employers and take appropriate measures in consideration of women's reproductive role and functions, such as the denial of employment and dismissal due to pregnancy or breast-feeding, or requiring proof of contraceptive use, and take effective measures to ensure that pregnant women, women on maternity leave or women re-entering the labour market after childbearing are not discriminated against;
- (d) Devise mechanisms and take positive action to enable women to gain access to full and equal participation in the formulation of policies and definition of structures through such bodies as ministries of finance and trade, national economic commissions, economic research

institutes and other key agencies, as well as through their participation in appropriate international bodies;

- (e) Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology;
- (f) Conduct reviews of national income and inheritance tax and social security systems to eliminate any existing bias against women;
- (g) Seek to develop a more comprehensive knowledge of work and employment through, inter alia, efforts to measure and better understand the type, extent and distribution of unremunerated work, particularly work in caring for dependants and unremunerated work done for family farms or businesses, and encourage the sharing and dissemination of information on studies and experience in this field, including the development of methods for assessing its value in quantitative terms, for possible reflection in accounts that may be produced separately from, but consistent with, core national accounts;
- (h) Review and amend laws governing the operation of financial institutions to ensure that they provide services to women and men on an equal basis;
- (i) Facilitate, at appropriate levels, more open and transparent budget processes;
- (j) Revise and implement national policies that support the traditional savings, credit and lending mechanisms for women;
- (k) Seek to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women's new and traditional economic activities;
- (l) Ensure that all corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws;
- (m) Adjust employment policies to facilitate the restructuring of work patterns in order to promote the sharing of family responsibilities;
- (n) Establish mechanisms and other forums to enable women entrepreneurs and women workers to contribute to the formulation of policies and programmes being developed by economic ministries and financial institutions;
- (o) Enact and enforce equal opportunity laws, take positive action and ensure compliance by the public and private sectors through various means;
- (p) Use gender-impact analyses in the development of macro and micro-economic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs;
- (q) Promote gender-sensitive policies and measures to empower women as

equal partners with men in technical, managerial and entrepreneurial fields;

- (r) Reform laws or enact national policies that support the establishment of labour laws to ensure the protection of all women workers, including safe work practices, the right to organize and access to justice.

Strategic objective F.2. Facilitate women's equal access to resources, employment, markets and trade

Actions to be taken

166. By Governments:

- (a) Promote and support women's self-employment and the development of small enterprises, and strengthen women's access to credit and capital on appropriate terms equal to those of men through the scaling-up of institutions dedicated to promoting women's entrepreneurship, including, as appropriate, non-traditional and mutual credit schemes, as well as innovative linkages with financial institutions;
- (b) Strengthen the incentive role of the State as employer to develop a policy of equal opportunities for women and men;
- (c) Enhance, at the national and local levels, rural women's income-generating potential by facilitating their equal access to and control over productive resources, land, credit, capital, property rights, development programmes and cooperative structures;
- (d) Promote and strengthen micro-enterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities and, where appropriate, facilitate the transition from the informal to the formal sector, especially in rural areas;
- (e) Create and modify programmes and policies that recognize and strengthen women's vital role in food security and provide paid and unpaid women producers, especially those involved in food production, such as farming, fishing and aquaculture, as well as urban enterprises, with equal access to appropriate technologies, transportation, extension services, marketing and credit facilities at the local and community levels;
- (f) Establish appropriate mechanisms and encourage intersectoral institutions that enable women's cooperatives to optimize access to necessary services;
- (g) Increase the proportion of women extension workers and other government personnel who provide technical assistance or administer economic programmes;
- (h) Review, reformulate, if necessary, and implement policies, including business, commercial and contract law and government regulations, to ensure that they do not discriminate against micro, small and medium-scale enterprises owned by women in rural and urban areas;

- (i) Analyse, advise on, coordinate and implement policies that integrate the needs and interests of employed, self-employed and entrepreneurial women into sectoral and inter-ministerial policies, programmes and budgets;
- (j) Ensure equal access for women to effective job training, retraining, counselling and placement services that are not limited to traditional employment areas;
- (k) Remove policy and regulatory obstacles faced by women in social and development programmes that discourage private and individual initiative;
- (l) Safeguard and promote respect for basic workers' rights, including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment, fully implementing the conventions of the International Labour Organization in the case of States Parties to those conventions and, taking into account the principles embodied in the case of those countries that are not parties to those conventions in order to achieve truly sustained economic growth and sustainable development.

167. By Governments, central banks and national development banks, and private banking institutions, as appropriate:

- (a) Increase the participation of women, including women entrepreneurs, in advisory boards and other forums to enable women entrepreneurs from all sectors and their organizations to contribute to the formulation and review of policies and programmes being developed by economic ministries and banking institutions;
- (b) Mobilize the banking sector to increase lending and refinancing through incentives and the development of intermediaries that serve the needs of women entrepreneurs and producers in both rural and urban areas, and include women in their leadership, planning and decision-making;
- (c) Structure services to reach rural and urban women involved in micro, small and medium-scale enterprises, with special attention to young women, low-income women, those belonging to ethnic and racial minorities, and indigenous women who lack access to capital and assets; and expand women's access to financial markets by identifying and encouraging financial supervisory and regulatory reforms that support financial institutions' direct and indirect efforts to better meet the credit and other financial needs of the micro, small and medium-scale enterprises of women;
- (d) Ensure that women's priorities are included in public investment programmes for economic infrastructure, such as water and sanitation, electrification and energy conservation, transport and road construction; promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts.

168. By Governments and non-governmental organizations:

- (a) Pay special attention to women's needs when disseminating market, trade and resource information and provide appropriate training in these fields;
- (b) Encourage community economic development strategies that build on partnerships among Governments, and encourage members of civil society to create jobs and address the social circumstances of individuals, families and communities.

169. By multilateral funders and regional development banks, as well as bilateral and private funding agencies, at the international, regional and subregional levels:

- (a) Review, where necessary reformulate, and implement policies, programmes and projects, to ensure that a higher proportion of resources reach women in rural and remote areas;
- (b) Develop flexible funding arrangements to finance intermediary institutions that target women's economic activities, and promote self-sufficiency and increased capacity in and profitability of women's economic enterprises;
- (c) Develop strategies to consolidate and strengthen their assistance to the micro, small and medium-scale enterprise sector, in order to enhance the opportunities for women to participate fully and equally and work together to coordinate and enhance the effectiveness of this sector, drawing upon expertise and financial resources from within their own organizations as well as from bilateral agencies, Governments and non-governmental organizations.

170. By international, multilateral and bilateral development cooperation organizations:

Support, through the provision of capital and/or resources, financial institutions that serve low-income, small and micro-scale women entrepreneurs and producers in both the formal and informal sectors.

171. By Governments and/or multilateral financial institutions:

Review rules and procedures of formal national and international financial institutions that obstruct replication of the Grameen Bank prototype, which provides credit facilities to rural women.

172. By international organizations:

Provide adequate support for programmes and projects designed to promote sustainable and productive entrepreneurial activities among women, in particular the disadvantaged.

Strategic objective F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women

Actions to be taken

173. By Governments in cooperation with non-governmental organizations and the private sector:

- (a) Provide public infrastructure to ensure equal market access for women and men entrepreneurs;
- (b) Develop programmes that provide training and retraining, particularly in new technologies, and affordable services to women in business management, product development, financing, production and quality control, marketing and the legal aspects of business;
- (c) Provide outreach programmes to inform low-income and poor women, particularly in rural and remote areas, of opportunities for market and technology access, and provide assistance in taking advantage of such opportunities;
- (d) Create non-discriminatory support services, including investment funds for women's businesses, and target women, particularly low-income women, in trade promotion programmes;
- (e) Disseminate information about successful women entrepreneurs in both traditional and non-traditional economic activities and the skills necessary to achieve success, and facilitate networking and the exchange of information;
- (f) Take measures to ensure equal access of women to ongoing training in the workplace, including unemployed women, single parents, women re-entering the labour market after an extended temporary exit from employment owing to family responsibilities and other causes, and women displaced by new forms of production or by retrenchment, and increase incentives to enterprises to expand the number of vocational and training centres that provide training for women in non-traditional areas;
- (g) Provide affordable support services, such as high-quality, flexible and affordable child-care services, that take into account the needs of working men and women.

174. By local, national, regional and international business organizations and non-governmental organizations concerned with women's issues:

Advocate, at all levels, for the promotion and support of women's businesses and enterprises, including those in the informal sector, and the equal access of women to productive resources.

Strategic objective F.4. Strengthen women's economic capacity and commercial networks

Actions to be taken

175. By Governments:

- (a) Adopt policies that support business organizations, non-governmental organizations, cooperatives, revolving loan funds, credit unions, grass-roots organizations, women's self-help groups and other groups in order to provide services to women entrepreneurs in rural and urban areas;
- (b) Integrate a gender perspective into all economic restructuring and structural adjustment policies and design programmes for women who are affected by economic restructuring, including structural adjustment programmes, and for women who work in the informal sector;
- (c) Adopt policies that create an enabling environment for women's self-help groups, workers' organizations and cooperatives through non-conventional forms of support and by recognizing the right to freedom of association and the right to organize;
- (d) Support programmes that enhance the self-reliance of special groups of women, such as young women, women with disabilities, elderly women and women belonging to racial and ethnic minorities;
- (e) Promote gender equality through the promotion of women's studies and through the use of the results of studies and gender research in all fields, including the economic, scientific and technological fields;
- (f) Support the economic activities of indigenous women, taking into account their traditional knowledge, so as to improve their situation and development;
- (g) Adopt policies to extend or maintain the protection of labour laws and social security provisions for those who do paid work in the home;
- (h) Recognize and encourage the contribution of research by women scientists and technologists;
- (i) Ensure that policies and regulations do not discriminate against micro, small and medium-scale enterprises run by women.

176. By financial intermediaries, national training institutes, credit unions, non-governmental organizations, women's associations, professional organizations and the private sector, as appropriate:

- (a) Provide, at the national, regional and international levels, training

in a variety of business-related and financial management and technical skills to enable women, especially young women, to participate in economic policy-making at those levels;

- (b) Provide business services, including marketing and trade information, product design and innovation, technology transfer and quality, to women's business enterprises, including those in export sectors of the economy;
- (c) Promote technical and commercial links and establish joint ventures among women entrepreneurs at the national, regional and international levels to support community-based initiatives;
- (d) Strengthen the participation of women, including marginalized women, in production and marketing cooperatives by providing marketing and financial support, especially in rural and remote areas;
- (e) Promote and strengthen women's micro-enterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities and, where appropriate, facilitate the transition from the informal to the formal sector, in rural and urban areas;
- (f) Invest capital and develop investment portfolios to finance women's business enterprises;
- (g) Give adequate attention to providing technical assistance, advisory services, training and retraining for women connected with the entry to the market economy;
- (h) Support credit networks and innovative ventures, including traditional savings schemes;
- (i) Provide networking arrangements for entrepreneurial women, including opportunities for the mentoring of inexperienced women by the more experienced;
- (j) Encourage community organizations and public authorities to establish loan pools for women entrepreneurs, drawing on successful small-scale cooperative models.

177. By the private sector, including transnational and national corporations:

- (a) Adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis;
- (b) Recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men;
- (c) Observe national labour, environment, consumer, health and safety laws, particularly those that affect women.

Strategic objective F.5. Eliminate occupational segregation and all forms of employment discrimination

Actions to be taken

178. By Governments, employers, employees, trade unions and women's organizations:

- (a) Implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that international labour standards, such as International Labour Organization Convention No. 100 on equal pay and workers' rights, apply equally to female and male workers;
- (b) Enact and enforce laws and introduce implementing measures, including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status, in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment;
- (c) Enact and enforce laws and develop workplace policies against gender discrimination in the labour market, especially considering older women workers, in hiring and promotion, and in the extension of employment benefits and social security, as well as regarding discriminatory working conditions and sexual harassment; mechanisms should be developed for the regular review and monitoring of such laws;
- (d) Eliminate discriminatory practices by employers on the basis of women's reproductive roles and functions, including refusal of employment and dismissal of women due to pregnancy and breast-feeding responsibilities;
- (e) Develop and promote employment programmes and services for women entering and/or re-entering the labour market, especially poor urban, rural and young women, the self-employed and those negatively affected by structural adjustment;
- (f) Implement and monitor positive public- and private-sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to hiring, retention and promotion, and vocational training of women in all sectors;
- (g) Eliminate occupational segregation, especially by promoting the equal participation of women in highly skilled jobs and senior management positions, and through other measures, such as counselling and placement, that stimulate their on-the-job career development and upward mobility in the labour market, and by stimulating the diversification of occupational choices by both women and men; encourage women to take up non-traditional jobs, especially in science and technology, and encourage men to seek employment in the social sector;

- (h) Recognize collective bargaining as a right and as an important mechanism for eliminating wage inequality for women and to improve working conditions;
- (i) Promote the election of women trade union officials and ensure that trade union officials elected to represent women are given job protection and physical security in connection with the discharge of their functions;
- (j) Ensure access to and develop special programmes to enable women with disabilities to obtain and retain employment, and ensure access to education and training at all proper levels, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; 30/ adjust working conditions, to the extent possible, in order to suit the needs of women with disabilities, who should be assured legal protection against unfounded job loss on account of their disabilities;
- (k) Increase efforts to close the gap between women's and men's pay, take steps to implement the principle of equal remuneration for equal work of equal value by strengthening legislation, including compliance with international labour laws and standards, and encourage job evaluation schemes with gender-neutral criteria;
- (l) Establish and/or strengthen mechanisms to adjudicate matters relating to wage discrimination;
- (m) Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensure the full enforcement of relevant existing laws and, where appropriate, enact the legislation necessary to implement the Convention on the Rights of the Child and International Labour Organization standards, ensuring the protection of working children, in particular, street children, through the provision of appropriate health, education and other social services;
- (n) Ensure that strategies to eliminate child labour also address the excessive demands made on some girls for unpaid work in their household and other households, where applicable;
- (o) Review, analyse and, where appropriate, reformulate the wage structures in female-dominated professions, such as teaching, nursing and child care, with a view to raising their low status and earnings;
- (p) Facilitate the productive employment of documented migrant women (including women who have been determined refugees according to the 1951 Convention relating to the Status of Refugees) through greater recognition of foreign education and credentials and by adopting an integrated approach to labour market training that incorporates language training.

Strategic objective F.6. Promote harmonization of work and family responsibilities for women and men

Actions to be taken

179. By Governments:

- (a) Adopt policies to ensure the appropriate protection of labour laws and social security benefits for part-time, temporary, seasonal and home-based workers; promote career development based on work conditions that harmonize work and family responsibilities;
- (b) Ensure that full and part-time work can be freely chosen by women and men on an equal basis, and consider appropriate protection for atypical workers in terms of access to employment, working conditions and social security;
- (c) Ensure, through legislation, incentives and/or encouragement, opportunities for women and men to take job-protected parental leave and to have parental benefits; promote the equal sharing of responsibilities for the family by men and women, including through appropriate legislation, incentives and/or encouragement, and also promote the facilitation of breast-feeding for working mothers;
- (d) Develop policies, inter alia, in education to change attitudes that reinforce the division of labour based on gender in order to promote the concept of shared family responsibility for work in the home, particularly in relation to children and elder care;
- (e) Improve the development of, and access to, technologies that facilitate occupational as well as domestic work, encourage self-support, generate income, transform gender-prescribed roles within the productive process and enable women to move out of low-paying jobs;
- (f) Examine a range of policies and programmes, including social security legislation and taxation systems, in accordance with national priorities and policies, to determine how to promote gender equality and flexibility in the way people divide their time between and derive benefits from education and training, paid employment, family responsibilities, volunteer activity and other socially useful forms of work, rest and leisure.

180. By Governments, the private sector and non-governmental organizations, trade unions and the United Nations, as appropriate:

- (a) Adopt appropriate measures involving relevant governmental bodies and employers' and employees' associations so that women and men are able to take temporary leave from employment, have transferable employment and retirement benefits and make arrangements to modify work hours without sacrificing their prospects for development and advancement at work and in their careers;
- (b) Design and provide educational programmes through innovative media campaigns and school and community education programmes to raise awareness on gender equality and non-stereotyped gender roles of women and men within the family; provide support services and facilities,

such as on-site child care at workplaces and flexible working arrangements;

- (c) Enact and enforce laws against sexual and other forms of harassment in all workplaces.

G. Women in power and decision-making

181. The Universal Declaration of Human Rights states that everyone has the right to take part in the Government of his/her country. The empowerment and autonomy of women and the improvement of women's social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life. The power relations that prevent women from leading fulfilling lives operate at many levels of society, from the most personal to the highly public. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning. Equality in political decision-making performs a leverage function without which it is highly unlikely that a real integration of the equality dimension in government policy-making is feasible. In this respect, women's equal participation in political life plays a pivotal role in the general process of the advancement of women. Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.

182. Despite the widespread movement towards democratization in most countries, women are largely underrepresented at most levels of government, especially in ministerial and other executive bodies, and have made little progress in attaining political power in legislative bodies or in achieving the target endorsed by the Economic and Social Council of having 30 per cent women in positions at decision-making levels by 1995. Globally, only 10 per cent of the members of legislative bodies and a lower percentage of ministerial positions are now held by women. Indeed, some countries, including those that are undergoing fundamental political, economic and social changes, have seen a significant decrease in the number of women represented in legislative bodies. Although women make up at least half of the electorate in almost all countries and have attained the right to vote and hold office in almost all States Members of the United Nations, women continue to be seriously underrepresented as candidates for public office. The traditional working patterns of many political parties and government structures continue to be barriers to women's participation in public life. Women may be discouraged from seeking political office by discriminatory attitudes and practices, family and child-care responsibilities, and the high cost of seeking and holding public office. Women in politics and decision-making positions in Governments and legislative bodies contribute to redefining political priorities, placing new items on the political agenda that reflect and address women's gender-specific concerns, values and experiences, and providing new perspectives on mainstream political issues.

183. Women have demonstrated considerable leadership in community and informal organizations, as well as in public office. However, socialization and negative stereotyping of women and men, including stereotyping through the media, reinforces the tendency for political decision-making to remain the domain of

men. Likewise, the underrepresentation of women in decision-making positions in the areas of art, culture, sports, the media, education, religion and the law have prevented women from having a significant impact on many key institutions.

184. Owing to their limited access to the traditional avenues to power, such as the decision-making bodies of political parties, employer organizations and trade unions, women have gained access to power through alternative structures, particularly in the non-governmental organization sector. Through non-governmental organizations and grass-roots organizations, women have been able to articulate their interests and concerns and have placed women's issues on the national, regional and international agendas.

185. Inequality in the public arena can often start with discriminatory attitudes and practices and unequal power relations between women and men within the family, as defined in paragraph 29 above. The unequal division of labour and responsibilities within households based on unequal power relations also limits women's potential to find the time and develop the skills required for participation in decision-making in wider public forums. A more equal sharing of those responsibilities between women and men not only provides a better quality of life for women and their daughters but also enhances their opportunities to shape and design public policy, practice and expenditure so that their interests may be recognized and addressed. Non-formal networks and patterns of decision-making at the local community level that reflect a dominant male ethos restrict women's ability to participate equally in political, economic and social life.

186. The low proportion of women among economic and political decision makers at the local, national, regional and international levels reflects structural and attitudinal barriers that need to be addressed through positive measures. Governments, transnational and national corporations, the mass media, banks, academic and scientific institutions, and regional and international organizations, including those in the United Nations system, do not make full use of women's talents as top-level managers, policy makers, diplomats and negotiators.

187. The equitable distribution of power and decision-making at all levels is dependent on Governments and other actors undertaking statistical gender analysis and mainstreaming a gender perspective in policy development and the implementation of programmes. Equality in decision-making is essential to the empowerment of women. In some countries, affirmative action has led to 33.3 per cent or larger representation in local and national Governments.

188. National, regional and international statistical institutions still have insufficient knowledge of how to present the issues related to the equal treatment of women and men in the economic and social spheres. In particular, there is insufficient use of existing databases and methodologies in the important sphere of decision-making.

189. In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making

Actions to be taken

190. By Governments:

- (a) Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions;
- (b) Take measures, including, where appropriate, in electoral systems that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men;
- (c) Protect and promote the equal rights of women and men to engage in political activities and to freedom of association, including membership in political parties and trade unions;
- (d) Review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reform of those systems;
- (e) Monitor and evaluate progress in the representation of women through the regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in Governments on a yearly basis; ensure that women and men have equal access to the full range of public appointments and set up mechanisms within governmental structures for monitoring progress in this field;
- (f) Support non-governmental organizations and research institutes that conduct studies on women's participation in and impact on decision-making and the decision-making environment;
- (g) Encourage greater involvement of indigenous women in decision-making at all levels;
- (h) Encourage and, where appropriate, ensure that government-funded organizations adopt non-discriminatory policies and practices in order to increase the number and raise the position of women in their organizations;
- (i) Recognize that shared work and parental responsibilities between women and men promote women's increased participation in public life, and take appropriate measures to achieve this, including measures to reconcile family and professional life;
- (j) Aim at gender balance in the lists of national candidates nominated for election or appointment to United Nations bodies, specialized

agencies and other autonomous organizations of the United Nations system, particularly for posts at the senior level.

191. By political parties:

- (a) Consider examining party structures and procedures to remove all barriers that directly or indirectly discriminate against the participation of women;
- (b) Consider developing initiatives that allow women to participate fully in all internal policy-making structures and appointive and electoral nominating processes;
- (c) Consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men.

192. By Governments, national bodies, the private sector, political parties, trade unions, employers' organizations, research and academic institutions, subregional and regional bodies and non-governmental and international organizations:

- (a) Take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions;
- (b) Create or strengthen, as appropriate, mechanisms to monitor women's access to senior levels of decision-making;
- (c) Review the criteria for recruitment and appointment to advisory and decision-making bodies and promotion to senior positions to ensure that such criteria are relevant and do not discriminate against women;
- (d) Encourage efforts by non-governmental organizations, trade unions and the private sector to achieve equality between women and men in their ranks, including equal participation in their decision-making bodies and in negotiations in all areas and at all levels;
- (e) Develop communications strategies to promote public debate on the new roles of men and women in society, and in the family as defined in paragraph 29 above;
- (f) Restructure recruitment and career-development programmes to ensure that all women, especially young women, have equal access to managerial, entrepreneurial, technical and leadership training, including on-the-job training;
- (g) Develop career advancement programmes for women of all ages that include career planning, tracking, mentoring, coaching, training and retraining;
- (h) Encourage and support the participation of women's non-governmental organizations in United Nations conferences and their preparatory processes;
- (i) Aim at and support gender balance in the composition of delegations to the United Nations and other international forums.

193. By the United Nations:

- (a) Implement existing and adopt new employment policies and measures in order to achieve overall gender equality, particularly at the Professional level and above, by the year 2000, with due regard to the importance of recruiting staff on as wide a geographical basis as possible, in conformity with Article 101, paragraph 3, of the Charter of the United Nations;
- (b) Develop mechanisms to nominate women candidates for appointment to senior posts in the United Nations, the specialized agencies and other organizations and bodies of the United Nations system;
- (c) Continue to collect and disseminate quantitative and qualitative data on women and men in decision-making and analyse their differential impact on decision-making and monitor progress towards achieving the Secretary-General's target of having women hold 50 per cent of managerial and decision-making positions by the year 2000.

194. By women's organizations, non-governmental organizations, trade unions, social partners, producers, and industrial and professional organizations:

- (a) Build and strengthen solidarity among women through information, education and sensitization activities;
- (b) Advocate at all levels to enable women to influence political, economic and social decisions, processes and systems, and work towards seeking accountability from elected representatives on their commitment to gender concerns;
- (c) Establish, consistent with data protection legislation, databases on women and their qualification for use in appointing women to senior decision-making and advisory positions, for dissemination to Governments, regional and international organizations and private enterprise, political parties and other relevant bodies.

Strategic objective G.2. Increase women's capacity to participate in decision-making and leadership

Actions to be taken

195. By Governments, national bodies, the private sector, political parties, trade unions, employers' organizations, subregional and regional bodies, non-governmental and international organizations and educational institutions:

- (a) Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions;
- (b) Have transparent criteria for decision-making positions and ensure that the selecting bodies have a gender-balanced composition;
- (c) Create a system of mentoring for inexperienced women and, in particular, offer training, including training in leadership and decision-making, public speaking and self-assertion, as well as in

political campaigning;

- (d) Provide gender-sensitive training for women and men to promote non-discriminatory working relationships and respect for diversity in work and management styles;
- (e) Develop mechanisms and training to encourage women to participate in the electoral process, political activities and other leadership areas.

H. Institutional mechanisms for the advancement of women

196. National machineries for the advancement of women have been established in almost every Member State to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women. National machineries are diverse in form and uneven in their effectiveness, and in some cases have declined. Often marginalized in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.

197. At the regional and international levels, mechanisms and institutions to promote the advancement of women as an integral part of mainstream political, economic, social and cultural development, and of initiatives on development and human rights, encounter similar problems emanating from a lack of commitment at the highest levels.

198. Successive international conferences have underscored the need to take gender factors into account in policy and programme planning. However, in many instances this has not been done.

199. Regional bodies concerned with the advancement of women have been strengthened, together with international machinery, such as the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women. However, the limited resources available continue to impede full implementation of their mandates.

200. Methodologies for conducting gender-based analysis in policies and programmes and for dealing with the differential effects of policies on women and men have been developed in many organizations and are available for application but are often not being applied or are not being applied consistently.

201. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:

- (a) Location at the highest possible level in the Government, falling under the responsibility of a Cabinet minister;
- (b) Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations

from the grass-roots upwards;

- (c) Sufficient resources in terms of budget and professional capacity;
- (d) Opportunity to influence development of all government policies.

202. In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective H.1. Create or strengthen national machineries and other governmental bodies

Actions to be taken

203. By Governments:

- (a) Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister;
- (b) Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation; among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation;
- (c) Provide staff training in designing and analysing data from a gender perspective;
- (d) Establish procedures to allow the machinery to gather information on government-wide policy issues at an early stage and continuously use it in the policy development and review process within the Government;
- (e) Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action;
- (f) Encourage and promote the active involvement of the broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men.

Strategic objective H.2. Integrate gender perspectives in legislation, public policies, programmes and projects

Actions to be taken

204. By Governments:

- (a) Seek to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively, is carried out;
- (b) Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning;
- (c) Promote national strategies and aims on equality between women and men in order to eliminate obstacles to the exercise of women's rights and eradicate all forms of discrimination against women;
- (d) Work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislation and policies;
- (e) Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action; locate the responsibility for the implementation of that mandate at the highest possible level; establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate, to monitor progress and to network with relevant machineries.

205. By national machinery:

- (a) Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central Government in order to ensure mainstreaming of a gender perspective in all policy-making processes;
- (b) Promote and establish cooperative relationships with relevant branches of government, centres for women's studies and research, academic and educational institutions, the private sector, the media, non-governmental organizations, especially women's organizations, and all other actors of civil society;
- (c) Undertake activities focusing on legal reform with regard, inter alia, to the family, conditions of employment, social security, income tax, equal opportunity in education, positive measures to promote the advancement of women, and the perception of attitudes and a culture favourable to equality, as well as promote a gender perspective in legal policy and programming reforms;
- (d) Promote the increased participation of women as both active agents and beneficiaries of the development process, which would result in an improvement in the quality of life for all;

- (e) Establish direct links with national, regional and international bodies dealing with the advancement of women;
- (f) Provide training and advisory assistance to government agencies in order to integrate a gender perspective in their policies and programmes.

Strategic objective H.3. Generate and disseminate gender-disaggregated data and information for planning and evaluation

Actions to be taken

206. By national, regional and international statistical services and relevant governmental and United Nations agencies, in cooperation with research and documentation organizations, in their respective areas of responsibility:

- (a) Ensure that statistics related to individuals are collected, compiled, analysed and presented by sex and age and reflect problems, issues and questions related to women and men in society;
- (b) Collect, compile, analyse and present on a regular basis data disaggregated by age, sex, socio-economic and other relevant indicators, including number of dependants, for utilization in policy and programme planning and implementation;
- (c) Involve centres for women's studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action;
- (d) Designate or appoint staff to strengthen gender-statistics programmes and ensure coordination, monitoring and linkage to all fields of statistical work, and prepare output that integrates statistics from the various subject areas;
- (e) Improve data collection on the full contribution of women and men to the economy, including their participation in the informal sector(s);
- (f) Develop a more comprehensive knowledge of all forms of work and employment by:
 - (i) Improving data collection on the unremunerated work which is already included in the United Nations System of National Accounts, such as in agriculture, particularly subsistence agriculture, and other types of non-market production activities;
 - (ii) Improving measurements that at present underestimate women's unemployment and underemployment in the labour market;
 - (iii) Developing methods, in the appropriate forums, for assessing the value, in quantitative terms, of unremunerated work that is outside national accounts, such as caring for dependants and preparing food, for possible reflection in satellite or other official accounts that may be produced separately from but are

consistent with core national accounts, with a view to recognizing the economic contribution of women and making visible the unequal distribution of remunerated and unremunerated work between women and men;

- (g) Develop an international classification of activities for time-use statistics that is sensitive to the differences between women and men in remunerated and unremunerated work, and collect data disaggregated by sex. At the national level, subject to national constraints:
 - (i) Conduct regular time-use studies to measure, in quantitative terms, unremunerated work, including recording those activities that are performed simultaneously with remunerated or other unremunerated activities;
 - (ii) Measure, in quantitative terms, unremunerated work that is outside national accounts and work to improve methods to assess its value, and accurately reflect its value in satellite or other official accounts that are separate from but consistent with core national accounts;
- (h) Improve concepts and methods of data collection on the measurement of poverty among women and men, including their access to resources;
- (i) Strengthen vital statistical systems and incorporate gender analysis into publications and research; give priority to gender differences in research design and in data collection and analysis in order to improve data on morbidity; and improve data collection on access to health services, including access to comprehensive sexual and reproductive health services, maternal care and family planning, with special priority for adolescent mothers and for elder care;
- (j) Develop improved gender-disaggregated and age-specific data on the victims and perpetrators of all forms of violence against women, such as domestic violence, sexual harassment, rape, incest and sexual abuse, and trafficking in women and girls, as well as on violence by agents of the State;
- (k) Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources.

207. By Governments:

- (a) Ensure the regular production of a statistical publication on gender that presents and interprets topical data on women and men in a form suitable for a wide range of non-technical users;
- (b) Ensure that producers and users of statistics in each country regularly review the adequacy of the official statistical system and its coverage of gender issues, and prepare a plan for needed improvements, where necessary;
- (c) Develop and encourage the development of quantitative and qualitative studies by research organizations, trade unions, employers, the private sector and non-governmental organizations on the sharing of power and influence in society, including the number of women and men

in senior decision-making positions in both the public and private sectors;

- (d) Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects.

208. By the United Nations:

- (a) Promote the development of methods to find better ways to collect, collate and analyse data that may relate to the human rights of women, including violence against women, for use by all relevant United Nations bodies;
- (b) Promote the further development of statistical methods to improve data that relate to women in economic, social, cultural and political development;
- (c) Prepare a new issue of The World's Women at regular five-year intervals and distribute it widely;
- (d) Assist countries, upon request, in the development of gender policies and programmes;
- (e) Ensure that the relevant reports, data and publications of the Statistical Division of the United Nations Secretariat and the International Research and Training Institute for the Advancement of Women on progress at the national and international levels are transmitted to the Commission on the Status of Women in a regular and coordinated fashion.

209. By multilateral development institutions and bilateral donors:

Encourage and support the development of national capacity in developing countries and in countries with economies in transition by providing resources and technical assistance so that countries can fully measure the work done by women and men, including both remunerated and unremunerated work, and, where appropriate, use satellite or other official accounts for unremunerated work.

I. Human rights of women

210. Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

211. The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligation to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

212. The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations, in accordance with its purposes and principles, in particular with the purpose of international cooperation. In the framework of these purposes and principles,

the promotion and protection of all human rights is a legitimate concern of the international community. The international community must treat human rights globally, in a fair and equal manner, on the same footing, and with the same emphasis. The Platform for Action reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.

213. The Platform for Action reaffirms that all human rights - civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent and interrelated, as expressed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. The Conference reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women.

214. Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. All the major international human rights instruments include sex as one of the grounds upon which States may not discriminate.

215. Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights. Recognition of the importance of the human rights of women is reflected in the fact that three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women.

216. The World Conference on Human Rights reaffirmed clearly that the human rights of women throughout the life cycle are an inalienable, integral and indivisible part of universal human rights. The International Conference on Population and Development reaffirmed women's reproductive rights and the right to development. Both the Declaration of the Rights of the Child 31/ and the Convention on the Rights of the Child 11/ guarantee children's rights and uphold the principle of non-discrimination on the grounds of gender.

217. The gap between the existence of rights and their effective enjoyment derives from a lack of commitment by Governments to promoting and protecting those rights and the failure of Governments to inform women and men alike about them. The lack of appropriate recourse mechanisms at the national and international levels, and inadequate resources at both levels, compound the problem. In most countries, steps have been taken to reflect the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women in national law. A number of countries have established mechanisms to strengthen women's ability to exercise their rights.

218. In order to protect the human rights of women, it is necessary to avoid, as far as possible, resorting to reservations and to ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise incompatible with international treaty law. Unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only.

219. In those countries that have not yet become parties to the Convention on

the Elimination of All Forms of Discrimination against Women and other international human rights instruments, or where reservations that are incompatible with the object or purpose of the Convention have been entered, or where national laws have not yet been revised to implement international norms and standards, women's de jure equality is not yet secured. Women's full enjoyment of equal rights is undermined by the discrepancies between some national legislation and international law and international instruments on human rights. Overly complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violation of the human rights of all women, coupled with the underrepresentation of women in justice systems, insufficient information on existing rights and persistent attitudes and practices perpetuate women's *de facto* inequality. *De facto* inequality is also perpetuated by the lack of enforcement of, inter alia, family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations intended to ensure women's full enjoyment of human rights and fundamental freedoms.

220. Every person should be entitled to participate in, contribute to and enjoy cultural, economic, political and social development. In many cases women and girls suffer discrimination in the allocation of economic and social resources. This directly violates their economic, social and cultural rights.

221. The human rights of all women and the girl child must form an integral part of United Nations human rights activities. Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms. This requires, inter alia, improved cooperation and coordination between the Commission on the Status of Women, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, including its special and thematic rapporteurs, independent experts, working groups and its Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission on Sustainable Development, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, and the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and all relevant entities of the United Nations system, including the specialized agencies. Cooperation is also needed to strengthen, rationalize and streamline the United Nations human rights system and to promote its effectiveness and efficiency, taking into account the need to avoid unnecessary duplication and overlapping of mandates and tasks.

222. If the goal of full realization of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated.

223. Bearing in mind the Programme of Action of the International Conference on Population and Development 14/ and the Vienna Declaration and Programme of Action 2/ adopted by the World Conference on Human Rights, the Fourth World Conference on Women reaffirms that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

224. Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. Taking into account the Declaration on the Elimination of Violence against Women and the work of Special Rapporteurs, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women, resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism are incompatible with the dignity and the worth of the human person and must be combated and eliminated. Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated. Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons.

225. Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees. They may also be disadvantaged and marginalized by a general lack of knowledge and recognition of their human rights as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights.

226. The factors that cause the flight of refugee women, other displaced women in need of international protection and internally displaced women may be different from those affecting men. These women continue to be vulnerable to abuses of their human rights during and after their flight.

227. While women are increasingly using the legal system to exercise their rights, in many countries lack of awareness of the existence of these rights is an obstacle that prevents women from fully enjoying their human rights and attaining equality. Experience in many countries has shown that women can be empowered and motivated to assert their rights, regardless of their level of education or socio-economic status. Legal literacy programmes and media strategies have been effective in helping women to understand the link between their rights and other aspects of their lives and in demonstrating that cost-effective initiatives can be undertaken to help women obtain those rights. Provision of human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanisms to redress violations of their rights. It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights.

228. Women engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organizational capacity for the promotion and protection of human rights. Non-governmental organizations, women's organizations and feminist groups have played a catalytic role in the promotion of the human rights of women through grass-roots activities, networking and advocacy and need encouragement, support and access to information from Governments in order to carry out these activities.

229. In addressing the enjoyment of human rights, Governments and other actors

should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

Actions to be taken

230. By Governments:

- (a) Work actively towards ratification of or accession to and implement international and regional human rights treaties;
- (b) Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000;
- (c) Limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women; formulate any such reservations as precisely and as narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them; and withdraw reservations that are contrary to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women or which are otherwise incompatible with international treaty law;
- (d) Consider drawing up national action plans identifying steps to improve the promotion and protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights;
- (e) Create or strengthen independent national institutions for the protection and promotion of these rights, including the human rights of women, as recommended by the World Conference on Human Rights;
- (f) Develop a comprehensive human rights education programme to raise awareness among women of their human rights and raise awareness among others of the human rights of women;
- (g) If they are States parties, implement the Convention by reviewing all national laws, policies, practices and procedures to ensure that they meet the obligations set out in the Convention; all States should undertake a review of all national laws, policies, practices and procedures to ensure that they meet international human rights obligations in this matter;
- (h) Include gender aspects in reporting under all other human rights conventions and instruments, including ILO conventions, to ensure analysis and review of the human rights of women;

- (i) Report on schedule to the Committee on the Elimination of Discrimination against Women regarding the implementation of the Convention, following fully the guidelines established by the Committee and involving non-governmental organizations, where appropriate, or taking into account their contributions in the preparation of the report;
- (j) Enable the Committee on the Elimination of Discrimination against Women fully to discharge its mandate by allowing for adequate meeting time through broad ratification of the revision adopted by the States parties to the Convention on the Elimination of All Forms of Discrimination against Women on 22 May 1995 relative to article 20, paragraph 1, 32/ and by promoting efficient working methods;
- (k) Support the process initiated by the Commission on the Status of Women with a view to elaborating a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that could enter into force as soon as possible on a right of petition procedure, taking into consideration the Secretary-General's report on the optional protocol, including those views related to its feasibility;
- (l) Take urgent measures to achieve universal ratification of or accession to the Convention on the Rights of the Child before the end of 1995 and full implementation of the Convention in order to ensure equal rights for girls and boys; those that have not already done so are urged to become parties in order to realize universal implementation of the Convention on the Rights of the Child by the year 2000;
- (m) Address the acute problems of children, inter alia, by supporting efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse and consider contributing to the drafting of an optional protocol to the Convention on the Rights of the Child;
- (n) Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children;
- (o) Taking into account the need to ensure full respect for the human rights of indigenous women, consider a declaration on the rights of indigenous people for adoption by the General Assembly within the International Decade of the World's Indigenous People and encourage the participation of indigenous women in the working group elaborating the draft declaration, in accordance with the provisions for the participation of organizations of indigenous people.

231. By relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for

Refugees, while promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks:

- (a) Give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates to promote universal respect for and protection of all human rights - civil, cultural, economic, political and social rights, including the right to development;
- (b) Ensure the implementation of the recommendations of the World Conference on Human Rights for the full integration and mainstreaming of the human rights of women;
- (c) Develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system, including activities with regard to advisory services, technical assistance, reporting methodology, gender-impact assessments, coordination, public information and human rights education, and play an active role in the implementation of the programme;
- (d) Ensure the integration and full participation of women as both agents and beneficiaries in the development process and reiterate the objectives established for global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development; 18/
- (e) Include information on gender-based human rights violations in their activities and integrate the findings into all of their programmes and activities;
- (f) Ensure that there is collaboration and coordination of the work of all human rights bodies and mechanisms to ensure that the human rights of women are respected;
- (g) Strengthen cooperation and coordination between the Commission on the Status of Women, the Commission on Human Rights, the Commission for Social Development, the Commission on Sustainable Development, the Commission on Crime Prevention and Criminal Justice, the United Nations human rights treaty monitoring bodies, including the Committee on the Elimination of Discrimination against Women, and the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the United Nations Development Programme, the United Nations Children's Fund and other organizations of the United Nations system, acting within their mandates, in the promotion of the human rights of women, and improve cooperation between the Division for the Advancement of Women and the Centre for Human Rights;
- (h) Establish effective cooperation between the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and other relevant bodies, within their respective mandates, taking into account the close link between massive violations of human rights, especially in the form of genocide, ethnic cleansing, systematic rape of women in war situations and refugee flows and other displacements, and the fact that refugee, displaced

and returnee women may be subject to particular human rights abuse;

- (i) Encourage incorporation of a gender perspective in national programmes of action and in human rights and national institutions, within the context of human rights advisory services programmes;
- (j) Provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully take into account the gender aspect of their work;
- (k) In reviewing the implementation of the plan of action for the United Nations Decade for Human Rights Education (1995-2004), take into account the results of the Fourth World Conference on Women.

Strategic objective I.2. Ensure equality and non-discrimination under the law and in practice

Actions to be taken

232. By Governments:

- (a) Give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origins, property, birth or other status;
- (b) Provide constitutional guarantees and/or enact appropriate legislation to prohibit discrimination on the basis of sex for all women and girls of all ages and assure women of all ages equal rights and their full enjoyment;
- (c) Embody the principle of the equality of men and women in their legislation and ensure, through law and other appropriate means, the practical realization of this principle;
- (d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice;
- (e) Strengthen and encourage the development of programmes to protect the human rights of women in the national institutions on human rights that carry out programmes, such as human rights commissions or ombudspersons, according them appropriate status, resources and access to the Government to assist individuals, in particular women, and ensure that these institutions pay adequate attention to problems involving the violation of the human rights of women;
- (f) Take action to ensure that the human rights of women, including the rights referred to in paragraphs 94 to 96 above, are fully respected

and protected;

- (g) Take urgent action to combat and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and extremism;
- (h) Prohibit female genital mutilation wherever it exists and give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices;
- (i) Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of parliament in order to enable them to better exercise their public responsibilities;
- (j) Promote the equal right of women to be members of trade unions and other professional and social organizations;
- (k) Establish effective mechanisms for investigating violations of the human rights of women perpetrated by any public official and take the necessary punitive legal measures in accordance with national laws;
- (l) Review and amend criminal laws and procedures, as necessary, to eliminate any discrimination against women in order to ensure that criminal law and procedures guarantee women effective protection against, and prosecution of, crimes directed at or disproportionately affecting women, regardless of the relationship between the perpetrator and the victim, and ensure that women defendants, victims and/or witnesses are not revictimized or discriminated against in the investigation and prosecution of crimes;
- (m) Ensure that women have the same right as men to be judges, advocates or other officers of the court, as well as police officers and prison and detention officers, among other things;
- (n) Strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violations of their rights;
- (o) Ensure that all women and non-governmental organizations and their members in the field of protection and promotion of all human rights - civil, cultural, economic, political and social rights, including the right to development - enjoy fully all human rights and freedoms in accordance with the Universal Declaration of Human Rights and all other human rights instruments and the protection of national laws;
- (p) Strengthen and encourage the implementation of the recommendations contained in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 30/ paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence

against women, as well as their active participation in and economic contribution to all aspects of society;

- (q) Encourage the development of gender-sensitive human rights programmes.

Strategic objective I.3. Achieve legal literacy

Actions to be taken

233. By Governments and non-governmental organizations, the United Nations and other international organizations, as appropriate:

- (a) Translate, whenever possible, into local and indigenous languages and into alternative formats appropriate for persons with disabilities and persons at lower levels of literacy, publicize and disseminate laws and information relating to the equal status and human rights of all women, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, 33/ the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development 34/ and the Declaration on the Elimination of Violence against Women, as well as the outcomes of relevant United Nations conferences and summits and national reports to the Committee on the Elimination of Discrimination against Women;
- (b) Publicize and disseminate such information in easily understandable formats and alternative formats appropriate for persons with disabilities, and persons at low levels of literacy;
- (c) Disseminate information on national legislation and its impact on women, including easily accessible guidelines on how to use a justice system to exercise one's rights;
- (d) Include information about international and regional instruments and standards in their public information and human rights education activities and in adult education and training programmes, particularly for groups such as the military, the police and other law enforcement personnel, the judiciary, and legal and health professionals to ensure that human rights are effectively protected;
- (e) Make widely available and fully publicize information on the existence of national, regional and international mechanisms for seeking redress when the human rights of women are violated;
- (f) Encourage, coordinate and cooperate with local and regional women's groups, relevant non-governmental organizations, educators and the media, to implement programmes in human rights education to make women aware of their human rights;
- (g) Promote education on the human and legal rights of women in school curricula at all levels of education and undertake public campaigns, including in the most widely used languages of the country, on the

equality of women and men in public and private life, including their rights within the family and relevant human rights instruments under national and international law;

- (h) Promote education in all countries in human rights and international humanitarian law for members of the national security and armed forces, including those assigned to United Nations peace-keeping operations, on a routine and continuing basis, reminding them and sensitizing them to the fact that they should respect the rights of women at all times, both on and off duty, giving special attention to the rules on the protection of women and children and to the protection of human rights in situations of armed conflict;
- (i) Take appropriate measures to ensure that refugee and displaced women, migrant women and women migrant workers are made aware of their human rights and of the recourse mechanisms available to them.

J. Women and the media

234. During the past decade, advances in information technology have facilitated a global communications network that transcends national boundaries and has an impact on public policy, private attitudes and behaviour, especially of children and young adults. Everywhere the potential exists for the media to make a far greater contribution to the advancement of women.

235. More women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy. The lack of gender sensitivity in the media is evidenced by the failure to eliminate the gender-based stereotyping that can be found in public and private local, national and international media organizations.

236. The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products are also negatively affecting women and their participation in society. Programming that reinforces women's traditional roles can be equally limiting. The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately.

237. Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of the power of an increasingly important industry. Self-regulatory mechanisms for the media need to be created and strengthened and approaches developed to eliminate gender-biased programming. Most women, especially in developing countries, are not able to access effectively the expanding electronic information highways and therefore cannot establish networks that will provide them with alternative sources of information. Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact.

238. In addressing the issue of the mobilization of the media, Governments and

other actors should promote an active and visible policy of mainstreaming a gender perspective in policies and programmes.

Strategic objective J.1. Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication

Actions to be taken

239. By Governments:

- (a) Support women's education, training and employment to promote and ensure women's equal access to all areas and levels of the media;
- (b) Support research into all aspects of women and the media so as to define areas needing attention and action and review existing media policies with a view to integrating a gender perspective;
- (c) Promote women's full and equal participation in the media, including management, programming, education, training and research;
- (d) Aim at gender balance in the appointment of women and men to all advisory, management, regulatory or monitoring bodies, including those connected to the private and State or public media;
- (e) Encourage, to the extent consistent with freedom of expression, these bodies to increase the number of programmes for and by women to see to it that women's needs and concerns are properly addressed;
- (f) Encourage and recognize women's media networks, including electronic networks and other new technologies of communication, as a means for the dissemination of information and the exchange of views, including at the international level, and support women's groups active in all media work and systems of communications to that end;
- (g) Encourage and provide the means or incentives for the creative use of programmes in the national media for the dissemination of information on various cultural forms of indigenous people and the development of social and educational issues in this regard within the framework of national law;
- (h) Guarantee the freedom of the media and its subsequent protection within the framework of national law and encourage, consistent with freedom of expression, the positive involvement of the media in development and social issues.

240. By national and international media systems:

Develop, consistent with freedom of expression, regulatory mechanisms, including voluntary ones, that promote balanced and diverse portrayals of women by the media and international communication systems and that promote increased participation by women and men in production and decision-making.

241. By Governments, as appropriate, or national machinery for the advancement

of women:

- (a) Encourage the development of educational and training programmes for women in order to produce information for the mass media, including funding of experimental efforts, and the use of the new technologies of communication, cybernetics space and satellite, whether public or private;
- (b) Encourage the use of communication systems, including new technologies, as a means of strengthening women's participation in democratic processes;
- (c) Facilitate the compilation of a directory of women media experts;
- (d) Encourage the participation of women in the development of professional guidelines and codes of conduct or other appropriate self-regulatory mechanisms to promote balanced and non-stereotyped portrayals of women by the media.

242. By non-governmental organizations and media professional associations:

- (a) Encourage the establishment of media watch groups that can monitor the media and consult with the media to ensure that women's needs and concerns are properly reflected;
- (b) Train women to make greater use of information technology for communication and the media, including at the international level;
- (c) Create networks among and develop information programmes for non-governmental organizations, women's organizations and professional media organizations in order to recognize the specific needs of women in the media, and facilitate the increased participation of women in communication, in particular at the international level, in support of South-South and North-South dialogue among and between these organizations, inter alia, to promote the human rights of women and equality between women and men;
- (d) Encourage the media industry and education and media training institutions to develop, in appropriate languages, traditional, indigenous and other ethnic forms of media, such as story-telling, drama, poetry and song, reflecting their cultures, and utilize these forms of communication to disseminate information on development and social issues.

Strategic objective J.2. Promote a balanced and non-stereotyped portrayal of women in the media

Actions to be taken

243. By Governments and international organizations, to the extent consistent with freedom of expression:

- (a) Promote research and implementation of a strategy of information, education and communication aimed at promoting a balanced portrayal of women and girls and their multiple roles;

- (b) Encourage the media and advertising agencies to develop specific programmes to raise awareness of the Platform for Action;
- (c) Encourage gender-sensitive training for media professionals, including media owners and managers, to encourage the creation and use of non-stereotyped, balanced and diverse images of women in the media;
- (d) Encourage the media to refrain from presenting women as inferior beings and exploiting them as sexual objects and commodities, rather than presenting them as creative human beings, key actors and contributors to and beneficiaries of the process of development;
- (e) Promote the concept that the sexist stereotypes displayed in the media are gender discriminatory, degrading in nature and offensive;
- (f) Take effective measures or institute such measures, including appropriate legislation against pornography and the projection of violence against women and children in the media.

244. By the mass media and advertising organizations:

- (a) Develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women;
- (b) Establish, consistent with freedom of expression, professional guidelines and codes of conduct that address violent, degrading or pornographic materials concerning women in the media, including advertising;
- (c) Develop a gender perspective on all issues of concern to communities, consumers and civil society;
- (d) Increase women's participation in decision-making at all levels of the media.

245. By the media, non-governmental organizations and the private sector, in collaboration, as appropriate, with national machinery for the advancement of women:

- (a) Promote the equal sharing of family responsibilities through media campaigns that emphasize gender equality and non-stereotyped gender roles of women and men within the family and that disseminate information aimed at eliminating spousal and child abuse and all forms of violence against women, including domestic violence;
- (b) Produce and/or disseminate media materials on women leaders, inter alia, as leaders who bring to their positions of leadership many different life experiences, including but not limited to their experiences in balancing work and family responsibilities, as mothers, as professionals, as managers and as entrepreneurs, to provide role models, particularly to young women;
- (c) Promote extensive campaigns, making use of public and private educational programmes, to disseminate information about and increase awareness of the human rights of women;

- (d) Support the development of and finance, as appropriate, alternative media and the use of all means of communication to disseminate information to and about women and their concerns;
- (e) Develop approaches and train experts to apply gender analysis with regard to media programmes.

K. Women and the environment

246. Human beings are at the centre of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature. Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management, as was recognized at the United Nations Conference on Environment and Development and the International Conference on Population and Development and reflected throughout Agenda 21. Awareness of resource depletion, the degradation of natural systems and the dangers of polluting substances has increased markedly in the past decade. These worsening conditions are destroying fragile ecosystems and displacing communities, especially women, from productive activities and are an increasing threat to a safe and healthy environment. Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances. Rising sealevels as a result of global warming cause a grave and immediate threat to people living in island countries and coastal areas. The use of ozone-depleting substances, such as products with chlorofluorocarbons, halons and methyl bromides (from which plastics and foams are made), are severely affecting the atmosphere, thus allowing excessive levels of harmful ultraviolet rays to reach the Earth's surface. This has severe effects on people's health such as higher rates of skin cancer, eye damage and weakened immune systems. It also has severe effects on the environment, including harm to crops and ocean life.

247. All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. Hurricanes, typhoons and other natural disasters and, in addition, the destruction of resources, violence, displacements and other effects associated with war, armed and other conflicts, the use and testing of nuclear weaponry, and foreign occupation can also contribute to environmental degradation. The deterioration of natural resources displaces communities, especially women, from income-generating activities while greatly adding to unremunerated work. In both urban and rural areas, environmental degradation results in negative effects on the health, well-being and quality of life of the population at large, especially girls and women of all ages. Particular attention and recognition should be given to the role and special situation of women living in rural areas and those working in the agricultural sector, where access to training, land, natural and productive resources, credit, development programmes and cooperative structures can help them increase their participation in sustainable development. Environmental risks in the home and workplace may have a disproportionate impact on women's health because of women's different susceptibilities to the toxic effects of various chemicals. These risks to women's health are particularly high in urban areas, as well as in low-income areas where there is a high concentration of

polluting industrial facilities.

248. Through their management and use of natural resources, women provide sustenance to their families and communities. As consumers and producers, caretakers of their families and educators, women play an important role in promoting sustainable development through their concern for the quality and sustainability of life for present and future generations. Governments have expressed their commitment to creating a new development paradigm that integrates environmental sustainability with gender equality and justice within and between generations as contained in chapter 24 of Agenda 21. 19/

249. Women remain largely absent at all levels of policy formulation and decision-making in natural resource and environmental management, conservation, protection and rehabilitation, and their experience and skills in advocacy for and monitoring of proper natural resource management too often remain marginalized in policy-making and decision-making bodies, as well as in educational institutions and environment-related agencies at the managerial level. Women are rarely trained as professional natural resource managers with policy-making capacities, such as land-use planners, agriculturalists, foresters, marine scientists and environmental lawyers. Even in cases where women are trained as professional natural resource managers, they are often underrepresented in formal institutions with policy-making capacities at the national, regional and international levels. Often women are not equal participants in the management of financial and corporate institutions whose decision-making most significantly affects environmental quality. Furthermore, there are institutional weaknesses in coordination between women's non-governmental organizations and national institutions dealing with environmental issues, despite the recent rapid growth and visibility of women's non-governmental organizations working on these issues at all levels.

250. Women have often played leadership roles or taken the lead in promoting an environmental ethic, reducing resource use, and reusing and recycling resources to minimize waste and excessive consumption. Women can have a particularly powerful role in influencing sustainable consumption decisions. In addition, women's contributions to environmental management, including through grass-roots and youth campaigns to protect the environment, have often taken place at the local level, where decentralized action on environmental issues is most needed and decisive. Women, especially indigenous women, have particular knowledge of ecological linkages and fragile ecosystem management. Women in many communities provide the main labour force for subsistence production, including production of seafood; hence, their role is crucial to the provision of food and nutrition, the enhancement of the subsistence and informal sectors and the preservation of the environment. In certain regions, women are generally the most stable members of the community, as men often pursue work in distant locations, leaving women to safeguard the natural environment and ensure adequate and sustainable resource allocation within the household and the community.

251. The strategic actions needed for sound environmental management require a holistic, multidisciplinary and intersectoral approach. Women's participation and leadership are essential to every aspect of that approach. The recent United Nations global conferences on development, as well as regional preparatory conferences for the Fourth World Conference on Women, have all acknowledged that sustainable development policies that do not involve women and men alike will not succeed in the long run. They have called for the effective participation of women in the generation of knowledge and environmental education in decision-making and management at all levels. Women's experiences and contributions to an ecologically sound environment must therefore be central

to the agenda for the twenty-first century. Sustainable development will be an elusive goal unless women's contribution to environmental management is recognized and supported.

252. In addressing the lack of adequate recognition and support for women's contribution to conservation and management of natural resources and safeguarding the environment, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, including, as appropriate, an analysis of the effects on women and men, respectively, before decisions are taken.

Strategic objective K.1. Involve women actively in environmental decision-making at all levels

Actions to be taken

253. By Governments, at all levels, including municipal authorities, as appropriate:

- (a) Ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects;
- (b) Facilitate and increase women's access to information and education, including in the areas of science, technology and economics, thus enhancing their knowledge, skills and opportunities for participation in environmental decisions;
- (c) Encourage, subject to national legislation and consistent with the Convention on Biological Diversity, 35/ the effective protection and use of the knowledge, innovations and practices of women of indigenous and local communities, including practices relating to traditional medicines, biodiversity and indigenous technologies, and endeavour to ensure that these are respected, maintained, promoted and preserved in an ecologically sustainable manner, and promote their wider application with the approval and involvement of the holders of such knowledge; in addition, safeguard the existing intellectual property rights of these women as protected under national and international law; work actively, where necessary, to find additional ways and means for the effective protection and use of such knowledge, innovations and practices, subject to national legislation and consistent with the Convention on Biological Diversity and relevant international law, and encourage fair and equitable sharing of benefits arising from the utilization of such knowledge, innovation and practices;
- (d) Take appropriate measures to reduce risks to women from identified environmental hazards at home, at work and in other environments, including appropriate application of clean technologies, taking into account the precautionary approach agreed to in the Rio Declaration on Environment and Development; 18/
- (e) Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas;

- (f) Take measures to empower women as producers and consumers so that they can take effective environmental actions, along with men, in their homes, communities and workplaces;
- (g) Promote the participation of local communities, particularly women, in identification of public service needs, spatial planning and the provision and design of urban infrastructure.

254. By Governments and international organizations and private sector institutions, as appropriate:

- (a) Take gender impact into consideration in the work of the Commission on Sustainable Development and other appropriate United Nations bodies and in the activities of international financial institutions;
- (b) Promote the involvement of women and the incorporation of a gender perspective in the design, approval and execution of projects funded under the Global Environment Facility and other appropriate United Nations organizations;
- (c) Encourage the design of projects in the areas of concern to the Global Environment Facility that would benefit women and projects managed by women;
- (d) Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;
- (e) Encourage social, economic, political and scientific institutions to address environmental degradation and the resulting impact on women.

255. By non-governmental organizations and the private sector:

- (a) Assume advocacy of environmental and natural resource management issues of concern to women and provide information to contribute to resource mobilization for environmental protection and conservation;
- (b) Facilitate the access of women agriculturists, fishers and pastoralists to knowledge, skills, marketing services and environmentally sound technologies to support and strengthen their crucial roles and their expertise in resource management and the conservation of biological diversity.

Strategic objective K.2. Integrate gender concerns and perspectives in policies and programmes for sustainable development

Actions to be taken

256. By Governments:

- (a) Integrate women, including indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding sustainable resource management and the development of policies and programmes for sustainable development, including in particular those designed to address and prevent environmental degradation of the land;
- (b) Evaluate policies and programmes in terms of environmental impact and women's equal access to and use of natural resources;
- (c) Ensure adequate research to assess how and to what extent women are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women, particularly women with low income, indigenous women and women belonging to minorities;
- (d) Integrate rural women's traditional knowledge and practices of sustainable resource use and management in the development of environmental management and extension programmes;
- (e) Integrate the results of gender-sensitive research into mainstream policies with a view to developing sustainable human settlements;
- (f) Promote knowledge of and sponsor research on the role of women, particularly rural and indigenous women, in food gathering and production, soil conservation, irrigation, watershed management, sanitation, coastal zone and marine resource management, integrated pest management, land-use planning, forest conservation and community forestry, fisheries, natural disaster prevention, and new and renewable sources of energy, focusing particularly on indigenous women's knowledge and experience;
- (g) Develop a strategy for change to eliminate all obstacles to women's full and equal participation in sustainable development and equal access to and control over resources;
- (h) Promote the education of girls and women of all ages in science, technology, economics and other disciplines relating to the natural environment so that they can make informed choices and offer informed input in determining local economic, scientific and environmental priorities for the management and appropriate use of natural and local resources and ecosystems;
- (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities;

- (j) Identify and promote environmentally sound technologies that have been designed, developed and improved in consultation with women and that are appropriate to both women and men;
- (k) Support the development of women's equal access to housing infrastructure, safe water, and sustainable and affordable energy technologies, such as wind, solar, biomass and other renewable sources, through participatory needs assessments, energy planning and policy formulation at the local and national levels;
- (l) Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds.

257. By international organizations, non-governmental organizations and private sector institutions:

- (a) Involve women in the communication industries in raising awareness regarding environmental issues, especially on the environmental and health impacts of products, technologies and industry processes;
- (b) Encourage consumers to use their purchasing power to promote the production of environmentally safe products and encourage investment in environmentally sound and productive agricultural, fisheries, commercial and industrial activities and technologies;
- (c) Support women's consumer initiatives by promoting the marketing of organic food and recycling facilities, product information and product labelling, including labelling of toxic chemical and pesticide containers with language and symbols that are understood by consumers, regardless of age and level of literacy.

Strategic objective K.3. Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women

Actions to be taken

258. By Governments, regional and international organizations and non-governmental organizations, as appropriate:

- (a) Provide technical assistance to women, particularly in developing countries, in the sectors of agriculture, fisheries, small enterprises, trade and industry to ensure the continuing promotion of human resource development and the development of environmentally sound technologies and of women's entrepreneurship;
- (b) Develop gender-sensitive databases, information and monitoring systems and participatory action-oriented research, methodologies and policy analyses, with the collaboration of academic institutions and local women researchers, on the following:
 - (i) Knowledge and experience on the part of women concerning the management and conservation of natural resources for

incorporation in the databases and information systems for sustainable development;

- (ii) The impact on women of environmental and natural resource degradation, deriving from, inter alia, unsustainable production and consumption patterns, drought, poor quality water, global warming, desertification, sealevel rise, hazardous waste, natural disasters, toxic chemicals and pesticide residues, radioactive waste, armed conflicts and its consequences;
 - (iii) Analysis of the structural links between gender relations, environment and development, with special emphasis on particular sectors, such as agriculture, industry, fisheries, forestry, environmental health, biological diversity, climate, water resources and sanitation;
 - (iv) Measures to develop and include environmental, economic, cultural, social and gender-sensitive analyses as an essential step in the development and monitoring of programmes and policies;
 - (v) Programmes to create rural and urban training, research and resource centres that will disseminate environmentally sound technologies to women;
- (c) Ensure the full compliance with relevant international obligations, including where relevant, the Basel Convention and other conventions relating to the transboundary movements of hazardous wastes (which include toxic wastes) and the Code of Practice of the International Atomic Energy Agency relating to the movement of radioactive waste; enact and enforce regulations for environmentally sound management related to safe storage and movements; consider taking action towards the prohibition of those movements that are unsafe and insecure; ensure the strict control and management of hazardous wastes and radioactive waste, in accordance with relevant international and regional obligations and eliminate the exportation of such wastes to countries that, individually or through international agreements, prohibit their importation;
- (d) Promote coordination within and among institutions to implement the Platform for Action and chapter 24 of Agenda 21 by, inter alia, requesting the Commission on Sustainable Development, through the Economic and Social Council, to seek input from the Commission on the Status of Women when reviewing the implementation of Agenda 21 with regard to women and the environment.

L. The girl child

259. The Convention on the Rights of the Child recognizes that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status" (art. 2, para. 1). 11/ However, in many countries available indicators show that the girl child is discriminated against from the earliest stages of life, through her childhood and into

adulthood. In some areas of the world, men outnumber women by 5 in every 100. The reasons for the discrepancy include, among other things, harmful attitudes and practices, such as female genital mutilation, son preference - which results in female infanticide and prenatal sex selection - early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, discrimination against girls in food allocation and other practices related to health and well-being. As a result, fewer girls than boys survive into adulthood.

260. Girls are often treated as inferior and are socialized to put themselves last, thus undermining their self-esteem. Discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. Initiatives should be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership.

261. Gender-biased educational processes, including curricula, educational materials and practices, teachers' attitudes and classroom interaction, reinforce existing gender inequalities.

262. Girls and adolescents may receive a variety of conflicting and confusing messages on their gender roles from their parents, teachers, peers and the media. Women and men need to work together with children and youth to break down persistent gender stereotypes, taking into account the rights of the child and the responsibilities, rights and duties of parents as stated in paragraph 267 below.

263. Although the number of educated children has grown in the past 20 years in some countries, boys have proportionately fared much better than girls. In 1990, 130 million children had no access to primary school; of these, 81 million were girls. This can be attributed to such factors as customary attitudes, child labour, early marriages, lack of funds and lack of adequate schooling facilities, teenage pregnancies and gender inequalities in society at large as well as in the family as defined in paragraph 29 above. In some countries the shortage of women teachers can inhibit the enrolment of girls. In many cases, girls start to undertake heavy domestic chores at a very early age and are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and an early drop-out from schooling.

264. The percentage of girls enrolled in secondary school remains significantly low in many countries. Girls are often not encouraged or given the opportunity to pursue scientific and technological training and education, which limits the knowledge they require for their daily lives and their employment opportunities.

265. Girls are less encouraged than boys to participate in and learn about the social, economic and political functioning of society, with the result that they are not offered the same opportunities as boys to take part in decision-making processes.

266. Existing discrimination against the girl child in her access to nutrition and physical and mental health services endangers her current and future health. An estimated 450 million adult women in developing countries are stunted as a result of childhood protein-energy malnutrition.

267. The International Conference on Population and Development recognized, in paragraph 7.3 of the Programme of Action, 14/ that "full attention should be given to the promotion of mutually respectful and equitable gender relations and

particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality", taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent, as well as the responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child, and in conformity with the Convention on the Elimination of All Forms of Discrimination against Women. In all actions concerning children, the best interests of the child shall be a primary consideration. Support should be given to integral sexual education for young people with parental support and guidance that stresses the responsibility of males for their own sexuality and fertility and that help them exercise their responsibilities.

268. More than 15 million girls aged 15 to 19 give birth each year. Motherhood at a very young age entails complications during pregnancy and delivery and a risk of maternal death that is much greater than average. The children of young mothers have higher levels of morbidity and mortality. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term adverse impact on their and their children's quality of life.

269. Sexual violence and sexually transmitted diseases, including HIV/AIDS, have a devastating effect on children's health, and girls are more vulnerable than boys to the consequences of unprotected and premature sexual relations. Girls often face pressures to engage in sexual activity. Due to such factors as their youth, social pressures, lack of protective laws, or failure to enforce laws, girls are more vulnerable to all kinds of violence, particularly sexual violence, including rape, sexual abuse, sexual exploitation, trafficking, possibly the sale of their organs and tissues, and forced labour.

270. The girl child with disabilities faces additional barriers and needs to be ensured non-discrimination and equal enjoyment of all human rights and fundamental freedoms in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. 30/

271. Some children are particularly vulnerable, especially the abandoned, homeless and displaced, street children, children in areas in conflict, and children who are discriminated against because they belong to an ethnic or racial minority group.

272. All barriers must therefore be eliminated to enable girls without exception to develop their full potential and skills through equal access to education and training, nutrition, physical and mental health care and related information.

273. In addressing issues concerning children and youth, Governments should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes so that before decisions are taken, an analysis is made of the effects on girls and boys, respectively.

Strategic objective L.1. Eliminate all forms of discrimination against the girl child

Actions to be taken

274. By Governments:

- (a) By States that have not signed or ratified the Convention on the Rights of the Child, take urgent measures towards signing and ratifying the Convention, bearing in mind the strong exhortation made at the World Conference on Human Rights to sign it before the end of 1995, and by States that have signed and ratified the Convention, ensure its full implementation through the adoption of all necessary legislative, administrative and other measures and by fostering an enabling environment that encourages full respect for the rights of children;
- (b) Consistent with article 7 of the Convention on the Rights of the Child, 11/ take measures to ensure that a child is registered immediately after birth and has the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents;
- (c) Take steps to ensure that children receive appropriate financial support from their parents, by, among other measures, enforcing child-support laws;
- (d) Eliminate the injustice and obstacles in relation to inheritance faced by the girl child so that all children may enjoy their rights without discrimination, by, inter alia, enacting, as appropriate, and enforcing legislation that guarantees equal right to succession and ensures equal right to inherit, regardless of the sex of the child;
- (e) Enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; in addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary;
- (f) Develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls; these plans should form an integral part of the total development process;
- (g) Ensure the disaggregation by sex and age of all data related to children in the health, education and other sectors in order to include a gender perspective in planning, implementation and monitoring of such programmes.

275. By Governments and international and non-governmental organizations:

- (a) Disaggregate information and data on children by sex and age, undertake research on the situation of girls and integrate, as appropriate, the results in the formulation of policies, programmes and decision-making for the advancement of the girl child;

- (b) Generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls.

Strategic objective L.2. Eliminate negative cultural attitudes and practices against girls

Actions to be taken

276. By Governments:

- (a) Encourage and support, as appropriate, non-governmental organizations and community-based organizations in their efforts to promote changes in negative attitudes and practices towards girls;
- (b) Set up educational programmes and develop teaching materials and textbooks that will sensitize and inform adults about the harmful effects of certain traditional or customary practices on girl children;
- (c) Develop and adopt curricula, teaching materials and textbooks to improve the self-image, lives and work opportunities of girls, particularly in areas where women have traditionally been underrepresented, such as mathematics, science and technology;
- (d) Take steps so that tradition and religion and their expressions are not a basis for discrimination against girls.

277. By Governments and, as appropriate, international and non-governmental organizations:

- (a) Promote an educational setting that eliminates all barriers that impede the schooling of married and/or pregnant girls and young mothers, including, as appropriate, affordable and physically accessible child-care facilities and parental education to encourage those who have responsibilities for the care of their children and siblings during their school years to return to, or continue with, and complete schooling;
- (b) Encourage educational institutions and the media to adopt and project balanced and non-stereotyped images of girls and boys, and work to eliminate child pornography and degrading and violent portrayals of the girl child;
- (c) Eliminate all forms of discrimination against the girl child and the root causes of son preference, which result in harmful and unethical practices such as prenatal sex selection and female infanticide; this is often compounded by the increasing use of technologies to determine foetal sex, resulting in abortion of female fetuses;
- (d) Develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives; and place special focus on programmes to educate women and men, especially parents, on the importance of girls' physical and mental health and well-being, including the elimination

of discrimination against girls in food allocation, early marriage, violence against girls, female genital mutilation, child prostitution, sexual abuse, rape and incest.

Strategic objective L.3. Promote and protect the rights of the girl child and increase awareness of her needs and potential

Actions to be taken

278. By Governments and international and non-governmental organizations:

- (a) Generate awareness of the disadvantaged situation of girls among policy makers, planners, administrators and implementors at all levels, as well as within households and communities;
- (b) Make the girl child, particularly the girl child in difficult circumstances, aware of her own potential, educate her about the rights guaranteed to her under all international human rights instruments, including the Convention on the Rights of the Child, legislation enacted for her and the various measures undertaken by both governmental and non-governmental organizations working to improve her status;
- (c) Educate women, men, girls and boys to promote girls' status and encourage them to work towards mutual respect and equal partnership between girls and boys;
- (d) Facilitate the equal provision of appropriate services and devices to girls with disabilities and provide their families with related support services, as appropriate.

Strategic objective L.4. Eliminate discrimination against girls in education, skills development and training

Actions to be taken

279. By Governments:

- (a) Ensure universal and equal access to and completion of primary education by all children and eliminate the existing gap between girls and boys, as stipulated in article 28 of the Convention on the Rights of the Child; 11/ similarly, ensure equal access to secondary education by the year 2005 and equal access to higher education, including vocational and technical education, for all girls and boys, including the disadvantaged and gifted;
- (b) Take steps to integrate functional literacy and numeracy programmes, particularly for out-of-school girls in development programmes;
- (c) Promote human rights education in educational programmes and include in human rights education the fact that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights;

- (d) Increase enrolment and improve retention rates of girls by allocating appropriate budgetary resources and by enlisting the support of the community and parents through campaigns and flexible school schedules, incentives, scholarships, access programmes for out-of-school girls and other measures;
- (e) Develop training programmes and materials for teachers and educators, raising awareness about their own role in the educational process, with a view to providing them with effective strategies for gender-sensitive teaching;
- (f) Take actions to ensure that female teachers and professors have the same possibilities and status as male teachers and professors.

280. By Governments and international and non-governmental organizations:

- (a) Provide education and skills training to increase girls' opportunities for employment and access to decision-making processes;
- (b) Provide education to increase girls' knowledge and skills related to the functioning of economic, financial and political systems;
- (c) Ensure access to appropriate education and skills-training for girl children with disabilities for their full participation in life;
- (d) Promote the full and equal participation of girls in extracurricular activities, such as sports, drama and cultural activities.

Strategic objective L.5. Eliminate discrimination against girls in health and nutrition

Actions to be taken

281. By Governments and international and non-governmental organizations:

- (a) Provide public information on the removal of discriminatory practices against girls in food allocation, nutrition and access to health services;
- (b) Sensitize the girl child, parents, teachers and society concerning good general health and nutrition and raise awareness of the health dangers and other problems connected with early pregnancies;
- (c) Strengthen and reorient health education and health services, particularly primary health care programmes, including sexual and reproductive health, and design quality health programmes that meet the physical and mental needs of girls and that attend to the needs of young, expectant and nursing mothers;
- (d) Establish peer education and outreach programmes with a view to strengthening individual and collective action to reduce the vulnerability of girls to HIV/AIDS and other sexually transmitted diseases, as agreed to in the Programme of Action of the International Conference on Population and Development and as established in the report of that Conference, recognizing the parental roles referred to in paragraph 267 of the present Platform for Action;

- (e) Ensure education and dissemination of information to girls, especially adolescent girls, regarding the physiology of reproduction, reproductive and sexual health, as agreed to in the Programme of Action of the International Conference on Population and Development and as established in the report of that Conference, responsible family planning practice, family life, reproductive health, sexually transmitted diseases, HIV infection and AIDS prevention, recognizing the parental roles referred to in paragraph 267;
- (f) Include health and nutritional training as an integral part of literacy programmes and school curricula starting at the primary level for the benefit of the girl child;
- (g) Emphasize the role and responsibility of adolescents in sexual and reproductive health and behaviour through the provision of appropriate services and counselling, as discussed in paragraph 267;
- (h) Develop information and training programmes for health planners and implementors on the special health needs of the girl child;
- (i) Take all the appropriate measures with a view to abolishing traditional practices prejudicial to the health of children, as stipulated in article 24 of the Convention on the Rights of the Child. 11/

Strategic objective L.6. Eliminate the economic exploitation of child labour and protect young girls at work

Actions to be taken

282. By Governments:

- (a) In conformity with article 32 of the Convention on the Rights of the Child, 11/ protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;
- (b) Define a minimum age for a child's admission to employment in national legislation, in conformity with existing international labour standards and the Convention on the Rights of the Child, including girls in all sectors of activity;
- (c) Protect young girls at work, inter alia, through:
 - (i) A minimum age or ages for admission to employment;
 - (ii) Strict monitoring of work conditions (respect for work time, prohibition of work by children not provided for by national legislation, and monitoring of hygiene and health conditions at work);
 - (iii) Application of social security coverage;
 - (iv) Establishment of continuous training and education;

- (d) Strengthen, where necessary, legislation governing the work of children and provide for appropriate penalties or other sanctions to ensure effective enforcement of the legislation;
- (e) Use existing international labour standards, including, as appropriate, ILO standards for the protection of working children, to guide the formulation of national labour legislation and policies.

Strategic objective L.7. Eradicate violence against the girl child

Actions to be taken

283. By Governments and, as appropriate, international and non-governmental organizations:

- (a) Take effective actions and measures to enact and enforce legislation to protect the safety and security of girls from all forms of violence at work, including training programmes and support programmes, and take measures to eliminate incidents of sexual harassment of girls in educational and other institutions;
- (b) Take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;
- (c) Undertake gender sensitization training for those involved in healing and rehabilitation and other assistance programmes for girls who are victims of violence and promote programmes of information, support and training for such girls;
- (d) Enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence.

Strategic objective L.8. Promote the girl child's awareness of and participation in social, economic and political life

Actions to be taken

284. By Governments and international and non-governmental organizations:

- (a) Provide access for girls to training, information and the media on social, cultural, economic and political issues and enable them to articulate their views;
- (b) Support non-governmental organizations, in particular youth non-governmental organizations, in their efforts to promote the equality and participation of girls in society.

Strategic objective L.9. Strengthen the role of the family* in improving the status of the girl child

Actions to be taken

285. By Governments, in cooperation with non-governmental organizations:

- (a) Formulate policies and programmes to help the family, as defined in paragraph 29 above, in its supporting, educating and nurturing roles, with particular emphasis on the elimination of intra-family discrimination against the girl child;
- (b) Provide an environment conducive to the strengthening of the family, as defined in paragraph 29 above, with a view to providing supportive and preventive measures which protect, respect and promote the potential of the girl child;
- (c) Educate and encourage parents and caregivers to treat girls and boys equally and to ensure shared responsibilities between girls and boys in the family, as defined in paragraph 29 above.

* As defined in para. 29 above.

Chapter V

INSTITUTIONAL ARRANGEMENTS

286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non-governmental sectors at the community, national, subregional/regional and international levels.

287. During the United Nations Decade for Women (1976-1985), many institutions specifically devoted to the advancement of women were established at the national, regional and international levels. At the international level, the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Development Fund for Women (UNIFEM), and the Committee to monitor the Convention on the Elimination of All Forms of Discrimination against Women were established. These entities, along with the Commission on the Status of Women and its secretariat, the Division for the Advancement of Women, became the main institutions in the United Nations specifically devoted to women's advancement globally. At the national level, a number of countries established or strengthened national mechanisms to plan, advocate for and monitor progress in the advancement of women.

288. Implementation of the Platform for Action by national, subregional/regional and international institutions, both public and private, would be facilitated by transparency, by increased linkages between networks and organizations and by a consistent flow of information among all concerned. Clear objectives and accountability mechanisms are also required. Links with other institutions at the national, subregional/regional and international levels and with networks and organizations devoted to the advancement of women are needed.

289. Non-governmental and grass-roots organizations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be actively involved in the implementation and monitoring of the Platform for Action.

290. Effective implementation of the Platform will also require changes in the internal dynamics of institutions and organizations, including values, behaviour, rules and procedures that are inimical to the advancement of women. Sexual harassment should be eliminated.

291. National, subregional/regional and international institutions should have strong and clear mandates and the authority, resources and accountability mechanisms needed for the tasks set out in the Platform for Action. Their methods of operation should ensure efficient and effective implementation of the Platform. There should be a clear commitment to international norms and standards of equality between women and men as a basis for all actions.

292. To ensure effective implementation of the Platform for Action and to enhance the work for the advancement of women at the national, subregional/regional and international levels, Governments, the United Nations system and all other relevant organizations should promote an active and visible policy of mainstreaming a gender perspective, inter alia, in the monitoring and evaluation of all policies and programmes.

A. National level

293. Governments have the primary responsibility for implementing the Platform for Action. Commitment at the highest political level is essential to its implementation, and Governments should take a leading role in coordinating, monitoring and assessing progress in the advancement of women. The Fourth World Conference on Women is a conference of national and international commitment and action. This requires commitment from Governments and the international community. The Platform for Action is part of a continuing process and has a catalytic effect as it will contribute to programmes and practical outcomes for girls and women of all ages. States and the international community are encouraged to respond to this challenge by making commitments for action. As part of this process, many States have made commitments for action as reflected, inter alia, in their national statements.

294. National mechanisms and institutions for the advancement of women should participate in public policy formulation and encourage the implementation of the Platform for Action through various bodies and institutions, including the private sector, and, where necessary, should act as a catalyst in developing new programmes by the year 2000 in areas that are not covered by existing institutions.

295. The active support and participation of a broad and diverse range of other institutional actors should be encouraged, including legislative bodies, academic and research institutions, professional associations, trade unions, cooperatives, local community groups, non-governmental organizations, including women's organizations and feminist groups, the media, religious groups, youth organizations and cultural groups, as well as financial and non-profit organizations.

296. In order for the Platform for Action to be implemented, it will be necessary for Governments to establish or improve the effectiveness of national machineries for the advancement of women at the highest political level, appropriate intra- and inter-ministerial procedures and staffing, and other institutions with the mandate and capacity to broaden women's participation and integrate gender analysis into policies and programmes. The first step in this process for all institutions should be to review their objectives, programmes and operational procedures in terms of the actions called for in the Platform. A key activity should be to promote public awareness and support for the goals of the Platform for Action, inter alia, through the mass media and public education.

297. As soon as possible, preferably by the end of 1995, Governments, in consultation with relevant institutions and non-governmental organizations, should begin to develop implementation strategies for the Platform and, preferably by the end of 1996, should have developed their strategies or plans of action. This planning process should draw upon persons at the highest level of authority in government and relevant actors in civil society. These implementation strategies should be comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for implementation. Where necessary, the support of the international community could be enlisted, including resources.

298. Non-governmental organizations should be encouraged to contribute to the design and implementation of these strategies or national plans of action. They should also be encouraged to develop their own programmes to complement government efforts. Women's organizations and feminist groups, in collaboration

with other non-governmental organizations, should be encouraged to organize networks, as necessary, and to advocate for and support the implementation of the Platform for Action by Governments and regional and international bodies.

299. Governments should commit themselves to gender balance, inter alia, through the creation of special mechanisms, in all government-appointed committees, boards and other relevant official bodies, as appropriate, as well as in all international bodies, institutions and organizations, notably by presenting and promoting more women candidates.

300. Regional and international organizations, in particular development institutions, especially INSTRAW, UNIFEM and bilateral donors, should provide financial and advisory assistance to national machinery in order to increase its ability to gather information, develop networks and carry out its mandate, in addition to strengthening international mechanisms to promote the advancement of women through their respective mandates, in cooperation with Governments.

B. Subregional/regional level

301. The regional commissions of the United Nations and other subregional/regional structures should promote and assist the pertinent national institutions in monitoring and implementing the global Platform for Action within their mandates. This should be done in coordination with the implementation of the respective regional platforms or plans of action and in close collaboration with the Commission on the Status of Women, taking into account the need for a coordinated follow-up to United Nations conferences in the economic, social, human rights and related fields.

302. In order to facilitate the regional implementation, monitoring and evaluation process, the Economic and Social Council should consider reviewing the institutional capacity of the United Nations regional commissions within their mandates, including their women's units/focal points, to deal with gender issues in the light of the Platform for Action, as well as the regional platforms and plans of action. Consideration should be given, inter alia, and, where appropriate, to strengthening capacity in this respect.

303. Within their existing mandates and activities, the regional commissions should mainstream women's issues and gender perspectives and should also consider the establishment of mechanisms and processes to ensure the implementation and monitoring of both the Platform for Action and the regional platforms and plans of action. The regional commissions should, within their mandates, collaborate on gender issues with other regional intergovernmental organizations, non-governmental organizations, financial and research institutions and the private sector.

304. Regional offices of the specialized agencies of the United Nations system should, as appropriate, develop and publicize a plan of action for implementing the Platform for Action, including the identification of time-frames and resources. Technical assistance and operational activities at the regional level should establish well-identified targets for the advancement of women. To this end, regular coordination should be undertaken among United Nations bodies and agencies.

305. Non-governmental organizations within the region should be supported in their efforts to develop networks to coordinate advocacy and dissemination of information about the global Platform for Action and the respective regional

platforms or plans of action.

C. International level

1. United Nations

306. The Platform for Action needs to be implemented through the work of all of the bodies and organizations of the United Nations system during the period 1995-2000, specifically and as an integral part of wider programming. An enhanced framework for international cooperation for gender issues must be developed during the period 1995-2000 in order to ensure the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action, taking into account the results of global United Nations summits and conferences. The fact that at all of these summits and conferences, Governments have committed themselves to the empowerment of women in different areas, makes coordination crucial to the follow-up strategies for this Platform for Action. The Agenda for Development and the Agenda for Peace should take into account the Platform for Action of the Fourth World Conference on Women.

307. The institutional capacity of the United Nations system to carry out and coordinate its responsibility for implementing the Platform for Action, as well as its expertise and working methods to promote the advancement of women, should be improved.

308. Responsibility for ensuring the implementation of the Platform for Action and the integration of a gender perspective into all policies and programmes of the United Nations system must rest at the highest levels.

309. To improve the system's efficiency and effectiveness in providing support for equality and women's empowerment at the national level and to enhance its capacity to achieve the objectives of the Platform for Action, there is a need to renew, reform and revitalize various parts of the United Nations system. This would include reviewing and strengthening the strategies and working methods of different United Nations mechanisms for the advancement of women with a view to rationalizing and, as appropriate, strengthening their advisory, catalytic and monitoring functions in relation to mainstream bodies and agencies. Women/gender units are important for effective mainstreaming, but strategies must be further developed to prevent inadvertent marginalization as opposed to mainstreaming of the gender dimension throughout all operations.

310. In following up the Fourth World Conference on Women, all entities of the United Nations system focusing on the advancement of women should have the necessary resources and support to carry out follow-up activities. The efforts of gender focal points within organizations should be well integrated into overall policy, planning, programming and budgeting.

311. Action must be taken by the United Nations and other international organizations to eliminate barriers to the advancement of women within their organizations in accordance with the Platform for Action.

General Assembly

312. The General Assembly, as the highest intergovernmental body in the United Nations, is the principal policy-making and appraisal organ on matters relating to the follow-up to the Conference, and as such, should integrate gender issues throughout its work. It should appraise progress in the effective

implementation of the Platform for Action, recognizing that these issues cut across social, political and economic policy. At its fiftieth session, in 1995, the General Assembly will have before it the report of the Fourth World Conference on Women. In accordance with its resolution 49/161, it will also examine a report of the Secretary-General on the follow-up to the Conference, taking into account the recommendations of the Conference. The General Assembly should include the follow-up to the Conference as part of its continuing work on the advancement of women. In 1996, 1998 and 2000, it should review the implementation of the Platform for Action.

Economic and Social Council

313. The Economic and Social Council, in the context of its role under the Charter of the United Nations and in accordance with General Assembly resolutions 45/264, 46/235 and 48/162, would oversee system-wide coordination in the implementation of the Platform for Action and make recommendations in this regard. The Council should be invited to review the implementation of the Platform for Action, giving due consideration to the reports of the Commission on the Status of Women. As coordinating body, the Council should be invited to review the mandate of the Commission on the Status of Women, taking into account the need for effective coordination with other related commissions and Conference follow-up. The Council should incorporate gender issues into its discussion of all policy questions, giving due consideration to recommendations prepared by the Commission. It should consider devoting at least one high-level segment before the year 2000 to the advancement of women and implementation of the Platform for Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.

314. The Council should consider devoting at least one coordination segment before the year 2000 to coordination of the advancement of women, based on the revised system-wide medium-term plan for the advancement of women.

315. The Council should consider devoting at least one operational activities segment before the year 2000 to the coordination of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system.

316. The Administrative Committee on Coordination (ACC) should consider how its participating entities might best coordinate their activities, inter alia, through existing procedures at the inter-agency level for ensuring system-wide coordination to implement and help follow up the objectives of the Platform for Action.

Commission on the Status of Women

317. The General Assembly and the Economic and Social Council, in accordance with their respective mandates, are invited to review and strengthen the mandate of the Commission on the Status of Women, taking into account the Platform for Action as well as the need for synergy with other related commissions and Conference follow-up, and for a system-wide approach to its implementation.

318. As a functional commission assisting the Economic and Social Council, the Commission on the Status of Women should have a central role in monitoring, within the United Nations system, the implementation of the Platform for Action and advising the Council thereon. It should have a clear mandate with

sufficient human and financial resources, through the reallocation of resources within the regular budget of the United Nations to carry the mandate out.

319. The Commission on the Status of Women should assist the Economic and Social Council in its coordination of the reporting on the implementation of the Platform for Action with the relevant organizations of the United Nations system. The Commission should draw upon inputs from other organizations of the United Nations system and other sources, as appropriate.

320. The Commission on the Status of Women, in developing its work programme for the period 1996-2000, should review the critical areas of concern in the Platform for Action and consider how to integrate in its agenda the follow-up to the World Conference on Women. In this context, the Commission on the Status of Women could consider how it could further develop its catalytic role in mainstreaming a gender perspective in United Nations activities.

Other functional commissions

321. Within their mandates, other functional commissions of the Economic and Social Council should also take due account of the Platform for Action and ensure the integration of gender aspects in their respective work.

Committee on the Elimination of Discrimination against Women and other treaty bodies

322. The Committee on the Elimination of Discrimination against Women, in implementing its responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women, should, within its mandate, take into account the Platform for Action when considering the reports submitted by States parties.

323. States parties to the Convention on the Elimination of All Forms of Discrimination against Women are invited, when reporting under article 18 of the Convention, to include information on measures taken to implement the Platform for Action in order to facilitate the work of the Committee on the Elimination of Discrimination against Women in monitoring effectively women's ability to enjoy the rights guaranteed by the Convention.

324. The ability of the Committee on the Elimination of Discrimination against Women to monitor implementation of the Convention should be strengthened through the provision of human and financial resources within the regular budget of the United Nations, including expert legal assistance and, in accordance with General Assembly resolution 49/164 and the decision made by the meeting of States parties to the Convention held in May 1995, sufficient meeting time for the Committee. The Committee should increase its coordination with other human rights treaty bodies, taking into account the recommendations in the Vienna Declaration and Programme of Action.

325. Within their mandate, other treaty bodies should also take due account of the implementation of the Platform for Action and ensure the integration of the equal status and human rights of women in their work.

United Nations Secretariat

Office of the Secretary-General

326. The Secretary-General is requested to assume responsibility for coordination of policy within the United Nations for the implementation of the Platform for Action and for the mainstreaming of a system-wide gender perspective in all activities of the United Nations, taking into account the mandates of the bodies concerned. The Secretary-General should consider specific measures for ensuring effective coordination in the implementation of these objectives. To this end, the Secretary-General is invited to establish a high-level post in the office of the Secretary-General, using existing human and financial resources, to act as the Secretary-General's adviser on gender issues and to help ensure system-wide implementation of the Platform for Action in close cooperation with the Division for the Advancement of Women.

Division for the Advancement of Women

327. The primary function of the Division for the Advancement of Women of the Department for Policy Coordination and Sustainable Development is to provide substantive servicing to the Commission on the Status of Women and other intergovernmental bodies when they are concerned with the advancement of women, as well as to the Committee on the Elimination of Discrimination against Women. It has been designated a focal point for the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. In the light of the review of the mandate of the Commission on the Status of Women, as set out in paragraph 313 above, the functions of the Division for the Advancement of Women will also need to be assessed. The Secretary-General is requested to ensure more effective functioning of the Division by, *inter alia*, providing sufficient human and financial resources within the regular budget of the United Nations.

328. The Division should examine the obstacles to the advancement of women through the application of gender-impact analysis in policy studies for the Commission on the Status of Women and through support to other subsidiary bodies. After the Fourth World Conference on Women it should play a coordinating role in preparing the revision of the system-wide medium-term plan for the advancement of women for the period 1996-2001 and should continue serving as the secretariat for inter-agency coordination for the advancement of women. It should continue to maintain a flow of information with national commissions, national institutions for the advancement of women and non-governmental organizations with regard to implementation of the Platform for Action.

Other units of the United Nations Secretariat

329. The various units of the United Nations Secretariat should examine their programmes to determine how they can best contribute to the coordinated implementation of the Platform for Action. Proposals for implementation of the Platform need to be reflected in the revision of the system-wide medium-term plan for the advancement of women for the period 1996-2001, as well as in the proposed United Nations medium-term plan for the period 1998-2002. The content of the actions will depend on the mandates of the bodies concerned.

330. Existing and new linkages should be developed throughout the Secretariat in order to ensure that the gender perspective is introduced as a central dimension in all activities of the Secretariat.

331. The Office of Human Resources Management should, in collaboration with programme managers world wide, and in accordance with the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000), continue to accord priority to the recruitment and promotion of women in posts subject to geographical distribution, particularly in senior policy-level and decision-making posts, in order to achieve the goals set out in General Assembly resolutions 45/125 and 45/239 C and reaffirmed in General Assembly resolutions 46/100, 47/93, 48/106 and 49/167. The training service should design and conduct regular gender-sensitivity training or include gender-sensitivity training in all of its activities.

332. The Department of Public Information should seek to integrate a gender perspective in its general information activities and, within existing resources, strengthen and improve its programmes on women and the girl child. To this end, the Department should formulate a multimedia communications strategy to support the implementation of the Platform for Action, taking new technology fully into account. Regular outputs of the Department should promote the goals of the Platform, particularly in developing countries.

333. The Statistical Division of the Department for Economic and Social Information and Policy Analysis should have an important coordinating role in international work in statistics, as described above in chapter IV, strategic objective H.3.

International Research and Training Institute for the Advancement of Women

334. INSTRAW has a mandate to promote research and training on women's situation and development. In the light of the Platform for Action, INSTRAW should review its work programme and develop a programme for implementing those aspects of the Platform for Action that fall within its mandate. It should identify those types of research and research methodologies to be given priority, strengthen national capacities to carry out women's studies and gender research, including that on the status of the girl child, and develop networks of research institutions that can be mobilized for that purpose. It should also identify those types of education and training that can be effectively supported and promoted by the Institute.

United Nations Development Fund for Women

335. UNIFEM has the mandate to increase options and opportunities for women's economic and social development in developing countries by providing technical and financial assistance to incorporate the women's dimension into development at all levels. Therefore, UNIFEM should review and strengthen, as appropriate, its work programme in the light of the Platform for Action, focusing on women's political and economic empowerment. Its advocacy role should concentrate on fostering a multilateral policy dialogue on women's empowerment. Adequate resources for carrying out its functions should be made available.

Specialized agencies and other organizations of the United Nations system

336. To strengthen their support for actions at the national level and to enhance their contributions to coordinated follow-up by the United Nations, each organization should set out the specific actions they will undertake, including goals and targets to realign priorities and redirect resources to meet the global priorities identified in the Platform for Action. There should be a clear delineation of responsibility and accountability. These proposals should in turn be reflected in the system-wide medium-term plan for the advancement of

women for the period 1996-2001.

337. Each organization should commit itself at the highest level and, in pursuing its targets, should take steps to enhance and support the roles and responsibilities of its focal points on women's issues.

338. In addition, specialized agencies with mandates to provide technical assistance in developing countries, particularly in Africa and the least developed countries, should cooperate more to ensure the continuing promotion of the advancement of women.

339. The United Nations system should consider and provide appropriate technical assistance and other forms of assistance to the countries with economies in transition in order to facilitate solution of their specific problems regarding the advancement of women.

340. Each organization should accord greater priority to the recruitment and promotion of women at the Professional level to achieve gender balance, particularly at decision-making levels. The paramount consideration in the employment of the staff and in the determination of the conditions of service should be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Organizations should report regularly to their governing bodies on progress towards this goal.

341. Coordination of United Nations operational activities for development at the country level should be improved through the resident coordinator system in accordance with relevant resolutions of the General Assembly, in particular General Assembly resolution 47/199, to take full account of the Platform for Action.

2. Other international institutions and organizations

342. In implementing the Platform for Action, international financial institutions are encouraged to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women and thus contribute to sustainable development. They are also encouraged to increase the number of women in high-level positions, increase staff training in gender analysis and institute policies and guidelines to ensure full consideration of the differential impact of lending programmes and other activities on women and men. In this regard, the Bretton Woods institutions, the United Nations, as well as its funds and programmes and the specialized agencies, should establish regular and substantive dialogue, including dialogue at the field level, for more efficient and effective coordination of their assistance in order to strengthen the effectiveness of their programmes for the benefit of women and their families.

343. The General Assembly should give consideration to inviting the World Trade Organization to consider how it might contribute to the implementation of the Platform for Action, including activities in cooperation with the United Nations system.

344. International non-governmental organizations have an important role to play in implementing the Platform for Action. Consideration should be given to establishing a mechanism for collaborating with non-governmental organizations to promote the implementation of the Platform at various levels.

Chapter VI

FINANCIAL ARRANGEMENTS

345. Financial and human resources have generally been insufficient for the advancement of women. This has contributed to the slow progress to date in implementing the Nairobi Forward-looking Strategies for the Advancement of Women. Full and effective implementation of the Platform for Action, including the relevant commitments made at previous United Nations summits and conferences, will require a political commitment to make available human and financial resources for the empowerment of women. This will require the integration of a gender perspective in budgetary decisions on policies and programmes, as well as the adequate financing of specific programmes for securing equality between women and men. To implement the Platform for Action, funding will need to be identified and mobilized from all sources and across all sectors. The reformulation of policies and reallocation of resources may be needed within and among programmes, but some policy changes may not necessarily have financial implications. Mobilization of additional resources, both public and private, including resources from innovative sources of funding, may also be necessary.

A. National level

346. The primary responsibility for implementing the strategic objectives of the Platform for Action rests with Governments. To achieve these objectives, Governments should make efforts to systematically review how women benefit from public sector expenditures; adjust budgets to ensure equality of access to public sector expenditures, both for enhancing productive capacity and for meeting social needs; and achieve the gender-related commitments made in other United Nations summits and conferences. To develop successful national implementation strategies for the Platform for Action, Governments should allocate sufficient resources, including resources for undertaking gender-impact analysis. Governments should also encourage non-governmental organizations and private-sector and other institutions to mobilize additional resources.

347. Sufficient resources should be allocated to national machineries for the advancement of women as well as to all institutions, as appropriate, that can contribute to the implementation and monitoring of the Platform for Action.

348. Where national machineries for the advancement of women do not yet exist or where they have not yet been established on a permanent basis, Governments should strive to make available sufficient and continuing resources for such machineries.

349. To facilitate the implementation of the Platform for Action, Governments should reduce, as appropriate, excessive military expenditures and investments for arms production and acquisition, consistent with national security requirements.

350. Non-governmental organizations, the private sector and other actors of civil society should be encouraged to consider allocating the resources necessary for the implementation of the Platform for Action. Governments should create a supportive environment for the mobilization of resources by non-governmental organizations, particularly women's organizations and networks, feminist groups, the private sector and other actors of civil society, to enable

them to contribute towards this end. The capacity of non-governmental organizations in this regard should be strengthened and enhanced.

B. Regional level

351. Regional development banks, regional business associations and other regional institutions should be invited to contribute to and help mobilize resources in their lending and other activities for the implementation of the Platform for Action. They should also be encouraged to take account of the Platform for Action in their policies and funding modalities.

352. The subregional and regional organizations and the United Nations regional commissions should, where appropriate and within their existing mandates, assist in the mobilization of funds for the implementation of the Platform for Action.

C. International level

353. Adequate financial resources should be committed at the international level for the implementation of the Platform for Action in the developing countries, particularly in Africa and the least developed countries. Strengthening national capacities in developing countries to implement the Platform for Action will require striving for the fulfilment of the agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance as soon as possible, as well as increasing the share of funding for activities designed to implement the Platform for Action. Furthermore, countries involved in development cooperation should conduct a critical analysis of their assistance programmes so as to improve the quality and effectiveness of aid through the integration of a gender approach.

354. International financial institutions, including the World Bank, the International Monetary Fund, the International Fund for Agricultural Development and the regional development banks, should be invited to examine their grants and lending and to allocate loans and grants to programmes for implementing the Platform for Action in developing countries, especially in Africa and the least developed countries.

355. The United Nations system should provide technical cooperation and other forms of assistance to the developing countries, in particular in Africa and the least developed countries, in implementing the Platform for Action.

356. Implementation of the Platform for Action in the countries with economies in transition will require continued international cooperation and assistance. The organizations and bodies of the United Nations system, including the technical and sectoral agencies, should facilitate the efforts of those countries in designing and implementing policies and programmes for the advancement of women. To this end, the International Monetary Fund and the World Bank should be invited to assist those efforts.

357. The outcome of the World Summit for Social Development regarding debt management and reduction as well as other United Nations world summits and conferences should be implemented in order to facilitate the realization of the objectives of the Platform for Action.

358. To facilitate implementation of the Platform for Action, interested developed and developing country partners, agreeing on a mutual commitment to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget to basic social programmes should take into account a gender perspective.

359. Development funds and programmes of the United Nations system should undertake an immediate analysis of the extent to which their programmes and projects are directed to implementing the Platform for Action and, for the next programming cycle, should ensure the adequacy of resources targeted towards eliminating disparities between women and men in their technical assistance and funding activities.

360. Recognizing the roles of United Nations funds, programmes and specialized agencies, in particular the special roles of UNIFEM and INSTRAW, in the promotion of the empowerment of women, and therefore in the implementation of the Platform for Action within their respective mandates, inter alia, in research, training and information activities for the advancement of women as well as technical and financial assistance to incorporate a gender perspective in development efforts, the resources provided by the international community need to be sufficient and should be maintained at an adequate level.

361. To improve the efficiency and effectiveness of the United Nations system in its efforts to promote the advancement of women and to enhance its capacity to further the objectives of the Platform for Action, there is a need to renew, reform and revitalize various parts of the United Nations system, especially the Division for the Advancement of Women of the United Nations Secretariat, as well as other units and subsidiary bodies that have a specific mandate to promote the advancement of women. In this regard, relevant governing bodies within the United Nations system are encouraged to give special consideration to the effective implementation of the Platform for Action and to review their policies, programmes, budgets and activities in order to achieve the most effective and efficient use of funds to this end. Allocation of additional resources from within the United Nations regular budget in order to implement the Platform for Action will also be necessary.

Notes

1/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

3/ General Assembly resolution 34/180, annex.

4/ General Assembly resolution 45/164.

5/ General Assembly resolution 44/82.

6/ General Assembly resolution 48/126.

7/ A/47/308-E/1992/97, annex.

- 8/ General Assembly resolution 48/104.
- 9/ Vienna Declaration and Programme of Action, Report of the World Conference on Human Rights ..., chap. III, para. 5.
- 10/ See The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts (Geneva, GATT secretariat, 1994).
- 11/ General Assembly resolution 44/25, annex.
- 12/ Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.
- 13/ General Assembly resolution 2200 A (XXI), annex.
- 14/ Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
- 15/ Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (A/CONF.166/9), chap. I, resolution 1, annexes I and II.
- 16/ Unsafe abortion is defined as a procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards or both (based on World Health Organization, The Prevention and Management of Unsafe Abortion, Report of a Technical Working Group, Geneva, April 1992 (WHO/MSM/92.5)).
- 17/ Final Report of the International Conference on Nutrition, Rome, 5-11 December 1992 (Rome, Food and Agriculture Organization of the United Nations, 1993), Part II.
- 18/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigenda), resolution 1, annex I.
- 19/ Ibid., resolution 1, annex II.
- 20/ General Assembly resolution 317 (IV), annex.
- 21/ General Assembly resolution 217 A (III).
- 22/ General Assembly resolution 39/46, annex.
- 23/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.
- 24/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.
- 25/ Report of the World Conference on Human Rights ..., chap. III, sect. II, para. 38.
- 26/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

- 27/ General Assembly resolution 260 A (III), annex.
- 28/ United Nations, Treaty Series, vol. 189, No. 2545.
- 29/ Ibid., vol. 606, No. 8791.
- 30/ General Assembly resolution 48/96, annex.
- 31/ General Assembly resolution 1386 (XIV).
- 32/ See CEDAW/SP/1995/2.
- 33/ General Assembly resolution 2106 A (XX), annex.
- 34/ General Assembly resolution 41/128, annex.
- 35/ United Nations Environment Programme, Convention on Biological Diversity (Environmental Law and Institutions Programme Activity Centre), June 1992.

Resolution 2

Expression of thanks to the people and Government of the People's Republic of China*

The Fourth World Conference on Women,

Having met in Beijing from 4 to 15 September 1995 at the invitation of the Government of the People's Republic of China,

1. Expresses its deep appreciation to Her Excellency Madame Chen Muhua, Vice-Chairperson of the Standing Committee of the National People's Congress of the People's Republic of China, for her outstanding contribution, as President of the Fourth World Conference on Women, to the successful outcome of the Conference;

2. Expresses its profound gratitude to the Government of the People's Republic of China for having made it possible for the Conference to be held in Beijing and for the excellent facilities, staff and services so graciously placed at its disposal;

3. Requests the Government of the People's Republic of China to convey to the City of Beijing and to the people of the People's Republic of China the gratitude of the Conference for the hospitality and warm welcome extended to the participants.

* Adopted at the 16th plenary meeting, on 15 September 1995; for the discussion, see chapter VIII.

Resolution 3

Credentials of representatives to the Fourth World
Conference on Women*

The Fourth World Conference on Women,

Having considered the report of the Credentials Committee 1/ and the recommendation contained therein,

Approves the report of the Credentials Committee.

* Adopted at the 12th plenary meeting, on 12 September 1995; for the discussion, see chapter VI.

1/ A/CONF.177/14.

Chapter II

ATTENDANCE AND ORGANIZATION OF WORK

A. Date and place of the Conference

1. The Fourth World Conference on Women was held at Beijing from 4 to 15 September 1995 in conformity with General Assembly resolutions 45/129 and 46/98. During that period the Conference held 16 plenary meetings.

B. Pre-Conference consultations

2. Pre-Conference consultations open to all States invited to participate in the Conference were held at Beijing on 2 and 3 September 1995 to consider a number of procedural and organizational matters. These and other informal consultations were conducted under the chairmanship of His Excellency Mr. Li Zhaoxing, Vice-Minister for Foreign Affairs of the People's Republic of China. The report on the consultations (A/CONF.177/L.4) was submitted to the Conference and the recommendations contained in it were accepted as the basis for the organization of the Conference's work.

C. Attendance

3. The following States and regional economic integration organization were represented at the Conference:

Afghanistan	Cambodia
Albania	Cameroon
Algeria	Canada
Andorra	Cape Verde
Angola	Central African Republic
Antigua and Barbuda	Chad
Argentina	Chile
Armenia	China
Australia	Colombia
Austria	Comoros
Azerbaijan	Congo
Bahamas	Cook Islands
Bahrain	Costa Rica
Bangladesh	Côte d'Ivoire
Barbados	Croatia
Belarus	Cuba
Belgium	Cyprus
Belize	Czech Republic
Benin	Democratic People's Republic of Korea
Bhutan	Denmark
Bolivia	Djibouti
Bosnia and Herzegovina	Dominica
Botswana	Dominican Republic
Brazil	Ecuador
Brunei Darussalam	Egypt
Bulgaria	El Salvador
Burkina Faso	Equatorial Guinea
Burundi	Eritrea

Estonia
Ethiopia
European Community
Fiji
Finland
France
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Holy See
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kazakhstan
Kenya
Kiribati
Kuwait
Kyrgyzstan
Lao People's Democratic Republic
Latvia
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Liechtenstein
Lithuania
Luxembourg
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Micronesia (Federated States of)
Monaco

Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Niue
Norway
Oman
Pakistan
Palau
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Republic of Moldova
Romania
Russian Federation
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
Solomon Islands
South Africa
Spain
Sri Lanka
Sudan
Suriname
Swaziland
Sweden
Switzerland
Syrian Arab Republic
Tajikistan
Thailand
The former Yugoslav Republic of
Macedonia
Togo

Tonga	United Republic of Tanzania
Trinidad and Tobago	United States of America
Tunisia	Uruguay
Turkey	Uzbekistan
Turkmenistan	Vanuatu
Tuvalu	Venezuela
Uganda	Viet Nam
Ukraine	Yemen
United Arab Emirates	Zaire
United Kingdom of Great Britain and Northern Ireland	Zambia
	Zimbabwe

4. The observer for Palestine attended the Conference.

5. The following associate members of the regional commissions were represented by observers:

American Samoa
Commonwealth of the Northern Mariana Islands
Guam
Macau
Netherlands Antilles
Puerto Rico

6. The secretariats of the following regional commissions were represented:

Economic Commission for Africa
Economic Commission for Europe
Economic Commission for Latin America and the Caribbean
Economic and Social Commission for Asia and the Pacific
Economic and Social Commission for Western Asia

7. The following United Nations bodies and programmes were represented:

United Nations Children's Fund
United Nations Conference on Trade and Development
United Nations Development Fund for Women
United Nations Development Programme
United Nations Environment Programme
United Nations Population Fund
United Nations University
World Food Programme
United Nations Relief and Works Agency for Palestine Refugees in the Near East
United Nations Centre for Human Settlements (Habitat)
United Nations High Commissioner for Refugees, Office of the International Research and Training Institute for the Advancement of Women
United Nations Research Institute for Social Development
International Trade Centre
Joint Inspection Unit
Committee on the Elimination of Discrimination against Women

8. The following specialized agencies and related organizations were represented:

International Labour Organization
Food and Agriculture Organization of the United Nations
United Nations Educational, Scientific and Cultural Organization
World Health Organization
World Bank
International Monetary Fund
World Meteorological Organization
International Maritime Organization
World Intellectual Property Organization
International Fund for Agricultural Development
United Nations Industrial Development Organization
International Atomic Energy Agency

9. The following intergovernmental organizations were represented:

African Development Bank
African Training and Research Centre in Administration for Development
Agency for Cultural and Technical Cooperation
Asian Development Bank
Caribbean Community
Commission of the European Communities
Commonwealth of Independent States
Commonwealth Secretariat
Council of Europe
Eastern and Southern African Management Institute
Inter-American Development Bank
International Committee of the Red Cross
International Federation of Red Cross and Red Crescent Societies
International Organization for Migration
Latin American Economic System
Latin American Parliament
League of Arab States
Nordic Council
Nordic Council of Ministers
Organisation for Economic Cooperation and Development
Organization of African Unity
Organization of American States
Organization of the Islamic Conference
Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons
South Pacific Commission
South Pacific Forum

10. A large number of non-governmental organizations were accredited to the Conference by the Commission on the Status of Women in decision 39/2 and the Economic and Social Council in decision 1995/229.

D. Opening of the Conference and election of the President

11. The Conference was declared open by the Special Representative of the Secretary-General of the United Nations, who read out the address of the Secretary-General.

12. At the 1st plenary meeting, on 4 September, the Conference elected, by acclamation, as President of the Conference, Her Excellency Madame Chen Muhua, Vice-Chairperson of the Standing Committee of the National People's Congress of the People's Republic of China.

13. The Secretary-General of the Fourth World Conference on Women, Mrs. Gertrude Mongella, addressed the Conference.

14. Opening statements were made by Her Excellency Mohtarma Benazir Bhutto, Prime Minister of Pakistan; Her Excellency Mrs. Vigdis Finnbogadottir, President of Iceland; Her Excellency Begum Khaleda Zia, Prime Minister of Bangladesh; Her Excellency Dr. Speciosa Wandira Kazibwe, Vice-President and Minister of Gender and Community Development of Uganda; and Her Excellency Madame Nguyen Thi Binh, Vice-President of Viet Nam.

E. Messages from Heads of State or Government

15. The Conference received messages wishing it success from His Excellency Mr. Heydor Aliyev, President of Azerbaijan; His Excellency Mr. Meles Zenawi, Prime Minister of Ethiopia; His Excellency Flight Lieutenant J. J. Rawlings, President of Ghana; His Excellency Mr. Fidel V. Ramos, President of the Philippines; His Excellency Mr. Boris Yeltsin, President of the Russian Federation; His Excellency Mr. Abdou Diouf, President of Senegal; and Her Excellency Professor Tansu Ciller, Prime Minister of Turkey.

F. Adoption of the rules of procedure

16. At the 1st plenary meeting, on 4 September, the Conference adopted the provisional rules of procedure (A/CONF.177/2) as approved by the Commission on the Status of Women at its thirty-ninth session, acting as the preparatory body for the Conference, and by the General Assembly in its decision 49/482 of 21 April 1995.

G. Adoption of the agenda

17. At the 1st plenary meeting, on 4 September, the Conference adopted as its agenda the provisional agenda (A/CONF.177/1) recommended by the Commission on the Status of Women, acting as the preparatory body for the Conference, in annex I of its resolution 39/1. The agenda as adopted was as follows:

1. Opening of the Conference.
2. Election of the President.
3. Adoption of the rules of procedure.
4. Adoption of the agenda and other organizational matters.
5. Election of officers other than the President.
6. Organization of work, including the establishment of the Main Committee.

7. Credentials of representatives to the Conference:
 - (a) Appointment of the members of the Credentials Committee;
 - (b) Report of the Credentials Committee.
8. General exchange of views:
 - (a) Second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000;
 - (b) Main conclusions and recommendations of regional preparatory conferences;
 - (c) National priorities and commitments.
9. Platform for Action.
10. Adoption of the Declaration and the Platform for Action of the Fourth World Conference on Women.
11. Adoption of the report of the Conference.

H. Election of officers other than the President

18. At the 1st plenary meeting, on 4 September, the Conference endorsed the recommendations concerning the composition of the General Committee and the distribution of posts as set out in paragraph 4 of document A/CONF.177/3.

19. At the same meeting, the Conference elected Vice-Presidents from the following regional groups:

African States (7 Vice-Presidents): Botswana, Congo, Kenya, Morocco, Nigeria, Senegal and Sudan;

Asian States (6 Vice-Presidents): Bangladesh, Japan, Jordan, Malaysia, Pakistan and the Syrian Arab Republic;

Eastern European States (3 Vice-Presidents): Azerbaijan, Romania and the former Yugoslav Republic of Macedonia;

Latin American and Caribbean States (5 Vice-Presidents): Bahamas, Brazil, Colombia, Cuba and Panama;

Western European and other States (6 Vice-Presidents): Australia, Greece, New Zealand, Portugal, Spain and Sweden.

20. At the same meeting, the Conference elected an ex officio Vice-President from the host country, His Excellency Mr. Li Zhaoxing, Vice-Minister for Foreign Affairs of the People's Republic of China.

21. At the same meeting, the Conference elected Mrs. Netumbo Nandi-Ndaitwah (Namibia) Rapporteur-General of the Conference.

22. Also at the same meeting, the Conference elected Ms. Patricia B. Licuanan

(Philippines) Chairperson of the Main Committee.

I. Organization of work, including the establishment of the Main Committee of the Conference

23. At the 1st plenary meeting, on 4 September, the Conference, in accordance with the recommendations of the pre-Conference consultations contained in paragraphs 15 to 18 of document A/CONF.177/L.4, approved its organization of work.

J. Appointment of the members of the Credentials Committee

24. At the 1st plenary meeting, on 4 September, in conformity with rule 4 of the rules of procedure of the Conference and the recommendation of the pre-Conference consultations contained in paragraph 19 of document A/CONF.177/L.4, the Conference established a Credentials Committee composed of China, Fiji, Honduras, Namibia, Portugal, the Russian Federation, Suriname, Togo and the United States of America, on the understanding that, if one of those States did not participate in the Conference, it would be replaced by another State from the same regional group.

Chapter III

GENERAL EXCHANGE OF VIEWS

1. The Conference held a general exchange of views on (a) the second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000; (b) the main conclusions and recommendations of regional preparatory conferences; and (c) national priorities and commitments (item 8) at the 2nd to 15th plenary meetings, from 5 to 15 September 1995. Representatives of States, observers, specialized agencies, United Nations bodies, programmes and offices, intergovernmental organizations and non-governmental organizations and observers for associate members of the regional commissions addressed the Conference. All speakers expressed their appreciation of the efforts made by the host Government and the secretariat in preparing for the Conference.

2. At the 2nd plenary meeting, on 5 September, the Conference heard statements by the First Ladies of Panama and Brazil and the representatives of the Philippines, Spain, Turkey, Indonesia, Japan, Italy, New Zealand, Belgium, Mexico and Sri Lanka.

3. At the 3rd plenary meeting, on 5 September, the Conference heard statements by the First Ladies of the Republic of Korea, Ecuador, Ghana and Benin, Her Royal Highness Princess Basma Bint Talal of Jordan and the representatives of Ukraine, Namibia, China, Iceland, India, Thailand, the United Republic of Tanzania, Senegal, Chile, Portugal, the United Kingdom of Great Britain and Northern Ireland, Antigua and Barbuda, Tunisia, the Holy See and Nepal.

4. At the same meeting, statements were made by the Directors-General of the World Health Organization and the Food and Agriculture Organization of the United Nations. Statements were also made by the Deputy United Nations High Commissioner for Refugees, the Executive Directors of the United Nations Children's Fund and the United Nations Population Fund and the United Nations High Commissioner for Human Rights. Her Majesty Queen Fabiola of Belgium, the representative of the International Steering Committee on the Economic Advancement of Rural Women, made a statement. Statements were also made by the representatives of the following non-governmental organizations: NGO Forum in Beijing, National Organization of Arab/American Women and Committee for Asian Women.

5. At the 4th plenary meeting, on 6 September, statements were made by the First Lady of Egypt, His Royal Highness Prince Sobandla Dlamini of Swaziland and the representatives of Ireland, the Democratic People's Republic of Korea, Germany, Zimbabwe, Malta, Morocco, Gabon, Peru and Algeria.

6. At the same meeting, the Administrator of the United Nations Development Programme made a statement. A statement was also made by the representative of the Commission of the European Communities.

7. At the 5th plenary meeting, on 6 September, the Conference heard statements by the First Ladies of El Salvador, Suriname, Djibouti and Equatorial Guinea, Her Royal Highness Princess Norodom Marie Ranariddh of Cambodia and the representatives of the United States of America, Australia, Denmark, South Africa, Guinea, Lithuania, Canada, Zambia, Fiji, Finland, Malaysia, Luxembourg, Sweden, Poland, Mongolia, Guyana, Singapore, Pakistan, Mozambique and Togo.

8. At the same meeting, a statement was made by the Deputy Director-General of the International Labour Organization. The Executive Director of the World Food Programme, an Inspector of the Joint Inspection Unit, the Executive Director of the United Nations Environment Programme and the Executive Secretary of the Economic and Social Commission for Asia and the Pacific made statements. The representatives of the International Organization for Migration and the Commonwealth Secretariat, intergovernmental organizations, made statements. Statements were also made by the following non-governmental organizations: International Confederation of Free Trade Unions, Family Life Counselling and All India Women's Conference.

9. At the 6th plenary meeting, on 7 September, the Conference heard a statement by the First Lady of Lebanon and the representatives of Austria, Hungary, Argentina, Slovakia, Latvia, the United Arab Emirates, Norway, France and Saint Lucia.

10. At the same meeting, the Director-General of the United Nations Industrial Development Organization made a statement. A statement was also made by the Chairperson of the Committee on the Elimination of Discrimination against Women.

11. At the 7th plenary meeting, on 7 September, the Conference heard statements by Her Majesty Queen Halaevalu Mata'aho of Tonga and the representatives of Greece, Nicaragua, Côte d'Ivoire, Cyprus, Switzerland, Bulgaria, Venezuela, Cameroon, Trinidad and Tobago, Rwanda, Paraguay, the Central African Republic, Vanuatu, the Czech Republic, Niger, Bahrain and Georgia. The observer for Macau made a statement. The observer for Palestine also made a statement.

12. At the same meeting, the Rector of the United Nations University, the Executive Secretary of the Economic Commission for Europe and the Assistant Secretary-General of the United Nations Centre for Human Settlements and Secretary-General of the United Nations Conference on Human Settlements (Habitat II) made statements. Statements were also made by the representatives of the League of Arab States, the Council of Europe and the Agency for Cultural and Technical Cooperation. Statements were also made by the representatives of the following non-governmental organizations: International Cooperative Alliance, International Coalition on Women and Credit, Acción Familiar, Women's International Democratic Federation, International Right to Life Federation, Network for Women in Development: Europe, and World Muslim Congress.

13. At the 8th meeting, on 8 September, statements were made by the First Lady of Burundi and the representatives of Kenya, Liechtenstein, Cuba, Estonia, Croatia, Jamaica, the Bahamas, Belize, Romania and Viet Nam.

14. At the same meeting, statements were made by the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director of the Division of Economic Cooperation among Developing Countries and Special Programmes of the United Nations Conference on Trade and Development also made a statement.

15. At the 9th plenary meeting, on 8 September, the Conference heard statements by the First Ladies of Nigeria and Bolivia, Her Royal Highness Princess Sonam Chodron Wangchuck of Bhutan and the representatives of Honduras, Angola, Oman, Mauritania, the Russian Federation, the Netherlands, Israel, Dominica, Afghanistan, Kyrgyzstan, the Libyan Arab Jamahiriya and Guinea-Bissau. The observer for the Netherlands Antilles made a statement.

16. At the same meeting, a statement was made by the representative of the

World Meteorological Organization. Statements were also made by the Executive Director of the International Trade Centre, the Executive Coordinator of the United Nations Volunteers, the Under-Secretary-General for Development Support and Management Services of the United Nations Secretariat, the Executive Secretary of the Economic Commission for Africa and the Director of the United Nations Development Fund for Women. The representatives of the following intergovernmental organizations made statements: Organization of the Islamic Conference and Asian Development Bank. Statements were also made by the representatives of the following non-governmental organizations: International Planned Parenthood Federation, Inter-Parliamentary Union, Muslim World League, National Council of Negro Women, Disabled Peoples International and Centre for International Cooperation.

17. At the 10th plenary meeting, on 11 September, the Conference heard statements by the representatives of Colombia, Maldives, Liberia, Barbados, the Republic of Moldova, Mauritius, Papua New Guinea, Burkina Faso and Uruguay.

18. At the same meeting, statements were made by the representative of the International Monetary Fund and the representative of the World Health Organization, on behalf of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Virus. The Acting Director of the International Research and Training Institute for the Advancement of Women made a statement. A statement was also made by the representative of the Inter-American Development Bank, an intergovernmental organization.

19. At the 11th plenary meeting, on 11 September, statements were made by the representatives of Bosnia and Herzegovina, Malawi, the Congo, the Islamic Republic of Iran, Belarus, Tuvalu, the Sudan, Guatemala, Iraq, the Lao People's Democratic Republic, the former Yugoslav Republic of Macedonia, Saint Vincent and the Grenadines, Armenia, San Marino, Myanmar, the Comoros, Saint Kitts and Nevis, Qatar and Cape Verde.

20. At the same meeting, a statement was made by the representative of the International Atomic Energy Agency. Statements were also made by the representatives of the following intergovernmental organizations: Organization of American States, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Organization of African Unity, African Development Bank and Nordic Council. The representative of the Global Commission on Women's Health also made a statement. Statements were made by the representatives of the following non-governmental organizations: International Federation of Agricultural Producers, Commission on Global Governance, Women's International League for Peace and Freedom, Grassroots Organizations Operating Together in Sisterhood and Women and Fisheries Network.

21. At the 12th plenary meeting, on 12 September, the Conference heard statements by the First Ladies of the Gambia and Kazakhstan, the representatives of Sao Tome and Principe, Bangladesh, Turkmenistan, Haiti, Eritrea, Sierra Leone, Samoa, Lesotho and Madagascar and the observer for Guam.

22. At the same meeting, a statement was made by the representative of the South Asian Association for Regional Cooperation.

23. At the 13th plenary meeting, on 12 September, statements were made by the representatives of Botswana, the Syrian Arab Republic, the Dominican Republic, Mali, Azerbaijan, the Marshall Islands, Zaire, the Federated States of Micronesia, Yemen, Ethiopia, Chad, Costa Rica, Brunei Darussalam, Slovenia,

Uzbekistan, Albania, Nauru, Solomon Islands, Tajikistan, Cook Islands, Kiribati and Kuwait.

24. At the same meeting, a statement was made by the representative of the International Maritime Organization. A statement was also made by the representative of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The President of the Comité ministériel de coordination "femmes et développement" made a statement. The representative of the Latin American Parliament, an intergovernmental organization, also made a statement. Statements were made by the representatives of the following non-governmental organizations: Agence de recherches d'information et formation pour les femmes, Women's Environment and Development Organization, Somali Women's Trust, Association pour le progrès et la défense des droits des femmes maliennes and Forum of African Women Educationalists.

25. At the 14th plenary meeting, on 13 September, the Conference heard a statement by the representative of Palau.

26. At the same meeting, the representative of the Office of Human Resources Management of the United Nations Secretariat made a statement. Statements were also made by the representatives of the following non-governmental organizations: Development Alternatives with Women for a New Era, Interaction: American Council for Voluntary International Action, Flora Tristan, Coordinating Board of Jewish Organizations, African Caucus of Femnet, Housewives in Dialogue, Global Network Women and Politics, International Gay and Lesbian Human Rights Commission, Older Women's Network Australia, World Association of Girl Guides and Girl Scouts, Network of African Rural Women's Associations, Polish Federation for Women and Family Planning, International Human Rights Law Group, Centre for Women's Global Leadership, Fédération européenne des femmes actives au foyer, Anglican Communion, Arab Organization for Human Rights, Education International, World Federation of United Nations Associations, World Federation of Trade Unions, Choisir and International Federation of University Women.

27. At the 15th plenary meeting, on 15 September, the President of Peru made a statement.

28. At the same meeting, the Conference heard a statement by the President of the World Bank. A statement was also made by the representative of the Coalition of Youth Non-Governmental Organizations accredited to the Fourth World Conference on Women.

Chapter IV

REPORT OF THE MAIN COMMITTEE

A. Organization of work

1. At its 1st plenary meeting, on 4 September 1995, the Conference approved the organization of its work, as set out in document A/CONF.177/3, and decided to allocate agenda item 9 (Platform for Action) to the Main Committee, which was to submit its recommendations to the Conference.

2. The Main Committee held six meetings, from 5 to 14 September 1995. It also held a number of informal meetings.

3. The Main Committee had before it the following documents:

(a) Note by the Secretariat on proposals for consideration in the preparation of a draft declaration and on the draft platform for action (A/CONF.177/L.1);

(b) Note by the Secretariat transmitting the report of the informal contact group on gender (A/CONF.177/L.2);

(c) Note by the Secretary-General containing amendments to the text of the draft platform for action agreed upon at the informal consultations convened by the Chairperson of the Commission on the Status of Women from 31 July to 4 August 1995 (A/CONF.177/L.3).

4. The Chairperson of the Main Committee was Patricia B. Licuanan (Philippines), who was elected by acclamation at the 1st plenary meeting of the Conference, on 4 September.

5. The Main Committee, at its 1st meeting, on 5 September, elected the following officers by acclamation:

Vice-Chairpersons: Zelmira Regazolli (Argentina)

Irene Freudenschuss-Reichl (Austria)

Natalia Drozd (Belarus)

Rapporteur: Selma Ashipala (Namibia)

6. Also at its 1st meeting, the Main Committee established two working groups and designated Amma Yeboaa (Ghana) Chairperson of Working Group I and Irene Freudenschuss-Reichl (Austria) Chairperson of Working Group II.

7. At the 2nd meeting, on 11 September, statements were made by the representatives of Mauritius, Spain, France, Benin, Mauritania, Tunisia, Paraguay, Latvia, the Islamic Republic of Iran, the Holy See, Iraq, Guatemala, Canada and Chile. The Chairperson of the Committee and the Secretary of the Conference also made statements.

8. At the 3rd meeting, on 12 September, statements were made by the representatives of Egypt, Peru, the Syrian Arab Republic, Bahrain, Malta, Paraguay, Kuwait, Colombia, Costa Rica, Ecuador and Mauritania.

B. Consideration of the draft platform for action

9. At the 3rd to 6th meetings, on 12 and 14 September, the Main Committee considered amendments and corrections to the draft platform for action (A/CONF.177/L.1 and A/CONF.177/L.3) that had been agreed upon by Working Groups I and II and during informal consultations.

Strategic objectives and actions: women and armed conflict*

10. At the 3rd meeting, on 12 September, the Main Committee approved an amended text for chapter IV (Strategic objectives and actions), section E (Women and armed conflict) of the draft platform for action. Statements were made by the representatives of Argentina, Norway, Benin, Canada, Nigeria, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77), Spain, Guatemala, Cameroon, Indonesia, the Holy See, Jamaica, Bolivia, Ecuador, the Sudan, the Libyan Arab Jamahiriya, the United States of America, Malta, Algeria, Australia, Peru, the Syrian Arab Republic, Namibia, Chile, Kuwait, Belize, Equatorial Guinea and Liberia. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

11. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section E, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.9 and Corr.1). Statements were made by the representatives of Malta, Cyprus, the Holy See, Spain (on behalf of the European Community), Fiji, India, the Syrian Arab Republic and Cuba. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

Strategic objectives and actions: women in power and decision-making*

12. At the 3rd meeting, on 12 September, the Main Committee approved an amended text for chapter IV, section G (Women in power and decision-making) of the draft platform for action. Statements were made by the representatives of Benin, Algeria, Nigeria, Spain (on behalf of the European Community), Peru, Mauritania and Argentina. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

13. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section G, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.11 and Corr.1). The representative of Japan made a statement.

Strategic objectives and actions: women and poverty*

14. At the 3rd meeting, on 12 September, the Main Committee approved an amended text for chapter IV, section A (Women and poverty) of the draft platform for action. Statements were made by the representatives of Argentina, Pakistan, Benin, the United States of America, Algeria and the Philippines. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

15. At the 4th and 5th meetings, on 14 September, the Main Committee approved corrections to chapter IV, section A.

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the section titles and strategic objectives contained in chapter IV of the draft platform for action (see para. 48 below).

16. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter IV, section A, and recommended the text to the Conference for adoption as amended, corrected and orally revised (see A/CONF.177/L.5/Add.5 and Corr.1 and A/CONF.177/L.5/Add.21).

Strategic objectives and actions: women and the media*

17. At the 3rd meeting, on 12 September, the Main Committee approved an amended text for chapter IV, section J (Women and the media) of the draft platform for action. Statements were made by the representatives of Paraguay, Argentina, Peru, Mauritius and the United States of America. The Chairperson of Working Group I, Ms. Yeboaa, also made a statement.

18. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section J, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.14 and Corr.1).

Institutional arrangements

19. At the 3rd meeting, on 12 September, the Main Committee approved an amended text for chapter V (Institutional arrangements) of the draft platform for action. Statements were made by the representatives of Spain (on behalf of the European Community), Kuwait and the United States of America.

20. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter V. Statements were made by the representatives of the United States of America and Spain.

21. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter V and recommended the text to the Conference for adoption as amended, corrected and orally revised (see A/CONF.177/L.5/Add.17 and Corr.1 and A/CONF.177/L.5/Add.21). Statements were made by the representatives of the Holy See, the Islamic Republic of Iran, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Spain (on behalf of the European Community), Egypt, Kuwait, Canada, Namibia, Nigeria, Malta, Bahrain, Norway, Yemen, Switzerland, Oman, Australia, Suriname, Botswana, Cuba, South Africa, Benin, Belize, Estonia, Morocco, Bolivia, Israel, Jordan, the Syrian Arab Republic, Jamaica, the Libyan Arab Jamahiriya, Mauritania, Chile, Senegal and the Sudan. The Secretary-General of the Conference and the Chairperson of the Committee also made statements.

Financial arrangements

22. At the 3rd meeting, on 12 September, the Main Committee considered an amended and corrected text for chapter VI (Financial arrangements) of the draft platform for action. Statements were made by the representatives of the United States of America, Spain (on behalf of the European Community), Nigeria and Tunisia.

23. At the 4th meeting, on 14 September, the Main Committee approved the text of chapter VI and recommended it to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.18).

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the section titles and strategic objectives contained in chapter IV of the draft platform for action (see para. 48 below).

Mission statement

24. At the 4th meeting, on 14 September, the Main Committee considered an amended text for chapter I (Mission statement) of the draft platform for action. Statements were made by the representatives of the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77), Latvia (on behalf of the Eastern European States), China, Colombia, Benin, Spain (on behalf of the European Community), the United States of America, Algeria, Cuba, Ecuador, Bolivia and India. The Chairperson of the Committee also made a statement.

25. At the 6th meeting, on 14 September, the Main Committee, after accepting an oral revision to chapter I, approved the text and recommended it to the Conference for adoption as amended and orally revised (see A/CONF.177/L.5/Add.1). Statements were made by the representatives of the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), the Sudan, the United States of America, Norway, Spain (on behalf of the European Community) and Japan.

Global framework

26. At the 4th meeting, on 14 September, the Main Committee approved an amended text and corrections to chapter II (Global framework) of the draft platform for action. Statements were made by the representatives of Guatemala, the Holy See, Bulgaria, the Russian Federation, India, Pakistan, the United States of America, Canada, the Sudan, Malta, Spain (on behalf of the European Community), Malaysia, Mauritania and Israel. The Chairperson of Working Group I, Ms. Yeboaa, also made a statement.

27. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter II and recommended the text to the Conference for adoption as amended, corrected and orally revised (see A/CONF.177/L.5/Add.2 and Corr.1).

Critical areas of concern*

28. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter III (Critical areas of concern) of the draft platform for action. Statements were made by the representatives of Pakistan, the United States of America, Bulgaria and the Russian Federation.

29. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter III and recommended the text to the Conference for adoption as amended and orally revised (see A/CONF.177/L.5/Add.3 and A/CONF.177/L.5/Add.21). Statements were made by the representatives of the Holy See, the Islamic Republic of Iran, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Spain (on behalf of the European Community), Egypt, Kuwait, Canada, Namibia, Nigeria, Malta, Bahrain, Norway, Yemen, Switzerland, Oman, Australia, Suriname, Botswana, Cuba, South Africa, Benin, Belize, Estonia, Morocco, Bolivia, Israel, Jordan, the Syrian Arab Republic, Jamaica, the Libyan Arab Jamahiriya, Mauritania, Chile, Senegal and the Sudan. The Secretary-General of the Conference and the Chairperson of the Committee also made statements.

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the critical areas of concern listed in chapter III of the draft platform for action (see para. 48 below).

Strategic objectives and actions: education and training of women*

30. At the 4th meeting, on 14 September, the Main Committee approved an amended text and corrections to chapter IV, section B (Education and training of women) of the draft platform for action. Statements were made by the representatives of the Sudan, Benin, China, the Russian Federation, Spain (on behalf of the European Community), Yemen and the Syrian Arab Republic. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

31. At the 5th meeting, on 14 September, the Main Committee approved further corrections to chapter IV, section B, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.6 and Corr.1). Statements were made by the representatives of Spain, the Libyan Arab Jamahiriya, Benin and the United States of America. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

Strategic objectives and actions: women and health*

32. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section C (Women and health) of the draft platform for action. Statements were made by the representatives of Barbados, Nicaragua, the Dominican Republic, Malta, Mauritania, the Libyan Arab Jamahiriya, the Sudan, Honduras, the Holy See, Morocco, Yemen, Iraq, the United Arab Emirates, Nigeria, Kuwait, Benin, the Syrian Arab Republic, Jordan, the Islamic Republic of Iran, Tunisia, Oman, Bahrain, Japan, Senegal, Bangladesh, Indonesia and Belize. The Secretary-General of the Conference and the Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made statements.

33. At the 6th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section C, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.7 and A/CONF.177/L.5/Add.21).

Strategic objectives and actions: violence against women*

34. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section D (Violence against women) of the draft platform for action. Statements were made by the representatives of Jamaica, Haiti and the Russian Federation.

35. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section D, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.8 and Corr.1). Statements were made by the representatives of Spain (on behalf of the European Community), the Russian Federation, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Argentina and Azerbaijan. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the section titles and strategic objectives contained in chapter IV of the draft platform for action (see para. 48 below).

Strategic objectives and actions: human rights of women*

36. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section I (Human rights of women) of the draft platform for action. Statements were made by the representative of Spain and the Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl.

37. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section I.

38. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter IV, section I, and recommended the text to the Conference for adoption as amended, corrected and orally revised (see A/CONF.177/L.5/Add.13 and Corr.1 and A/CONF.177/L.5/Add.21). Statements were made by the representatives of the Sudan and Canada.

Strategic objectives and actions: women and the economy*

39. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section F (Women and the economy) of the draft platform for action. Statements were made by the representatives of Yemen, Spain, the United States of America, Benin and Vanuatu. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

40. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter IV, section F, and recommended the text to the Conference for adoption as amended and orally revised (see A/CONF.177/L.5/Add.10 and A/CONF.177/L.5/Add.21).

Strategic objectives and actions: women and the environment*

41. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section K (Women and the environment) of the draft platform for action. Statements were made by the representatives of Belize, the Syrian Arab Republic, the United States of America, the United Arab Emirates and Oman.

42. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section K, and recommended the text to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.15 and Corr.1). Statements were made by the representatives of India, Australia, Spain (on behalf of the European Community), the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), the United States of America and the Russian Federation.

43. At the 6th meeting, on 14 September, the representative of the United States of America and the Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, made statements.

Strategic objectives and actions: the girl child*

44. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section L (The girl child) of the draft platform for action and recommended the text to the Conference for adoption as amended (see

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the section titles and strategic objectives contained in chapter IV of the draft platform for action (see para. 48 below).

A/CONF.177/L.5/Add.16). Statements were made by the representatives of the United States of America, Spain (on behalf of the European Community), the Sudan, the Holy See, the Libyan Arab Jamahiriya, the United Arab Emirates, Mauritania, the Syrian Arab Republic, Oman, Iraq, Kuwait, Zimbabwe, Algeria, Egypt, Tunisia, Bangladesh, Morocco and Yemen. The Chairperson of Working Group I, Ms. Yeboaa, also made a statement.

Strategic objectives and actions: institutional mechanisms for the advancement of women*

45. At the 4th meeting, on 14 September, the Main Committee approved an amended text for chapter IV, section H (Institutional mechanisms for the advancement of women) of the draft platform for action. Statements were made by the representatives of Spain (on behalf of the European Community), the United States of America and Nepal. The Vice-Chairperson of the Committee, Ms. Freudenschuss-Reichl, also made a statement.

46. At the 5th meeting, on 14 September, the Main Committee approved corrections to chapter IV, section H.

47. At the 6th meeting, on 14 September, the Main Committee approved oral revisions to chapter IV, section H, and recommended the text to the Conference for adoption as amended, corrected and orally revised (see A/CONF.177/L.5/Add.12 and Corr.1 and A/CONF.177/L.5/Add.21). Statements were made by the representatives of the Holy See, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Spain (on behalf of the European Community).

Critical areas of concern listed in chapter III and section titles and strategic objectives in chapter IV

48. At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the critical areas of concern listed in chapter III of the draft platform for action and the section titles and strategic objectives contained in chapter IV and recommended them to the Conference for adoption as amended and corrected (see A/CONF.177/L.5/Add.19). Statements were made by the representatives of the United States of America, Jamaica, Spain, the Philippines, the Holy See, the Russian Federation, the Syrian Arab Republic and Malta.

Strategic objectives and actions: introduction

49. At the 6th meeting, on 14 September, the Main Committee approved an amended and orally revised text for the introductory paragraphs of chapter IV (Strategic objectives and actions) of the draft platform for action and recommended the text to the Conference for adoption (see A/CONF.177/L.5/Add.4). Statements were made by the representatives of Canada, Benin, Egypt, the Islamic Republic of Iran, Spain, Ecuador, the Libyan Arab Jamahiriya, New Zealand, Israel, Switzerland, the Syrian Arab Republic, Jordan, Uganda, Belize, South Africa, Kuwait, Senegal, Slovenia, Ghana, Australia, Bangladesh, Cuba, Côte d'Ivoire, Algeria, the Sudan, the United States of America, Nigeria, Guatemala, Barbados, Chile, Latvia, the United Arab Emirates, Jamaica, Brazil, Colombia, Yemen, Bolivia, Norway, Venezuela and the Cook Islands.

* At the 5th meeting, on 14 September, the Main Committee approved amendments and corrections to the section titles and strategic objectives contained in chapter IV of the draft platform for action (see para. 48 below).

C. Consideration of the draft declaration

50. At the 6th meeting, on 14 September, the Main Committee approved the text of the draft declaration as orally revised on the basis of informal consultations and recommended it to the Conference for adoption (see A/CONF.177/L.5/Add.20). Statements were made by the representatives of Yemen, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77), Paraguay, Tunisia, Colombia and China.

* * *

51. After the Main Committee approved the draft declaration and draft platform for action, statements were made by the representatives of Paraguay, Uruguay, the United States of America, Morocco, Jordan, Lithuania (also on behalf of Estonia and Latvia), Mauritania, Slovenia, the Sudan, Iraq, the Syrian Arab Republic, Oman, Tunisia, Yemen, Ghana, India, Benin, the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Spain (on behalf of the European Community). The Chairperson of the Committee made a concluding statement.

Chapter V

ADOPTION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION

1. At the 16th plenary meeting, on 15 September 1995, the Conference considered agenda item 10 (Beijing Declaration and Platform for Action of the Fourth World Conference on Women). The Chairperson of the Main Committee of the Conference, Patricia B. Licuanan (Philippines), made a statement.
2. At the same meeting, the representative of the Philippines, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/CONF.177/L.9) whereby the Conference would adopt the Beijing Declaration and Platform for Action and recommend them to the General Assembly for endorsement at its fiftieth session. The Conference then adopted the draft resolution (for the text, see chap. I, resolution 1).
3. After the draft resolution was adopted, representatives of the following States made general and interpretative statements or expressed reservations on the Beijing Declaration and Platform for Action: Peru, Kuwait, Egypt, Philippines, Holy See, Malaysia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Ecuador, Indonesia, Mauritania, Oman, Malta, Argentina, Brunei Darussalam, France, Yemen, Sudan, Dominican Republic, Costa Rica, United Arab Emirates, Venezuela, Bahrain, Lebanon, Tunisia, Mali, Benin, Guatemala, India, Algeria, Iraq, Vanuatu, Ethiopia, Morocco, Djibouti, Qatar, Nicaragua, Togo, Liberia, Syrian Arab Republic, Pakistan, Nigeria, Comoros, Bolivia, Colombia, Bangladesh, Honduras, Jordan, Ghana, Central African Republic, Cambodia, Maldives, South Africa, United Republic of Tanzania, Brazil, Panama, El Salvador, Madagascar, Chad, Cameroon, Niger, Gabon, United States of America and Canada. The observer for Palestine also made a statement.

Reservations and interpretative statements on the Beijing Declaration and Platform for Action

4. The representatives of a number of countries made statements which they requested the secretariat of the Conference to place on record. Those statements are set out below.
5. The representative of Argentina submitted the following written statement:

The concept of family as used in the Conference documents is understood to mean the union of a man and a woman, who produce, nourish and educate their children. No definition or recommendation contained in these documents weakens the parents' primary responsibility for bringing up their children, including providing education on sexual matters, a responsibility which should be respected by States pursuant to the Convention on the Rights of the Child.

No reference in these documents to the right to control matters related to sexuality, including sexual and reproductive health, may be interpreted as restricting the right to life or abrogating the condemnation of abortion as a method of birth control or an instrument of population policy (in accordance with article 75, paragraph 23, of the Constitution of Argentina, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women and paragraph 42 of the Vienna Programme of Action, adopted by the World Conference on Human Rights). No proposal

contained in the documents may be interpreted to justify programmes of female or male sterilization as an adjustment variable in eradicating poverty.

The Argentine delegation participated in the consensus on paragraph 106 (k) of the Platform for Action, which recommends that Governments should consider reviewing laws containing punitive measures against women who have undergone abortions. This position was taken in view of the legal tradition of Argentina, the practice of our courts and the attenuating circumstances that have generally been considered; this does not constitute, however, a proposal to decriminalize abortion or exempt from criminal responsibility those who may be accomplices or participants in this offence.

The references to the Programme of Action of the International Conference on Population and Development contained in the documents of the Fourth World Conference on Women should be understood in the context of the reservations formulated by the Government of the Argentine Republic and included in the report of that Conference (A/CONF.171/13 and Add.1).

With regard to all that is relevant to the documents of the Fourth World Conference on Women, the Argentine delegation maintains the same reservations which it submitted concerning the Regional Programme of Action for the Women of Latin America and the Caribbean, adopted in Santiago, Chile, in June 1995.

6. The representative of Brunei Darussalam submitted the following written statement:

We have the honour to officially inform you in writing that there are certain paragraphs in the Platform for Action adopted at the plenary of the Fourth World Conference on Women on 15 September 1995 that are contrary to Islamic principles and that are therefore not acceptable to Brunei Darussalam. We request that the following reservations and clarifications, which were made during our intervention at the plenary, be recorded and appended to the Platform for Action:

(a) We wish to reiterate our stand on the sovereign rights of nations to implement the Platform for Action within the laws and practices and the moral and spiritual values of our country.

(b) The interpretation of the terms family, individuals and couples refers to the traditional family formed out of a marriage or a registered union between a man and a woman and comprising children and extended family.

(c) We are of the conviction that reproductive rights should be applicable only to married couples formed of the union between a man and a woman.

(d) We wish to state that the adoption of paragraph 96 does not signify endorsement by the Government of Brunei Darussalam of sexual promiscuity, any form of sexual perversion or sexual behaviour that is synonymous with homosexuality and lesbianism.

(e) In the context of paragraph 106 (k) we wish to support the view that attention should be given to the prevention of unsafe abortions and

the provision of humane management of complications of abortions as part of reproductive health care. However, abortion is not legal or permissible in Brunei Darussalam and can be performed only on medical grounds.

(f) In the context of paragraph 108 (k), while agreeing that adolescent health is an area requiring attention due to the increasing problems of unwanted teenage pregnancies, unsafe abortions, sexually transmitted diseases and HIV/AIDS, we believe that parental guidance should not be abdicated and that sexual permissiveness and unhealthy sexual and reproductive practices by adolescents should not be condoned.

7. The representative of Costa Rica submitted the following written statement:

Costa Rica is a State in which the strict rule of law prevails; it is respectful of the law, being fully devoted to respect for human rights and the promotion of tolerance; and it participates in the world-wide consensus that inequalities exist which place women at a disadvantage, and that this situation should be rectified.

Accordingly, Costa Rica has adopted, signed and ratified all the instruments which promote equality of rights and opportunities between women and men, and it has been adapting its national legislation to these instruments, especially in relation to the Convention on the Elimination of All Forms of Discrimination against Women.

Nevertheless, we are aware that new challenges exist in our country, that much remains to be resolved with regard to improving the situation of women and that the advancement of women is crucial to the achievement of sustainable human development.

Aware that the series of measures contained in the Platform for Action of the Fourth World Conference on Women is consistent with the policies promoted in our country for the advancement of women, we wish to confirm to the international community that we support the Platform, that this support is respectful of the socio-cultural diversity of nations and that the Platform will be incorporated at the national level into the current legal system, in strict concordance with our best traditions, beliefs and values.

From this point of view, Costa Rica wishes to state that, in matters relating to sexuality, it understands any references in the Platform to women's rights to mean, as in the case of men, the capacity of women or men to achieve and maintain their sexual and reproductive health in a framework of relations of equality and mutual respect.

In relation to the strategic objective of the Platform which proposes the reduction in military expenditure and limiting the available arms, which is based on chapter IV, paragraph 70, subparagraph 12, of the Programme of Action of the World Summit for Social Development on the topic of social integration, Costa Rica reiterates its devotion to peace and the statement it made at that Conference concerning the need for conflicts and differences among nations and peoples and among social groups to be resolved through negotiation, dialogue and the quest for consensus, and that the resources being spent for weapons could be much better spent on the social development of peoples.

Lastly, we wish to confirm and reiterate to the international community that it is a priority task of both women and men to seek to

eliminate all forms of discrimination in accordance with the principle of respect for human rights and fundamental freedoms.

8. The representative of the Dominican Republic submitted the following written statement:

Pursuant to the rules of procedure of the Fourth World Conference on Women, the Dominican Republic supports the general agreement reached on the Platform for Action and reaffirms its commitment to comply with that agreement.

The Dominican Republic, as a signatory to the American Convention on Human Rights, and in accordance with the Constitution and laws of the Republic, confirms that every person has the right to life, and that life begins at the moment of conception.

Consequently, it accepts the content of the terms "reproductive health", "sexual health", "maternity without risk", "reproductive rights", "sexual rights" and "regulation of fertility" in the Platform for Action, but it makes an express reservation to the content of these terms, or any others, if they include abortion or interruption of pregnancy as a component.

We confirm the position taken by our country at the International Conference on Population and Development, and these reservations apply to all regional and international agreements referring to these concepts.

In accordance with the above-mentioned rules of procedure, we request that this statement of reservations be included in full in the final report of this Conference.

9. The representative of Egypt submitted the following written statement:

The participation of Egypt in the Fourth World Conference on Women reflects its conviction of the importance of women's issues and their promotion. It is an extension of Egypt's participation in the three preceding conferences on women, in addition to its having been host to one of the most important international conferences, the International Conference on Population and Development.

The Egyptian delegation would like to register the fact that its understanding of the texts included in the Platform for Action of the Fourth World Conference on Women that refer to sexual and reproductive relations rests on the basis that these relations are within the framework of a marital bond and that the family is understood to be the basic unit of society. Egypt's compliance with the recommendations contained in the Platform for Action will be conditional on complete respect for the rights of national sovereignty and various moral and religious values and conformity to our Constitution and the precepts of law and with the divine guidance of our true and tolerant religious law.

The Egyptian delegation would also like to register the fact that its reading and understanding of the paragraphs relating to inheritance rights in the Platform for Action, particularly paragraph 274 (d), will be against the background of complete respect for the laws of inheritance in the Islamic Shariah and in accordance with the provisions of the law and the Constitution.

The Egyptian delegation requests that this statement in its entirety should be included in the official report of the Fourth World Conference on Women.

10. The representatives of Estonia, Latvia and Lithuania submitted the following written statement:

Estonia, Latvia and Lithuania wish to express a reservation regarding paragraph 5 of the Platform for Action. We feel it is essential that the mission statement reflect a strong commitment by the international community to all the world's women and that the message should be all-encompassing. Paragraph 5 in its present form is exclusionary and contradicts the principle of universality, which should apply to all States Members of the United Nations.

The changes in the present paragraph are also a violation of the rules of procedure in light of the fact that new language was introduced to unbracketed text already agreed to in document A/CONF.177/L.1 at the preparatory meeting for the Conference in March 1995.

The concerns and needs of countries with economies in transition have been marginalized by paragraph 5, thus weakening the Platform for Action. For this reason, our delegations regrettably feel obligated to place this reservation on record.

11. The representative of Guatemala submitted the following written statement:

My delegation wishes to state that, consistent with the national interest of Guatemala, it is submitting the following reservation, with the request that it be included in the final report of the Fourth World Conference on Women:

(a) Guatemala has the sovereign right to implement the recommendations contained in the Platform for Action in accordance with the provisions of its Political Constitution, national legislation and international treaties and conventions to which it is a party, and therefore none of the provisions and recommendations of this Conference and of the Platform for Action may or should be interpreted as contradicting the aforesaid legal instruments. In addition, these recommendations will be implemented in accordance with the development priorities of our country, in full respect for the diverse religious, ethical and cultural values and philosophical beliefs of our multi-ethnic, multilingual and multicultural people, and in accordance with universally recognized international human rights;

(b) Guatemala confirms all its reservations to the Programme of Action of the International Conference on Population and Development and its reservations to the Declaration and Programme of Action of the World Summit for Social Development, especially in relation to the topics, terms, conditions and provisions contained in the aforesaid documents which are repeated and re-utilized in this Platform for Action.

In addition, the Government of Guatemala reserves the right to interpret the Platform for Action expressly in accordance with its unconditional respect for the right to life from the moment of conception and its unconditional respect for the right of parents to choose the upbringing of their children. It endorses and guarantees the social,

economic and juridical protection of the family on the legal basis of marriage, equal rights of spouses, responsible parenthood, the right of persons to decide freely the number and spacing of their children, and the dignity of motherhood.

In conformity with the ethical, moral, legal, cultural and natural criteria of the Guatemalan people, Guatemala interprets the concept of gender solely as female and male gender in reference to women and men and reserves its position on the interpretation of the term "lifestyle", because its meaning is not clear in these documents.

12. The representative of the Holy See submitted the following written statement:

"When one looks at the great process of women's liberation," one sees that the journey has been a difficult one, with its "share of mistakes," but headed toward a better future for women. Those are the words of Pope John Paul II. And he goes on to say: "This journey must go on!" The Holy See delegation joins its voice to his: This great journey must go on!

Women's voyage has been marked by false starts and disappointments, as well as by luminous achievements. There have been times, as in the industrial revolution, when old forms of oppression were exchanged for new, as well as times when intelligence and good will have triumphed.

The documents before us reflect that complex and uneven history of women's search. They are full of promise, but often short on concrete commitment, and in certain respects one could ask if the long-term consequences will really serve the good of women.

The delegation of the Holy See has worked hard, in a constructive way and in a spirit of good will to make the documents more responsive to women. Certainly, the living heart of these documents lies in their sections on the needs of women in poverty, on strategies for development, on literacy and education, on ending violence against women, on a culture of peace, and on access to employment, land, capital and technology. My delegation is pleased to note a close correspondence between these points and Catholic social teaching.

My delegation would be remiss in its duty to women, however, if it did not also indicate several critical areas where it strongly disagrees with the text.

My delegation regrets to note in the text an exaggerated individualism, in which key, relevant, provisions of the Universal Declaration of Human Rights are slighted - for example, the obligation to provide "special care and assistance" to motherhood. This selectivity thus marks another step in the colonization of the broad and rich discourse of universal rights by an impoverished, libertarian rights dialect. Surely this international gathering could have done more for women and girls than to leave them alone with their rights!

Surely we must do more for the girl child in poor nations than give lip service to providing access to education, health and social services while carefully avoiding any concrete commitment of new and additional resources to that end.

Surely we can do better than to address the health needs of girls and women by paying disproportionate attention to sexual and reproductive health. Moreover, ambiguous language concerning unqualified control over sexuality and fertility could be interpreted as including societal endorsement of abortion and homosexuality.

A document that respects women's dignity should address the health of the whole woman. A document that respects women's intelligence should devote at least as much attention to literacy as to fertility.

Because my delegation is hopeful that out of these documents, which are in some ways at odds with themselves, the good for women will ultimately prevail, it wishes to associate itself with the consensus only on those above-mentioned aspects of the documents that the Holy See considers to be positive and at the service of the real well-being of women.

Unfortunately, the Holy See's participation in the consensus can be only a partial one because of numerous points in the documents which are incompatible with what the Holy See and other countries deem favourable to the true advancement of women. These points are indicated in the reservations which my delegation has set out below.

My delegation is confident that women themselves will overcome the limitations of and bring out what is best in these documents. As John Paul II has so well put it, "The path that lies ahead will be long and difficult, nevertheless we must have courage to set out on that path and the courage to go on to the end."

I would ask that the text of this statement, the reservations formally indicated below, as well as the statement of interpretation of the term "gender" be included in the report of the Conference.

Reservations and statements of interpretation

The Holy See, in conformity with its nature and particular mission, in partially joining the consensus on the documents of the Fourth World Conference on Women, wishes to express its position regarding those documents and make reservations on some of the concepts used in them.

The Holy See wishes to reaffirm the dignity and worth of women and the equal rights of men and women and regrets the failure of the Platform for Action to explicitly reassert this concept.

The Holy See, in line with the Universal Declaration of Human Rights, stresses that the family is the basic unit of society and is based on marriage as an equal partnership between husband and wife, to which the transmission of life is entrusted. It regrets that in the Platform for Action references were not made to such a fundamental societal unit without banal qualifying language (see, for example, strategic objective L.9).

The Holy See can only interpret such terms as "women's right to control their sexuality", "women's right to control ... their fertility" or "couples and individuals" as referring to the responsible use of sexuality within marriage. At the same time, the Holy See firmly condemns all forms of violence against and exploitation of women and girls.

The Holy See reaffirms the reservations it expressed at the conclusion of the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, which are included in the report of that Conference, concerning the interpretation given to the terms "reproductive health", "sexual health" and "reproductive rights". In particular, the Holy See reiterates that it does not consider abortion or abortion services to be a dimension of reproductive health or reproductive health services. The Holy See does not endorse any form of legislation which gives legal recognition to abortion.

With regard to the terms "family planning" or "widest range of family planning services" and other terms concerning family-planning services or regulation of fertility, the Holy See's actions during this Conference should in no way be interpreted as changing its well-known position concerning those family planning methods that the Catholic Church considers morally unacceptable or concerning family planning services that do not respect the liberty of spouses, the human dignity or the human rights of those concerned. The Holy See in no way endorses contraception or the use of condoms, either as a family planning measure or in HIV/AIDS prevention programmes.

The Holy See maintains that nothing in the Platform for Action or in other documents referenced therein is to be interpreted as requiring any health professional or health facility to perform, cooperate with, refer or arrange for services to which they have objections on the basis of religious belief or moral or ethical conviction.

The Holy See interprets all references to the term "forced pregnancy" as a specific instrument of armed conflict, in the context in which that term appears in the Vienna Declaration and Programme of Action, part II, paragraph 38.

The Holy See interprets the term "gender" as described in the statement set out below.

The Holy See does not associate itself with the consensus on the entire chapter IV, section C, concerning health; it wishes to place a general reservation on the entire section and it would ask that this general reservation be noted in the chapter. This section devotes a totally unbalanced attention to sexual and reproductive health in comparison to women's other health needs, including means to address maternal mortality and morbidity. Furthermore, the Holy See cannot accept ambiguous terminology concerning unqualified control over sexuality and fertility, particularly as it could be interpreted as a societal endorsement of abortion or homosexuality. The reservation on this chapter does not, however, indicate any reduction in the Holy See's commitment towards the promotion of the health of women and the girl child.

The Holy See does not join the consensus and expresses a reservation on paragraph 232 (f), with its reference to a text (para. 96) on a right of women to "control over ... their sexuality". This ambiguous term could be understood as endorsing sexual relationships outside heterosexual marriage. It asks that this reservation be noted on the paragraph. On the other hand, however, the Holy See wishes to associate itself with the condemnation of violence against women asserted in paragraph 96, as well as with the importance of mutuality and shared responsibility, respect and free consent in conjugal relations as stated in that paragraph.

The Holy See, with regard to the entire section on human rights, with the exception of quotations from or restatements of already existing human rights instruments, expresses its concern about an excessive individualism in its treatment of human rights. The Holy See further recalls that the mandate of the Fourth World Conference on Women did not include the affirmation of new human rights.

With regard to the phrase "Women's rights are human rights", the Holy See interprets this phrase to mean that women should have the full enjoyment of all human rights and fundamental freedoms.

With regard to all references to international agreements, the Holy See reserves its position in this regard, in particular on any existing international agreements mentioned in the documents, consistent with its manner of acceptance or non-acceptance of them.

The Holy See requests that these reservations, together with the following statement of interpretation on the term "gender", be included in the report of the Conference.

Statement of interpretation of the term "gender"

In accepting that the word "gender" in this document is to be understood according to ordinary usage in the United Nations context, the Holy See associates itself with the common meaning of that word, in languages where it exists.

The term "gender" is understood by the Holy See as grounded in biological sexual identity, male or female. Furthermore, the Platform for Action itself clearly uses the term "Both genders".

The Holy See thus excludes dubious interpretations based on world views which assert that sexual identity can be adapted indefinitely to suit new and different purposes.

It also dissociates itself from the biological determinist notion that all the roles and relations of the two sexes are fixed in a single, static pattern.

Pope John Paul insists on the distinctiveness and complementarity of women and men. At the same time, he has applauded the assumption of new roles by women, stressed the degree to which cultural conditioning has been an obstacle to women's progress, and exhorted men to assist in "the great process of women's liberation" ("Letter to Women", 6).

In his recent "Letter to Women", the Pope explained the Church's nuanced view in the following way: "One can also appreciate that the presence of a certain diversity of roles is in no way prejudicial to women, provided that this diversity is not the result of an arbitrary imposition, but is rather an expression of what is specific to being male and female."

13. The representative of Honduras submitted the following written statement:

The Government of the Republic of Honduras, in accordance with its belief in democracy, joins the consensus of all the peoples of the world in adopting the Platform for Action, regarding it as an effective instrument for the promotion and advancement of women to the year 2001 and in the new

millennium. Accordingly, it reaffirms its desire and commitment to take the necessary actions to bring about the implementation of the Platform.

The Constitution of Honduras provides that all men and women are born free and equal before the law, that there are no privileged classes and that all Hondurans are equal before the law (article 60).

Articles 65, 111 and 112 provide that the right to life is inviolable and that the family, marriage and de facto union are under the protection of the State.

The American Convention on Human Rights, of which our country is a signatory, reaffirms that every individual has the right to life from the moment of conception, on the basis of the moral, ethical, religious and cultural principles that should govern human behaviour.

Accordingly, Honduras shares the concepts relating to reproductive health, sexual health and family planning in the Platform for Action, provided that abortion or interruption of pregnancy is not included as a family planning method.

The Government of the Republic reaffirms that the family is the basic unit of society and therefore commits itself to strengthening all actions aimed at achieving greater levels of well-being, bringing into harmony the various segments of society.

Lastly, we invite the international community to support Governments and peoples in their efforts to ensure that the implementation of the Platform for Action is as successful as anticipated and that our women will finally achieve equity, development and peace, which are so necessary to the advancement of our peoples.

14. The representative of Indonesia submitted the following written statement:

While expressing our delegation's satisfaction on the adoption of the Beijing Declaration and Platform for Action by consensus, my delegation at the same time feels unhappy about the fact that there have been numerous reservations made by the delegations attending the Conference. This may give the public the false impression that our joint commitment to implement the Platform for Action, which is crucial to the goals of equality, development and peace for all women, will be difficult to realize.

The concerns reflected in the reservations - and my delegation also has reservations on certain paragraphs which are not consistent with the national interest of Indonesia - should not in any way constitute an obstacle to our genuine endeavour to implement the Platform for Action, since we all know that the spirit and objective of international cooperation in this regard is indeed a matter of mutual respect and support for our common cause.

Finally, my delegation wishes to request that its reservation be duly recorded in the report of the Conference.

15. The representative of the Islamic Republic of Iran submitted the following written statement:

I would like to register the reservation of the Islamic Republic of

Iran on the following issues:

Although the family is the basic unit of society and as such plays a significant role in the advancement of women and promotion of human development, the Platform for Action falls short in recognizing its contribution and the importance of its stability and integrity.

Concerning paragraphs 96 and 232 (f), our understanding is that the provisions of those paragraphs can only be interpreted in the context of health and the framework of marital relations between men and women. The Islamic Republic of Iran holds that the rights referred to in those paragraphs fall in the category of existing human rights and do not establish any new rights.

The Islamic Republic of Iran upholds the principle that safe and responsible sexual relationships between men and women can only be legitimized within the framework of marriage. Moreover, the phrase "couples and individuals" should also be interpreted in that context.

Concerning programmes aimed at sexual and reproductive health, education and services, the Islamic Republic of Iran believes that such education and services should be guided by ethical and moral values and respect the responsibilities, rights and duties of parents, taking into account the evolving capacities of adolescents.

With respect to the issue of inheritance, the Islamic Republic of Iran interprets the references in the Platform for Action to this matter in accordance with the principles of the economic system of Islam.

The concept of equality in our interpretation takes into account the fact that although women are equal in their human rights and dignity with men, their different roles and responsibilities underline the need for an equitable system of rights, where the particular priorities and requirements of the woman in her multiple roles are accounted for.

The Islamic Republic of Iran affirms its commitment to the implementation of the Platform for Action with full respect for Islam and the ethical values of our society.

16. The representative of Iraq submitted the following written statement:

The delegation of Iraq has reservations with regard to paragraph 96 of the Platform for Action because it is incompatible with our social and religious values. Our reservation also applies to paragraph 232 (f) because of its allusion to paragraph 96.

The delegation of Iraq accepts the text of paragraph 274 (d) on the basis of its understanding that this does not conflict with the Islamic Shariah.

17. The representative of Israel submitted the following written statement:

The delegation of Israel to the Fourth World Conference on Women wishes to submit the following interpretative statement on paragraph 46 of the Platform for Action.

Israel would have preferred that explicit reference be made to the

particular barriers faced by women because of their sexual orientation. However, in light of the interpretation given to the words "other status" by, inter alia, the United Nations Human Rights Committee, we interpret the words "other status" to include sexual orientation.

18. The representative of Japan submitted the following written statement:

My delegation would like to confirm its interpretation concerning paragraph 106 (k). The delegation of Japan joined the consensus on paragraph 106 (k) on the following understanding.

There has been a continuing debate on this issue in many countries. Some countries, including Japan, have undertaken a review of the relevant laws, while others have not. Bearing this in mind, my delegation confirms its understanding that relevant national laws can only be reviewed at the national or local level with due regard to national and legislative circumstances.

19. The representative of Kuwait submitted the following written statement:

My country's delegation attaches great importance to the Platform for Action adopted by this Conference and believes in its significant contribution to the advancement of women. However, at the same time, it would like to register a reservation to anything which constitutes a contravention of the Islamic Shariah and the customs and practices of our Islamic society, particularly paragraphs 232 (f), 106 (k) and 94 to 96.

The delegation of Kuwait would like to have its reservation recorded in the report of the Conference.

20. The representative of the Libyan Arab Jamahiriya submitted the following written statement:

My delegation greatly appreciates the efforts made by the Main Committee and working groups of the Conference towards producing formulas which represent the common positions of the participating delegations and respect the beliefs of different societies and their private affairs. In this context, the Libyan delegation has made every possible effort in its discussions with all the working groups and in meetings to join in the global consensus towards which this Platform for Action is directed.

In view of our belief in the importance of the dialogue between the different cultures and civilizations of the peoples of the world for the achievement of universal social peace, we do not accept the right of any nation or civilization to impose its culture or political, economic or social orientations on any other nation or people. In view also of our belief in the sovereign right of every State to draw up domestic policies in keeping with its religious beliefs, local laws and priorities for social and economic development, it is our understanding that the terms and expressions which appear in this document and their application will be within the limits of what is permitted by our beliefs and the laws and traditions which shape our behaviour as a society. On this basis, our country's delegation would like to express reservations with regard to the following:

(a) The expression "sexual relations and sexual behaviour" between men and women, adult or otherwise, outside of a lawful marital

relationship, which has appeared in a number of articles;

(b) The expression "sexual education and reproductive health" used with reference to the unmarried and outside the ambit of parental responsibility, supervision and care;

(c) The term "individuals" linked with the basic right of all couples to decide freely and responsibly the number, spacing and timing of their children. This right is not accorded in our society outside the framework of a lawful marital relationship. This expression appears in paragraphs 95 and 223;

(d) The entire text of paragraph 96 because it is inconsistent with our social and cultural values. The same applies to paragraph 232 (f);

(e) Everything included in and intended by the text appearing in paragraph 106 (k), since it is contrary to local laws based on the Islamic Shariah. The same applies to the text appearing in paragraph 106 (j) regarding abortion, since local laws do not permit the performance of abortion except to save the mother's life;

(f) The text of paragraph 274 (d), which will be interpreted and implemented in accordance with the Islamic Shariah, which guarantees females the right of inheritance.

We hope that this statement and these reservations will be included in the official report of the Conference.

21. The representative of Malaysia submitted the following written statement:

The Beijing Declaration and Platform for Action are an achievement for all women world wide. My delegation is gratified to join the international community in expressing our commitment to the Platform, especially on those provisions dealing with poverty, education, health, the elimination of violence against women in civil and armed conflicts, and the active participation of women in decision-making and economic development for their advancement and empowerment. However, we cannot help noting a number of differences among delegations arising from the stand on certain issues by one group of countries. While this group may adopt their own cultural standards and priorities, their insistence on others has inevitably resulted in the Platform for Action being accompanied by a number of reservations.

I wish to state that certain provisions within the Platform for Action remain unacceptable to us, but in the interest of achieving a consensus, we do not wish to stand in the way of its adoption. Nevertheless, in view of the differing cultural norms and the lack of clarity of certain words and phrases in the Platform, I wish to make the following reservations and clarifications on behalf of the Malaysian delegation.

First, the interpretation of the term "family", and the terms "individual and couples" throughout the document refer to the traditional family formed out of a marriage or a registered union between a man and a woman and comprising children and extended family members.

Second, we are of the conviction that reproductive rights should be applicable only to married couples formed of the union between a man and a

woman.

Third, we wish to state that the adoption of paragraph 96 does not signify endorsement by the Government of Malaysia of sexual promiscuity, any form of sexual perversion or sexual behaviour that is synonymous with homosexuality or lesbianism.

Fourth, in the context of paragraph 106 (k) we wish to support the view that attention should be given to the prevention of unsafe abortions and the provision of humane management of complications from abortions as part of reproductive health care. However, abortion is not legal or permissible in Malaysia and can only be performed on medical grounds.

Fifth, in the context of paragraph 108 (k), while agreeing that adolescent health is an area requiring attention due to the increasing problems of unwanted teenage pregnancies, unsafe abortions, sexually transmitted diseases and HIV/AIDS, we believe that parental guidance should not be abdicated and that sexual permissiveness and unhealthy sexual and reproductive practices by adolescents should not be condoned.

May I request that these reservations be entered into the records of this Conference.

22. The representative of Malta submitted the following written statement:

In joining the consensus on the Platform for Action, the delegation of Malta would like to state that it reserves its position on the use of such terms as "reproductive health", "reproductive rights" and "control of fertility" as used in different parts of the document. The interpretation given by Malta is consistent with its national legislation, which considers the termination of pregnancy through induced abortion as illegal.

The delegation of Malta further reserves its position on those parts of the Platform for Action wherein reference is made to the Programme of Action of the International Conference on Population and Development. In this respect the delegation of Malta reaffirms its reservations as contained in the report of that Conference (A/CONF.171/13 and Add.1).

In particular the delegation of Malta cannot accept without reservation the expression "circumstances in which abortion is not against the law", the termination of pregnancy through procedures of induced abortion being illegal in Malta.

The delegation of Malta reserves its position on the wording "such abortion should be safe" since it feels that this phrase could lend itself to multiple interpretations, implying among other things that abortion can be completely free of medical and other psychological risks while ignoring altogether the rights of the unborn.

Furthermore, the delegation of Malta reserves its position on the use of the wording "international human rights instruments" and "United Nations consensus documents" wherever used in the Platform for Action consistent with its previous acceptance or non-acceptance of them.

We request that these reservations be recorded in the report of the Conference.

23. The representative of Mauritania submitted the following written statement:

My country's delegation would like to enter reservations with regard to any matter that conflicts with the Islamic Shariah and Islamic values, especially paragraph 96 concerning sexual rights, paragraph 232 (f), paragraph 106 (j) concerning illegal abortions, and paragraph 274 (d) concerning inheritance.

24. The representative of Morocco submitted the following written statement:

The delegation of Morocco reserves its position on paragraphs 96 and 106 (k) of the Platform for Action, whose content is in contradiction with the precepts of Islam and is not in conformity with its spiritual values and cultural traditions. Morocco also expresses its reservations on paragraph 232 (f), which refers to paragraph 96, and on paragraph 274 (d).

The delegation of the Kingdom of Morocco requests that its reservations be included in the report of the Conference.

25. The representative of Nepal submitted the following written statement:

The interpretation of paragraph 26 for Nepal shall preclude the freedom of conversion of one's own or someone else's religion.

26. The representative of Nicaragua submitted the following written statement:

The step which we have taken in Beijing is of great importance for the women of the world and for society as a whole and I am hopeful that we will work with greater energy on those issues which give rise to greater unity among us in order to achieve our equality, development and the peace to which all women and men aspire.

Mindful of the situation of women and the necessity of their all-round development in a world that has denied them opportunities, and on the basis of the position which Nicaragua has espoused at the various world summit meetings and conferences, the Government of the Republic of Nicaragua wishes to place on record its commitment to do its utmost for the implementation of the Platform for Action adopted at the Fourth World Conference on Women, which will enable us to speed up progress towards equality of opportunity for women to participate in development and share in its benefits.

In accordance with its Constitution and laws and as a signatory of the American Convention on Human Rights, the Government of Nicaragua reaffirms that every person has the right to life, which is a fundamental and inalienable right, and that this right begins with the moment of conception.

Abortion or the termination of pregnancy cannot in any way be considered a method of regulating fertility or birth control, as was made clear by the International Conference on Population and Development. The domestic laws governing this matter are within the sovereign purview of the Nicaraguan nation.

The Government of Nicaragua accepts the concepts of reproductive rights and reproductive health and maintains that abortion is not covered by these concepts.

The Government of Nicaragua recognizes the different kinds of families formed as a result of the union of a man and a woman, families headed by single women or men, and extended families, and states that it is committed to protecting such families.

I request that this statement be included in the report of the Conference.

27. The representative of Paraguay submitted the following written statement:

The Government of Paraguay expresses its satisfaction that chapter IV, section C, of the Platform for Action is in conformity with the content of its National Constitution, especially article 61 thereof, which provides that "the State recognizes the right of everyone to freely and responsibly decide the number of children they plan to have, as well as the time span between one child and another. Through a coordinated effort with the appropriate organizations, they are also entitled to receive education, scientific guidance, and adequate services. Special plans will be implemented to ensure reproductive health and maternal-child health care for low-income people."

The delegation of Paraguay points out that the concept of "methods ... for regulation of fertility which are not against the law", as referred to in paragraph 94 of the Platform for Action, will be interpreted in conformity with its national legislation.

The Government of Paraguay interprets the term "gender", which is used in the documents adopted at this Conference, as referring to both sexes, man and woman, and has incorporated this term, as defined, into its national documents.

28. The representative of Peru submitted the following written statement:

Pursuant to article 34 of the rules of procedure of the Conference, the delegation of Peru joins in the general agreement on the adoption of the Beijing Declaration and Platform for Action, in so far as the principles and commitments established by this Conference are compatible with those embodied in the Political Constitution of Peru. However, in accordance with the position it took at the International Conference on Population and Development and reaffirmed at the World Summit for Social Development, and at the sixth session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, the delegation of Peru wishes to express its reservation with regard to the interpretation of the following points:

The community and the State protect the family and promote marriage, recognizing them as natural and basic institutions of society. The family and marriage essentially derive from the personal relation that is established between a man and a woman.

The right to life and the consideration of a person from the moment of conception as a subject of law in every respect are fundamental human rights. Therefore, the terms "reproductive health", "reproductive rights" and "sexual or reproductive health" as used in the Platform for Action must not include abortion as a method of birth control or family planning.

The concepts referring to population policy must always be understood

within the context of the protection and promotion of the family and marriage, responsible fatherhood and motherhood and the freedom of choice of the family and the individual.

It is understood that sexual rights refer solely to heterosexual relationships.

The criteria established for allocating resources can in no way be understood as restricting the right of Governments to have access to such resources.

The reference to "existing" intellectual property rights with regard to the knowledge, innovations and practices of women of indigenous and local communities, including practices relating to traditional medicines, biological diversity and indigenous technologies, may in no way be construed as restricting the rights of countries and their inhabitants under national and international law.

29. The representative of the Russian Federation submitted the following written statement:

Paragraph 83 (p)

The Russian Federation takes the word "respected" in paragraph 83 (p) to mean that gender equality and cultural, religious and other diversity should be respected in educational institutions.

Paragraph 191 (c)

The Russian Federation understands paragraph 191 (c) to mean that political parties shall themselves determine the procedure for appointing women to their leadership bodies and that the State shall not put pressure on them to do so, while at the same time creating equal opportunities for the activities of political parties. Under Russian law, this provision applies not only to political parties but also to political movements.

Paragraph 204 (e)

The Russian Federation understands paragraph 204 (e) regarding mandates to review policies and programmes in the context of ensuring equal rights and equal opportunities. The basic principles for implementing this policy are enshrined in the Constitution of the Russian Federation.

Paragraph 258 (c)

The delegation of the Russian Federation takes it that paragraph 258 (c) relates to no other question than the transboundary movement of hazardous and radioactive waste. The Russian Federation believes that it is necessary to aim for full compliance of Governments, international governmental organizations and non-governmental organizations with existing international principles and rules governing the transboundary movement of hazardous and radioactive waste through the adoption of special measures, including the establishment of a national legal framework and the definition of the various categories of waste. The movement of such materials should not pose a threat to public health.

30. The representative of South Africa submitted the following written

statement:

The South African delegation interprets paragraph 96, which reads, "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence", to include the right to be free from coercion, discrimination and violence based on sexual orientation.

The South African delegation wants to make it very clear that it does not want to be associated with any form of discrimination.

31. The representative of Tunisia submitted the following written statement:

The Tunisian delegation, by virtue of the powers vested in it, has the honour to confirm that Tunisia will interpret paragraphs 96, 232 (f) and 274 (d) of the Platform for Action within its fundamental laws and texts.

The foregoing was stated at the meetings of the Main Committee held on 13 and 14 September 1995. Tunisia will reject any provision that is contrary to its fundamental laws and texts. The delegation of Tunisia requests that this reservation be included in the documents of the Conference.

32. The representative of the United States of America submitted the following written statement:

Interpretative statement on the Beijing Declaration

The United States understands that the phrase "hereby adopt and commit ourselves as Governments to implement the ... Platform for Action" contained in the Beijing Declaration, and other similar references throughout the texts, are consistent with the fact that the Platform, Declaration and commitments made by States (unless such States indicate to the contrary) are not legally binding, and that they consist of recommendations concerning how States can and should promote the objectives of the Conference. The commitment referred to in the Declaration, therefore, constitutes a general commitment to undertake meaningful implementation of the Platform's recommendations overall, rather than a specific commitment to implement each element of the Platform. Accordingly, the United States accepts this phrase on this basis, on the understanding that it does not alter the status of the documents or the recommendations contained therein.

The United States understands that the references in the Declaration and Platform for Action to "sustainable development" are to be interpreted consistently with established principles and policies on this matter. As was recognized in Agenda 21, our long-term objective of enabling all people to achieve sustainable livelihoods involves integration simultaneously of policies related to issues of development, sustainable resource management and poverty eradication. At the World Summit for Social Development, States further acknowledged that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development.

Reservation on paragraph 5 of the Platform for Action

As the United States has stated on a number of occasions during the Conference and in the preparations for it, as a result of domestic funding constraints it cannot agree to an increase in funding for matters dealt with in the Platform for Action other than in the context of reallocation of existing resources, or unless sources of funding other than governmental assessments are involved. Accordingly, the United States reserves on paragraph 5 of the Platform for Action. The United States fully supports the objectives of the Conference and is willing to work with others to ensure that there is a proper allocation of resources within the United Nations system and other international organizations, to address commitments made in the Platform. In this context, the United States notes as well that many of the most critical actions to be taken in accordance with the Platform do not require additional funds from the international community and can be accomplished through actions at the national and local level.

Interpretative statements on individual paragraphs in the Platform for Action

Paragraph 17

The United States understands that the phrase "radical transformation of the relationship between women and men in paragraph 17 is a reference to the realization of full equality between women and men. It is in that context that the United States accepts this paragraph.

Paragraph 26

Paragraph 26 of the Platform recognizes the important role that non-governmental organizations play and the importance of working with them for progress. The United States recognizes the need for Governments to create an enabling environment for non-governmental organizations and that such an environment is critical to the successful implementation of the Platform. The United States understands that Governments, in requesting that non-governmental organizations take action to implement the Platform, are thereby committing themselves to facilitating the efforts of such organizations in this regard.

Paragraph 46

The United States Government has a firm policy of non-discrimination on the basis of sexual orientation and considers that the omission of this reference in paragraph 46 and elsewhere in the Platform for Action in no way justifies such discrimination in any country.

Paragraph 96

The United States understands and accepts that paragraph 96, which concerns, inter alia, equal relationships between women and men, applies existing norms of human rights law to these important areas of the lives of women and men, and thus emphasizes the importance of freedom from coercion, discrimination and violence in relations between men and women.

Paragraph 131

While the United States recognizes that human rights violations can and do occur in situations of foreign occupation around the world, the United States continues to have reservations, as it did at the World Conference on Human Rights in Vienna, about any implication that foreign occupation is a human rights violation per se.

Paragraph 166 (1)

The United States understands the intention of the inclusion of "equal remuneration for men and women for work of equal value" to be to promote pay equity between men and women and accepts the recommendation on that basis. The United States implements it by observing the principle of "equal pay for equal work".

Paragraph 206 (b), (e) and (f)

With respect to paragraph 206 (b), (e) and (f), the United States will seek to develop more comprehensive knowledge as well as to improve data collection on the issue of unwaged work, to the extent that funds are available. We plan to consult, in a cooperative manner, with appropriate research and documentation organizations.

Paragraphs 234-245

A number of institutions, organizations and others have been requested to take actions to implement the Platform. Although many institutions have participated here as observers, and non-governmental organizations have provided helpful inputs into the deliberations, Governments alone will adopt the Platform. As a result, it is necessary to underscore the fact that when the Platform mentions the actions these other actors may take, it thereby invites and encourages the suggested actions; it does not, and cannot, require such actions.

In this context, we understand that references to actions the media may take (such as those in chapter IV, section J, and in paragraph 33) are in the nature of suggestions and recommendations, and may not be construed to impinge on the freedom of the press, speech and expression, which are fundamental democratic freedoms.

Paragraph 247

The United States would like to underscore that it interprets the second sentence in paragraph 247 to mean that these listed occurrences can cause environmental degradation in certain circumstances but not in others. The United States also remains concerned about the reference to "the use and testing of nuclear weaponry" in this paragraph, which appears not to have been reviewed fully in the working group.

Paragraph 293

The United States understands and accepts that references to commitments in paragraph 293, references to what the Platform "requires" in paragraphs 4 and 5, and other similar references throughout the texts, including the Declaration, are consistent with the fact that the Platform, Declaration and commitments made by States (unless such States indicate to

the contrary) are not legally binding, and that they consist of recommendations concerning how States can and should promote the human rights of women. Accordingly, the United States understands and accepts that such terms as used in these documents suggest practical measures to help promote the human rights of women, and do not alter the status of the documents or the recommendations contained therein.

Paragraph 353

The United States reiterates that, with respect to paragraph 353, it is not one of the countries that have accepted an "agreed target" for official development assistance or have made a commitments to fulfil such a target. We believe that national Governments, not international donors, must have primary responsibility for their country's development. Targets detract from the more important issues of the effectiveness and quality of aid and the policies of the recipient country. The United States has traditionally been one of the largest aid donors in volume terms and will continue to work with developing countries to provide aid in support of their efforts.

In addition, the United States understands and accepts the reference in paragraph 353 to increasing the share of official development assistance for social development programmes to apply to only those countries that have accepted the target.

33. The representative of Vanuatu submitted the following written statement:

The Republic of Vanuatu has come to the Fourth World Conference on Women in Beijing for two purposes: first, to show solidarity with the world community concerning the advancement and rights of women, and second, to learn from other countries about what can be done to improve the situation of women.

In this respect, the delegation of Vanuatu has fully participated in the plenary meetings of the Conference as well as in the Main Committee and the working groups.

The delegation of Vanuatu recognizes the spirit of conciliation and compromise that has gone into the finalization of the Platform for Action. At the same time, the delegation notes that Vanuatu is a small country which has grown out of a strong fundamental traditional past and which now is changing in the midst of modern social, economic and political evolution.

While therefore endorsing the Platform for Action of this important Conference, the Vanuatu delegation wishes to state that its endorsement of the Platform is made with full respect for the constitutional, religious and traditional principles which the sovereign State has inherited and kept for the good government of our nation.

34. The representative of Venezuela submitted the following written statement:

With a view to speeding up the general debate in order to arrive at a consensus on the Platform for Action, the official delegation of Venezuela makes the following statement of reservations and requests that it be included in full in the final report of the Conference.

The concepts of family planning, sexual health, reproductive health, maternity without risk, regulation of fertility, reproductive rights and sexual rights are acceptable provided that they do not include abortion or voluntary interruption of pregnancy.

Similarly, Venezuela expresses a reservation with regard to the concept of unwanted pregnancy, since the reference to "unwanted pregnancy" could be argued in the opposite sense, as implying acceptance of the right of a woman who has become pregnant against her will to terminate the pregnancy (by abortion), an act which is illegal in Venezuela.

Venezuela also expresses a reservation with regard to references to "unsafe abortion", because abortion under any circumstances is illegal in Venezuela, except when it is essential in order to save a woman's life.

Chapter VI

REPORT OF THE CREDENTIALS COMMITTEE

1. At its 1st plenary meeting, on 4 September 1995, the Fourth World Conference on Women, in accordance with rule 4 of the rules of procedure of the Conference, appointed a Credentials Committee, based on the composition of the Credentials Committee of the General Assembly of the United Nations at its forty-ninth session, consisting of the following nine members: China, Fiji, Honduras, Namibia, Portugal, Russian Federation, Suriname, Togo and United States of America.
2. The Credentials Committee held one meeting, on 8 September 1995.
3. Mr. Pedro Catarino (Portugal) was unanimously elected Chairperson of the Committee.
4. The Committee had before it a memorandum by the Secretary-General dated 7 September 1995 on the status of credentials of representatives participating in the Conference. Additional information on credentials received by the Secretary-General after the issuance of the memorandum was provided to the Committee by its Secretary.
5. As noted in paragraph 1 of the memorandum by the Secretary-General, as updated by the additional information received, formal credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided for in rule 3 of the rules of procedure, were received by the Secretary-General for the representatives of the following 106 States participating in the Conference: Albania, Algeria, Angola, Australia, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cameroon, Canada, Chile, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Estonia, Finland, France, Gambia, Germany, Guyana, Haiti, Hungary, India, Iraq, Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uzbekistan.
6. As also noted in paragraph 1 of the memorandum by the Secretary-General, in the case of the European Community, credentials were submitted for its representatives by the President of the European Commission, as provided for in rule 3 of the rules of procedure.
7. As noted in paragraph 2 of the memorandum, as updated by the additional information received, information concerning the appointment of representatives participating in the Conference was communicated by means of facsimile or in the form of letters or notes verbales from Ministries, Embassies, Permanent Missions to the United Nations or other government offices or authorities, or through local United Nations offices, by the following 83 States participating in the

Conference: Afghanistan, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Holy See, Honduras, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, Kiribati, Lao People's Democratic Republic, Lebanon, Lesotho, Luxembourg, Mali, Marshall Islands, Micronesia (Federated States of), Monaco, Morocco, Nepal, Nicaragua, Nigeria, Niue, Palau, Peru, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, South Africa, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Tuvalu, Ukraine, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia and Zimbabwe.

8. The Chairperson proposed that the Committee accept the credentials of all the representatives mentioned in the memorandum by the Secretary-General, on the understanding that formal credentials for representatives referred to in paragraph 2 of the Secretary-General's memorandum, would be communicated to the Secretary-General as soon as possible. The following draft resolution was proposed by the Chairperson for adoption by the Committee:

"The Credentials Committee,

"Having examined the credentials of the representatives to the Fourth World Conference on Women referred to in paragraphs 1 and 2 of the memorandum by the Secretary-General dated 7 September 1995,

"Accepts the credentials of the representatives concerned."

9. The draft resolution was adopted by the Committee without a vote.

10. Subsequently, the Chairperson proposed that the Committee recommend to the Conference the adoption of a draft resolution approving the report of the Credentials Committee. The proposal was adopted by the Committee without a vote.

Action taken by the Conference

11. At the 12th plenary meeting, on 12 September 1995, the Conference considered the report of the Credentials Committee (A/CONF.177/14).

12. The Conference adopted the draft resolution recommended by the Committee in its report (for the text, see chap. I, resolution 3). The States and the regional economic integration organization that participated in the Conference are listed in chapter II, paragraph 3.

Chapter VII

ADOPTION OF THE REPORT OF THE CONFERENCE

1. At the 16th plenary meeting, on 15 September 1995, the Rapporteur-General introduced and orally revised the draft report of the Conference (A/CONF.177/L.7 and Add.1).
2. At the same meeting, the Conference adopted the draft report as orally revised and authorized the Rapporteur-General to complete the report, in conformity with the practice of the United Nations, with a view to its submission to the General Assembly at its fiftieth session.

Chapter VIII

CLOSURE OF THE CONFERENCE

1. At the 16th plenary meeting, on 15 September 1995, the representative of the Philippines, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/CONF.177/L.8) entitled "Expression of thanks to the people and Government of the People's Republic of China".
2. At the same meeting, the Conference adopted the draft resolution (for the text, see chap. I, resolution 2).
3. Statements were made by the representatives of the Philippines (on behalf of the States Members of the United Nations that are members of the Group of 77), Spain (on behalf of the European Community), Senegal (on behalf of the African States), Papua New Guinea (on behalf of the Asian States), Ukraine (on behalf of the Eastern European States), Barbados (on behalf of the Latin American and Caribbean States) and Malta (on behalf of the Western European and other States).
4. After statements by the Secretary-General of the Conference and the Special Representative of the Secretary-General of the United Nations, the President of the Conference made a statement and declared the Conference closed.

Annex I

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title or description</u>
A/CONF.177/1	Provisional agenda
A/CONF.177/2	Provisional rules of procedure: note by the Secretariat
A/CONF.177/3	Organizational and procedural matters: note by the Secretariat
A/CONF.177/4	Second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women: note by the Secretariat
A/CONF.177/5	1994 World Survey on the Role of Women in Development: note by the Secretariat
A/CONF.177/6	Update of The World's Women: Trends and Statistics: note by the Secretariat
A/CONF.177/7	Report of the Committee on the Elimination of Discrimination against Women
A/CONF.177/8	Results of the regional conferences and other international conferences: note by the Secretariat
A/CONF.177/9	The extent to which gender concerns have been included in the activities of the United Nations human rights mechanisms: report of the Secretary-General
A/CONF.177/10	Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences, and Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children: note by the Secretariat
A/CONF.177/11	Letter dated 2 September 1995 from the Chairperson of the Fourth Ministerial Conference of Non-Aligned Countries Devoted to the Role of Women in Development addressed to the Secretary-General
A/CONF.177/12	Note by the Secretariat transmitting decision 18/6 of the Governing Council of the United Nations Environment Programme
A/CONF.177/13	Platform for action: note by the Secretary-General
A/CONF.177/14	Report of the Credentials Committee

<u>Symbol</u>	<u>Title or description</u>
A/CONF.177/15	Note by the Secretariat relating to the report of the Secretary-General on the situation concerning the release of women and children who have been taken hostage in areas of armed conflicts
A/CONF.177/16	Letter dated 12 September 1995 from the Leader of the delegation of China to the Fourth World Conference on Women addressed to the Secretary-General of the Conference, transmitting the Beijing Parliamentary Declaration, adopted on 7 September 1995 by the participants in Parliamentarians' Day, organized by the Inter-Parliamentary Union on the occasion of the Fourth World Conference on Women*
A/CONF.177/17	Note verbale dated 12 September 1995 from the Embassy of Azerbaijan in Beijing addressed to the Secretary-General of the Fourth World Conference on Women
A/CONF.177/18	Note verbale dated 14 September 1995 from the delegation of France to the Fourth World Conference on Women addressed to the secretariat of the Conference
A/CONF.177/19	Letter dated 14 September 1995 from the Ambassador of Turkey to the People's Republic of China addressed to the Secretary-General
A/CONF.177/L.1	Draft platform for action and proposals for consideration in the preparation of a draft declaration: note by the Secretary-General
A/CONF.177/L.2	Report of the informal contact group on gender: note by the Secretariat
A/CONF.177/L.3	Report of the informal consultations convened by the Chairperson of the Commission on the Status of Women: note by the Secretary-General
A/CONF.177/L.4	Report of the pre-Conference consultations held at the Beijing International Convention Centre

* The Head of the delegation of Egypt also submitted a letter requesting circulation of the Beijing Parliamentary Declaration.

<u>Symbol</u>	<u>Title or description</u>
A/CONF.177/L.5 and Add.1-3, Add.3/Corr.1, Add.4 and 5, Add.5/Corr.1, Add.6, Add.6/Corr.1, Add.7 and 8, Add.8/Corr.1, Add.9, Add.9/Corr.1, Add.10 and 11, Add.11/Corr.1, Add.12, Add.12/Corr.1, Add.13, Add.13/Corr.1, Add.14, Add.14/Corr.1, Add.15, Add.15/Corr.1, Add.16 and 17, Add.17/Corr.1 and Add.18-21	Report of the Main Committee
A/CONF.177/L.6	Programme budget implications of recommendations contained in the Platform for Action: statement submitted by the Secretary-General in accordance with rule 15 of the rules of procedure of the Conference and General Assembly resolution 46/189, section IV
A/CONF.177/L.7 and Add.1 (Parts I and II)	Draft report of the Conference
A/CONF.177/L.8	Expression of thanks to the people and Government of the People's Republic of China: draft resolution submitted by the Philippines on behalf of the States Members of the United Nations that are members of the Group of 77
A/CONF.177/L.9	Beijing Declaration and Platform for Action: draft resolution submitted by the Philippines on behalf of the States Members of the United Nations that are members of the Group of 77
A/CONF.177/INF/1 and Corr.1	Information for participants

Annex II

OPENING STATEMENTS

Statement by Boutros Boutros-Ghali, Secretary-General
of the United Nations*

My first words are words of welcome: welcome to all of you. I wish you every success in your deliberations and in your work.

Secondly, words of thanks: on behalf of the international community and of all of us present today, I thank the Government and people of China for their generous and gracious hospitality.

It is both fitting, and significant, that China is host to this historic global Conference.

China is, of course, a permanent member of the Security Council. China takes part, therefore, in the work of the United Nations for the maintenance of international peace and security. By welcoming us all here this week, China is making clear its intention to play its full part in the international community across the entire range of its most important work. I see this Conference, therefore, as cementing a new era in the relationship between China and the United Nations.

This is an important milestone on the road to the future. China has the resources, both natural and human, to contribute significantly to global progress. China has the ability to take an active and enthusiastic part in the Organization's work towards sustainable development, particularly in Africa.

Without the full and active support and participation of China, the United Nations cannot act as a truly universal forum. China's decision to be the host for this major event in modern life is a symbol of its future place in the world and that of all the nations of Asia within the international community.

Madame President, I ask you to convey to all the Chinese people our message of thanks and appreciation.

Thanks are also due to the delegations of Member States. This Conference is the product of many years of hard preparatory work. I know what a great effort you have undertaken to make this Conference a success.

And thanks are due to the organizers of this Conference. In particular, we thank the Secretary-General of the Fourth World Conference on Women, Gertrude Mongella, and her team.

This global conference is unique: It brings a new universality, and therefore a new legitimacy, to the deliberations of the international community. Gathered here is a deep and rich representation of Governments, of women's groups and of the organizations of civil society.

* The statement was made by the Special Representative of the Secretary-General on behalf of the Secretary-General.

There is evidence here, in all its diversity and vibrancy, of the new partnership in international life that has been forged between governmental and non-governmental organizations. We see here the new legitimacy of the organizations of civil society as actors on the international scene.

The effectiveness of our work - both here, and in the future - will depend to a considerable extent on our willingness to be open and receptive to ideas and suggestions coming from those organizations.

This is a historic gathering: not only because of its membership and participation, but also because of the subject of our discussions.

Securing the equality of women and men, in law and in fact, is the great political project of the twentieth century. A crucial role in the realization of that project has been entrusted to the United Nations. We are meeting to take that great enterprise forward into the twenty-first century and beyond: to consolidate the legal advances, to build on the political understandings and to commit ourselves to action.

As the millennium approaches, we look back over a century of unprecedented social and political change on our planet. No country, no people, has been untouched by its great upheavals. Some have already concluded that the twentieth century was a dark age in the history of humanity. No one can deny that its wars, its struggles, were characterized by great violence and enormous human suffering. But out of that suffering came also a new spirit - a spirit of hope - and a resolve that there should be change.

The founding of the United Nations, 50 years ago, was one achievement of that new spirit. Then, the world looked back: to seek the lessons to be learned, and the mistakes to be avoided, after the cataclysm of world war. And the world looked forward - not simply to reconstruct a shattered international community, but to build a new and better one.

Recognition of the dignity and worth of women, and of the essential contribution of women, on an equal basis with men, to life in all its aspects, was to be an essential element of that better world.

Thus, in the Charter of the United Nations, States made a clear commitment to the rights of women:

"... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...".

This was more than a statement of high ideals about the world of the future. It was a commitment to ensuring that men and women have and enjoy the same rights. And - unlike any other commitment made in the Charter - this was a commitment that could be measured.

And it pointed the way forward in other ways, too. That commitment was included in the Charter because women's non-governmental organizations worked with government representatives to put it there.

The then First Lady of the United States - Eleanor Roosevelt - was instrumental in that process.

Since its very founding, the United Nations has actively encouraged Member States to honour their commitment.

In the early years, from 1945 to 1962, the United Nations concentrated on securing equality for women under the law. In 1946, the General Assembly established the Commission on Human Rights and the Commission on the Status of Women. The Universal Declaration of Human Rights was adopted in 1948. In these ways, the United Nations sought to build on the legal basis for the equality of women set forth in the Charter.

In a second phase, from 1963 to 1975, the international community began to recognize the importance of development in achieving the advancement of women. The focus of the Organization's work included the economic and social realities of women's daily lives. In 1967, the Declaration on the Elimination of Discrimination against Women was adopted.

In 1975, the first global conference on the status of women was convened in Mexico City. It proclaimed 1975 as International Women's Year. The Conference led to the elucidation of a three-part theme - equality, development and peace. This became the basis of the Organization's work in the years that followed, and is the basis of our work today.

Between 1976 and 1985, the United Nations observed a Decade for Women. The Decade was the third phase of United Nations work for women. This period brought the crucial new recognition of women as active agents of, and contributors to, the development process.

1979 was a landmark year. That year, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women. It was the first international legal instrument to define discrimination against women. It was, in other words, an international bill of human rights for women. But it also stressed the importance of action, including action in the fields of employment and education, to ensure women's progress in fact as well as in law.

The Decade for Women's major conferences - Copenhagen in 1980, Nairobi in 1985 - offered a forum in which women's organizations had a voice in shaping the work of the United Nations. The Decade also brought agreement on the need for practical measures to improve women's lives.

The adoption of the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000 was another milestone in the advancement of women. The Strategies included guidelines for national measures to promote women's participation in efforts to promote peace, and education for peace. They singled out for special attention the need for measures to help women in special situations of distress.

Over the past decade we have seen a fourth phase of United Nations activity for women. A continuum of global conferences has worked to define the new global agenda. These conferences have made it clear that no progress is possible without the full and equal participation of women and men: in promoting peace, in safeguarding the environment, in securing sustainable development, in human rights, in population, in health, in education, in government, in the home and in civil society.

The 1990 World Summit for Children established goals for health, education and nutrition for women and children.

The role of women in safeguarding the environment, and in promoting sustainable development, was recognized at the United Nations Conference on

Environment and Development, held at Rio de Janeiro. Women were seen as having a central role in implementing Agenda 21.

The Vienna World Conference on Human Rights reaffirmed the universality of human rights. It was understood that women should exercise the same rights as men on the basis of equality.

The Cairo International Conference on Population and Development recognized the central role of women in population and development. Its consensus language reflected a concept of reproductive rights that is firmly based on human rights instruments. It also set forth the linkage between women's empowerment and development.

The World Summit for Social Development, meeting at Copenhagen in 1995, adopted a Declaration and Programme of Action. One of its central principles was the full integration and participation of women in spurring social development and eradicating poverty.

Today, we celebrate 50 years of unceasing effort, spearheaded by the United Nations, to advance the cause of women.

One of the themes of our Conference is equality. Equality before the law is being achieved in many countries. But equality in fact remains an elusive goal in all countries. Equality of dignity is far from being achieved, with discrimination on the basis of gender still widespread. Real and concrete steps are still required - to ensure equality of opportunity in education, and equality of access to health systems, to jobs and to political power.

Women work longer hours for less pay and in lower status jobs than men in almost every country. Seventy per cent of the 1.3 billion people living in poverty in the world are women. Women and their dependent children form the majority of the 23 million refugees and 26 million internally displaced persons in the world.

When the Charter was signed, no State had elected a woman as head of State or Government. Since then, a total of 24 women have been elected to head States or Governments. But there is far to go before we have equality between women and men in senior government posts.

In 1994, there were no women ministers in 25 States. Overall, only 5.7 per cent of the world's cabinet ministers were women. In no country were women in the majority as elected members of parliament.

There were exceptions: in Sweden there was parity between men and women in ministerial posts. The Caribbean is the only region where more than 20 per cent of senior government officials are women.

In the United Nations itself, progress is being made. As Secretary-General, I have appointed women to head several United Nations programmes, bringing the total number of women executive heads to five.

The General Assembly took a historic step recently when it elected the first woman judge to the International Court of Justice.

I have given clear instructions that the goals of the Charter for gender equality in the United Nations itself should be strictly followed. I have approved action plans within the Organization to foster a gender-sensitive

working environment and to ensure that the Organization addresses the gender aspects in all its work.

The role of women in peace is another theme of this Conference. In United Nations peace missions, women remain a largely untapped resource. Missions should be designed to take account of the extraordinary potential of women in crisis situations.

Violence against women seems to be increasing. It should receive the unanimous and firm condemnation of the entire international community.

National studies in 10 countries estimate that between 17 per cent and 38 per cent of women have been physically assaulted by a partner. An estimated 100 million girls suffer genital mutilation.

More women are today suffering directly from the effects of war and conflict than ever before in history. There is a deplorable trend towards the organized humiliations of women, including the crime of mass rape.

We will press for international legal action against those who perpetrate organized violence against women in time of conflict.

Another theme of this Conference is development. The international community has recognized the great potential of women as agents of consensus and peaceful change. The challenge is to harness the energy, ideas and skills of women, not only in the rebuilding of formerly war-torn societies, but also in promoting conditions of economic and social development generally.

The burden of rural women in developing countries is well known. The United Nations, in Geneva in 1992, convened the first international conference on rural women and development. We should be able to say of our development efforts that not only is development necessary for rural women, but what is good for rural women is good for development.

This perception has grown and become widely understood. Women - their lives, their roles, their aspirations - are the key to development in every dimension. Equality, peace and development must reach every woman on Earth. When the rights and hopes of women in all these fields are advanced, so will all human society come to benefit.

This Conference is a milestone in the history of United Nations work for women. It is the culmination of a chain of global conferences. It embraces the issues covered by all of them. This Conference is a call to action.

The Platform is comprehensive and challenging. It takes an integrated approach to a wide range of issues. It cuts across all of the concerns - economic, social, cultural and political - of the United Nations system.

As we go forward, the partnership between government and civil society will be crucial. But the Platform will not become reality unless that partnership now extends into the implementation stage.

Neither government decrees nor the isolated acts of small groups of citizens will be enough to make the Platform work. Both must work hand in hand. The partnership must be mobilized at all levels; the family, the local community and the State.

Government can garner resources. Civil society can reach down to engage all members of society. The movement's theme - "think globally, act locally" - is more relevant than ever.

There is a growing awareness that attitudes as well as behaviour - both of individuals and of institutions - must change to take account of the real rights and real needs of women.

Let us not forget that the progress we make is measurable, and it will be measured. Future generations will hold us accountable. They will look for concrete signs that Beijing, in 1995, was followed by real action. Let us not disappoint them. Let us not disappoint ourselves. Together we must follow our words with our deeds. We must take up the cause of the world's women.

Statement by Chen Muhua, Vice-Chairperson of the Standing
Committee of the National People's Congress of China and
President of the Conference

First of all, please allow me to express my gratitude for your trust in electing me President of the Fourth World Conference on Women. While extremely honoured, I am fully aware of the tremendous responsibility associated with the post. To live up to your trust, I will do my utmost to cooperate with delegates from all countries and the United Nations Secretariat to make the Conference a complete success. In the meantime, I am looking forward to your support and guidance.

In 1985, as head of the delegation of China, I attended the third World Conference on Women, in Nairobi, where I joined delegates from other countries in discussing ways to advance the status of women and, together, we produced a very important document - the Nairobi Forward-looking Strategies for the Advancement of Women. For me, the experience was most exciting.

Today, 10 years later, on the eve of the fiftieth anniversary of the founding of the United Nations and with the approach of a new century, we are gathered here in Beijing to draft the Beijing Declaration and Programme of Action, aimed at accelerating the implementation of the Nairobi Strategies with a view to realizing our common objective of gender equality.

Enormous changes have taken place over the past 10 years in the world in which we live. While peace and development remain the two common tasks facing the whole world, the advancement of the status of women has become a key objective. While peace, stability and economic development underlie the advancement of the status of women, equal status and participation of women are an important guarantee for maintaining peace and achieving development. Therefore, when planning our strategy for the future, we must bear in mind the theme of the Conference and also our common goal: Action for Equality, Development and Peace.

It is reassuring that thanks to the joint efforts of the United Nations, national Governments and non-governmental organizations, gratifying progress has been made in promoting gender equality and women are playing an increasingly important role in various fields of social life. The important role of women and their rights have been reaffirmed and stressed in recent years at such major international meetings as the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development and the World Summit for Social Development. It

is evident that women are crying out for an improvement in their status; the times demand it; humanity aspires to it.

Although progress has been made, we must not lose sight of the stark reality facing us: the various objectives set forth in the Nairobi Strategies have not yet been realized; the number of women in poverty is increasing worldwide and a large number of women and children are still fighting a losing battle against hunger; the illiteracy rate of women remains far higher than that of men as large numbers of girls are forced to drop out of school for various reasons; many women, having no access to basic health care, remain vulnerable to the threat of diseases; in some regions, women and children have become the largest group of victims of constant armed conflicts; violence against women, including domestic violence, still exists. More often than not, women's rights, instead of being respected, are violated and trampled on. All these are serious obstacles to the advancement of the status of women worldwide.

Our mission at this Conference is both noble and arduous. I hope that all participants will seek common ground while putting aside differences, unite as one and cooperate closely to turn the theme of this Conference - Action for Equality, Development and Peace - into reality.

In five years, we will enter the twenty-first century. Everyone present at the Conference, including myself, shoulders an important historic task. Women from all countries and regions of the world are watching us earnestly, hoping that the international community and national Governments will make a solemn commitment and translate it into concrete actions so that this Conference will help accelerate the improvement of the status of women the world over. Let us work together to live up to the ardent expectations of the entire world.

Statement by Gertrude Mongella, Secretary-General
of the Fourth World Conference on Women

At long long last, we are here in Beijing participating in the Fourth World Conference on Women - a conference that is phenomenal in several respects. It has generated much interest and debate globally, among men and women, old and young, from country to country. It has brought together the largest gathering of persons ever to attend any other United Nations conference on any subject. All the indications point to a social revolution in the making!

This Conference has been characterized by an intensive preparatory process involving national, regional and international debates and consultations among Governments and non-governmental bodies. At every stage, a step towards consensus-building has been taken. We are now faced with a final test of our commitment for action - our Platform for Action.

This Platform is a global tapestry woven by women, men and youth with strands from all nations, races and religions alike. It has been carefully, objectively and caringly embroidered through the various consultations, conferences and meetings organized at the national, regional and international levels. The Platform is a document for the world; but for women, it is their document since it embodies the aspirations, hopes and actions that will guide us all into the twenty-first century. In fact, the Platform is for everyone. There can be no spectators, no side-liners, no abstainers, for this is the crucial social agenda that affects all humanity.

It is for this reason that I wish to appeal to each woman participating in

this Conference and in the NGO Forum not only to serve as representatives of their Governments and non-governmental organizations, but also to become committed crusaders in the struggle in which we have been engaged for many, many years. As I noted at the opening of the NGO Forum, "Millions have placed their trust in us. We must not fail them."

I would like to highlight a few salient features that became obvious during the preparatory process for the Beijing Conference:

First, there is the need to look at women's issues in a holistic manner and to address them as part of overall societal and developmental concerns. It will not be possible to attain sustainable development without cementing the partnership of women and men in all aspects of life. Women have always struggled with their men-folk for the abolition of slavery, the liberation of countries from colonialism, the dismantling of apartheid and the attainment of peace. It is now the turn of men to join women in their struggle for equality.

Second, because of the cross-cutting nature of women's issues, it is imperative that each issue be given due weight and consideration.

Third, there is the need to recognize the intergenerational link that is unique to women, as well as the cumulative effect, since unresolved problems tend to deteriorate in subsequent phases.

Finally, since the first women's conference in Mexico some 20 years ago, women have learnt that to achieve equality they must depend on themselves. The necessary actions will not be taken for them based on some theoretical principle of equality. Women have researched and they have been the subject of research. The statistics are much too gloomy in a number of key areas, such as poverty, education and illiteracy, health, violence against women, governance and politics, and human rights. With the statistics and facts now well documented, there is no denying that women fare badly relative to men. The World's Women 1995, published only last month, further shows irrefutably both the changes that have occurred and the remaining obstacles.

We are in the crucial last decade of the twentieth century and the solidarity that today binds us in our common experiences, irrespective of race, colour and religion, should now become the instrument to propel us all into the twenty-first century armed with the vision, imagination and actions that can make the difference in our own lives and those of our children and grandchildren. We have been saying all along that women and men must work together if we are to bring this world safely and successfully into the coming century. So too, must we ensure the participation of young people. They are our hope and future, and society can only be the beneficiary.

Our agenda must address the eradication of illiteracy, ill-health, poverty, unemployment and violence, and the promotion of decision-making and empowerment. It must focus on actions that will eliminate discrimination, marginalization and social exclusion.

The basis for change is here; what is lacking is the commitment that will ensure the actions that could bring about that change. When the facts and statistics are disaggregated, the undeniable fact is that action is required to change the status quo. Action is the only way forward. There is no substitute.

The Fourth World Conference on Women must elicit commitments to action coupled with commitments of resources, national and international. This is the

mission of the Beijing Conference. Each Government must now set priorities, specify the resources it will contribute and declare what steps it will take to hold itself accountable to the world's women. This Conference must preserve achievements and agreements reached in earlier conferences and move beyond rhetoric to work towards genuine change.

I must conclude now by posing the following questions on an issue that is close to my heart and to the hearts of many other women:

- How long will women toil to contribute to the purchase of arms?
- How long will women continue to give life just to see it taken away by force of arms?
- And how long will the world continue to ignore women's tears during armed conflicts?

This Platform will not see light as long as the issue of peace is not properly addressed.

Statement by Benazir Bhutto, Prime Minister of Pakistan

Pakistan is grateful to the Government and the people of China for hosting this Conference. We have been deeply touched by the warm welcome and gracious hospitality.

I pay a special tribute to the Secretary-General of the United Nations and Mrs. Gertrude Mongella, the Secretary-General of the Conference for their tireless efforts in organizing this meeting.

There is a moral crisis engulfing the world as we speak, a crisis of injustice and inaction, a crisis of silence and acquiescence.

The crisis is caused by centuries and generations of oppression and repression.

This Conference, therefore, transcends politics and economics. We are dealing with a fundamental moral issue.

This is a truly historic occasion. Some 40,000 women have assembled here to demand their rights; to secure a better future for their daughters; to put an end to the prejudices which still deny so many of us our rightful place in society.

On this solemn occasion I stand before you not only as a Prime Minister but as a woman and a mother - a woman proud of her cultural and religious heritage, a woman sensitive to the obstacles to justice and full participation that still stand before women in almost every society on earth.

As the first woman ever elected to head an Islamic nation, I feel a special responsibility towards women's issues and towards all women.

And as a Muslim woman, I feel a special responsibility to counter the propaganda of a handful of people that Islam gives women second class status.

This is not true. Today the Muslim world boasts three Prime Ministers who

are women, elected by male and female voters on our abilities as people, as persons, not as women.

Our election has destroyed the myth built by social taboo that a woman's place is in the home, that it is shameful or dishonourable or socially unacceptable for a Muslim woman to work.

Our election has given women all over the Muslim world moral strength to declare that it is socially correct for a woman to work and to follow in our footsteps as working women and working mothers.

Muslim women have a special responsibility to help distinguish between Islamic teachings and social taboos spun by the traditions of a patriarchal society.

This is a distinction that obscurantists would not like to see. For obscurantists believe in discrimination. Discrimination is the first step to dictatorship and the usurpation of power.

A month ago, Pakistan hosted the first ever conference of Women Parliamentarians of the Muslim World. Never in the history of Islam have so many working women and elected representatives gathered together at one place to speak with one voice.

As over a 100 delegates from 35 Muslim countries gathered together, I felt an enormous sense of pride that we women had each other for strength and support, across the globe and across the continents to face and oppose those who would not allow the empowerment of women.

Today, I feel that same sense of pride - we women have gathered together at Beijing, at this ancient capital of an ancient civilization to declare that we are not alone in our search for empowerment, that women across continents are together in the search for self-esteem, self-worth, self-respect and respect in society itself. In distinguishing between Islamic teachings and social taboos, we must remember that Islam forbids injustice: injustice against people, against nations, against women. It shuns race, colour and gender as a basis of distinction among fellowmen. It enshrines piety as the sole criteria for judging humankind. It treats women as human beings in their own right, not as chattels. A woman can inherit, divorce, receive alimony and have custody of children. Women are intellectuals, poets, jurists and even take part in war.

The Holy Book of the Muslims refers to the rule of a woman, the Queen of Sabah. The Holy Book alludes to her wisdom and to her country being a land of plenty.

The Holy Prophet himself married a working woman. And the first convert to Islam was a woman, Bibi Khadija.

Prophet Muhammad emphatically condemned and put an end to the practice of female infanticide in pre-Islamic Arabia. The Koran reads:

When news is brought to one of them, of the birth of a female (child),
his face darkens and he is filled with inward grief
what shame does he hide himself from his people
because of the bad news he has had.
Shall he retain it on sufferance and contempt,
or bury it in the dust.
Ah! what an evil choice they decide on (Surah Al-Nahl, Ayat-57, 58, 59)

How true these words ring even today. How many women are still "retained" in their families "on sufferance and contempt" growing up with emotional scars and burdens. How tragic it is that the pre-Islamic practice of female infanticide still haunts a world we regard as modern and civilized. Girl children are often abandoned or aborted.

Statistics show that men now increasingly outnumber women in more than 15 Asian nations. Boys are wanted. Boys are wanted because their worth is considered more than that of girls. Boys are wanted to satisfy the ego: they carry on the father's name in this world.

Yet too often we forget that for Muslims on the Day of Judgement, each person will be called not by their father's name but by the mother's name.

To please her husband, a woman wants a son. To keep her husband from abandoning her, a woman wants a son. And, too often, when a woman expects a girl, she abets her husband in abandoning or aborting that innocent, perfectly formed child.

As we gather here today, the cries of the girl child reach out to us.

This Conference needs to chart a course that can create a climate where a girl child is as welcomed and valued as a boy child and where a girl child is considered as worthy as a boy child.

When I was Chairperson of the South Asian Association of Regional Countries, the Association declared 1989 the Year of the Girl Child. Six years later, the girl child's vulnerability continues. It continues, not because of religion in the case of Pakistan, but because of social prejudice.

The rights Islam gave Muslim women have too often been denied. And women are denied rights all over the world, whether developed or developing. All over the world women are subjected to domestic violence. Often a woman does not walk out for she has nowhere to go. Or she stays and puts up with the domestic violence for the sake of their children.

We in Pakistan have started a public awareness campaign against domestic violence through the mass media to inform women that domestic violence is a crime and to alert men that they can be punished for it.

In many a society, women are often tortured, not only by men, but by female in-laws too, for financial benefits from the woman's family.

Sometimes a wife is killed by her husband or in-laws so that he can gain another wife and more dowry. The dowry system is a social ill against which we must raise our voices and create greater awareness.

Women are not only victims of physical abuse, women are victims of verbal abuse.

Often men, in anger and frustration, indulge in the uncivilized use of rude and vulgar language against women. Unfortunately, women at times also use vulgar language to denigrate another woman.

So we have to work together to change not only the attitudes of men but the attitudes of men and women.

Women have become the victims of a culture of exclusion and male dominance. Today more women than men suffer poverty, deprivation and discrimination. Half a billion women are illiterate. Seventy per cent of the children who are denied elementary education are girls. In Pakistan, we are concentrating on primary education for girls to rectify this imbalance. We are concentrating on training women teachers and opening up employment avenues for women.

It is my firm conviction that a woman cannot ultimately control her own life and make her own choices unless she has financial independence. A woman cannot have financial independence if she cannot work.

Discrimination against women can begin to erode only when women are educated and women are employed.

If my father had not educated me or left me with independent financial means, I would not have been able to sustain myself or to struggle against tyranny or to stand here before you today as a special guest speaker.

If the girl child is to be valued, if the wife is to say "No" to domestic violence, then we owe a special obligation to creating jobs for women.

That is why we in Pakistan set up the Women's Bank in 1989. The Bank is run by women for women - to aid and assist them in setting up their own enterprises so as to gain financial independence and with it the freedom to make their own choices. Today 23 branches of the Women's Bank in Pakistan help working women.

Our major cities are marked by enterprises set up by women: bakeries, restaurants, boutiques, interior decoration. We have lifted the ban on Pakistani women taking part in international sporting events. In 1997, we host the Second Muslim Women's Olympics. Special sporting facilities are being set up to encourage participation by Pakistani women in sports.

And Pakistani women are playing a significant role in defusing the population bomb in Pakistan. One hundred thousand women are to be trained to reduce Pakistan's population growth levels and its infant mortality levels. When I visit poverty-stricken villages with no access to clean drinking water, it gladdens my heart to see a lady health visitor, to see a working woman amidst the unfortunate surroundings. For it is my conviction that we can conquer poverty, squalor, illiteracy and superstition only when we invest in our women and when our women begin working - begin working in our far-flung villages where time seems to have stood still and where the bullock not the tractor is still used for cultivation; where women are weak from bearing too many children; where the daughters are more malnourished than the sons, for the daughters get to eat the leftovers; where villagers work night and day with their women and children, to eke out an existence; where floods and rain wash out crops and destroy homes; where poverty stalks the land with an appetite that cannot be controlled until we wake up to the twin reality of population control and women's empowerment. And it is here that the United Nations and its Secretary-General have played a critical role.

Some cynics argue about the utility of holding this Conference. Let me disagree with them. The holding of this Conference demonstrates that women are not forgotten, that the world cares. The holding of this Conference demonstrates solidarity with women. The holding of this Conference makes us determined to contribute each in our own way, in any manner we can, to lessen the oppression, repression and discrimination against women. While much needs to be done, each decade has brought with it its own small improvement.

When I was growing up, women in my extended family remained behind closed walls in village homes. Now we all travel to cities or abroad.

When I was growing up, women in my extended family covered themselves with the burqa, or veil, from head to foot when they visited each other for weddings or funerals - the only two events for which we were allowed out. Now most women restrict themselves to the duppatta or chadar and are free to leave the house.

When I was growing up, no girl in my extended family was allowed to marry if a boy cousin was not available, for fear of the property leaving the family. Now girls do marry outside the family.

When I was growing up, the boy cousin inevitably took a second wife. Now girls do not expect their husbands to marry again. From being the norm, it has become the exception to the norm.

When I was growing up, women were not educated. I was the first girl in my family to go to university and to go abroad for my studies. Now it has become the norm for girls to be educated at university and abroad when the families can afford it.

I have seen a lot of changes in my lifetime. But I hope to see many more changes. Some of these changes I hope will flow from the Universal Declaration of Human Rights, which calls for the elimination of discrimination against women.

I hope some of these changes will flow from the Convention on the Elimination of All Forms of Discrimination against Women, which Pakistan signed last month. Of course there was resistance from many quarters. But we are determined to move forward in fulfilling our dream of a Pakistan where women contribute their full potential.

As women, we draw satisfaction from the Beijing Platform for Action, which takes a comprehensive approach towards the empowerment of women.

But women cannot be expected to struggle alone against the forces of discrimination and exploitation. I recall the words of Dante, who reminded us that:

"The hottest place in Hell is reserved for those who remain neutral in times of moral crisis."

Today in this world, in the fight for the liberation of women, there can be no neutrality. But we have learned that democracy alone is not enough. Freedom of choice alone does not guarantee justice. Equal rights are not defined only by political values. Social justice is a triad of freedom, of equality, of liberty:

Justice is political liberty.
Justice is economic independence.
Justice is social equality.

Empowerment is not only the right to have political freedom. Empowerment is the right to be independent; to be educated; to have choices in life. Empowerment is the right to have the opportunity to select a productive career; to own property; to participate in business; to flourish in the market place.

Pakistan is satisfied that the draft Platform for Action of the Fourth World Conference on Women negotiated so far focuses on the critical areas of concern for women and outlines an action-oriented strategy for the solution of their problems. However, we believe that the Platform needs to address the questions of new and additional resources, external debt, structural adjustment programmes, human rights of women, protection of women entrapped in armed conflicts and the realization of the right to self-determination of the territories still under foreign occupation and alien domination.

It must also seek to strengthen the role of the traditional family as the bedrock of society. Disintegration of the family generates moral decay. This must be arrested. The Platform is disturbingly weak on the role of the traditional family. This weakness can lead to misinterpretation, and even distortion, by opponents of the women's agenda.

We have seen much progress. The very fact that we convene in Beijing today is a giant step forward. But new clouds darken the horizon.

The end of the cold war should have ushered in peace and an era of progress for women. Regrettably, the proliferation of regional tensions and conflicts have belied our aspirations. As in the past, women and girls have again been the most direct victims of these conflicts - the most helpless, and thus the most abused.

The use of rape as a weapon of war and an instrument of "ethnic cleansing" is as depraved as it is reprehensible. The unfolding of this saga in different parts of the world, including Jammu and Kashmir and Bosnia and Herzegovina has shaken the conscience of the entire international community.

The enormity of the tragedy dwarfs our other issues - urgent though they are. This Conference must therefore express its complete solidarity with our sisters and daughters who are victims of armed conflict, oppression and brutality. Their misfortunes must be our first priority.

I come before you to speak of the forces that must shape the new decade, the new century, the new millennium.

We must shape a world free from exploitation and maltreatment of women, a world in which women have opportunities to rise to the highest level in politics, business, diplomacy and other spheres of life; where there are no battered women; where honour and dignity are protected in war and conflict; where we have economic freedom and independence; where we are equal partners in peace and development; a world committed to economic development and political development equally; a world as committed to free markets as it is to women's emancipation.

Even as we catalogue, organize and reach our goals, step by step by step, let us be ever vigilant. Repressive forces will always stand ready to exploit

the moment and push us back into the past.

Let us remember the words of the German writer, Goethe:

"Freedom has to be re-made and re-earned in every generation."

We must do much more than decry the past. We must change the future.

Remembering the words of a sister parliamentarian, Senator Barbara Mikulski, that "demography is destiny", I believe time, justice and the forces of history are on our side. We are here in Beijing to proclaim a new vision of equality and partnership. Let us translate this vision into reality in the shortest possible time.

Statement by Vigdís Finnbogadóttir, President of Iceland

I am honoured and indeed deeply grateful to have the opportunity to address this singularly important Conference. History, I suspect, will judge this Conference as important in many ways, and not least for simply taking place. Irrespective of how concrete or immediate its effect proves to be, it is some encouragement to us to know that the work being done here would have been dismissed as unthinkable only a few years ago, but will eventually seem in retrospect a natural step towards the progress of civilization.

The Fourth World Conference on Women is taking place in a jubilee year, as we commemorate the founding of the United Nations 50 years ago. In our venue here it is perhaps appropriate to recall that the ancient Chinese used the phrase "May you live in interesting times" not to wish people well, but as a curse. At the same time, as we celebrate this anniversary our sense of triumph at what the global community has achieved in unison is strangely muted. We cannot ignore the tragic human conflicts that still rage on in various parts of the world.

Obviously, the march of history does not yield itself to the whims of the almanac. Nevertheless, the timing of our Conference inevitably merges its theme with the wider question of the kind of vision we want to set out for the United Nations in the next half century.

It is certainly a mark of how far we have come in the past 20 years that the pairing together of women's advancement and issues of human survival is no longer questioned. Instead, it is accepted as legitimate and timely and even necessary.

Needless to say, it was not always so. In the earliest work of Western political thought, Plato's Republic, Socrates attempts to sketch the best political order according to nature. But he is interrupted by his friends who blame him for omitting the role of women. It turns out that Socrates has been reluctant at first to admit women as equal partners in his scheme of things, for fear of earning himself the ridicule of his fellow men. He then reminds himself that the chores that will be expected of women under the new scheme were at one time shocking and ridiculous for men as well. But then, in his words, "the appearance of absurdity ebbed away under the influence of reason's judgement about the best".

This is of course the viewpoint of a male in a male-dominated society, praiseworthy as its acknowledgement of notional female equality may be. But for

women today, the opposite is closer to the truth: the idea of not being able to enjoy equality strikes us as absurd, as well as irrational. I happen to know that very many men agree with us too.

Unlike Socrates, perhaps, today's architects of a better future will hardly need to be reminded to take due account of women, if only because many of them are women anyway, and their number is steadily increasing. Today, most States in the world are legally committed to protecting and promoting women's human rights. And beyond the possibilities offered by legal frameworks, the need to secure women's full and equal participation in all spheres of private and public life is increasingly recognized.

Women's rights have ceased to be a peripheral "progressive" cause and have instead acquired a universality, not least through efforts made at a global level by organizations such as the United Nations.

At a time when the United Nations is frequently faulted for not being equipped to deal with pressing challenges, we do well to recall the pivotal role of our world Organization and its agencies in spearheading efforts to secure equal access for women in all aspects of political, economic and social development. With due regard also to the contribution made by numerous non-governmental organizations, I would therefore like to take this opportunity to pay special tribute to the United Nations for its leadership in this field.

But we must not bathe ourselves in the glory of self-congratulation. We need the courage to qualify all that we have accomplished with a frank admission of our most glaring deficiencies. Paradoxically, the number of women living in poverty has increased disproportionately to men; now, women constitute the majority of the world's poor. This is reflected at all levels: health, education and physical security, as well as political and economic power and influence. Girls and women frequently do not enjoy the same access to nourishment and medical attention as men. Two thirds of the world's illiterate adults are women and so are most of the world's refugees and victims of violence. Moreover, there are many countries where women, if included at all, are deliberately kept on the margins of public life.

It will be the task of this Conference to tackle those shortcomings: not just admit to them, but try to explain where they originate and how they can be eliminated. In the coming days the Conference will review the critical areas of concern to women and, hopefully, adopt a Platform for Action containing concrete proposals. But we must not rest satisfied with words alone. Needless to say, much depends on the political will of Governments to ensure their proper implementation. New resources may be required in order to do so, but they are not a prerequisite, and their lack must not be used as an excuse for failing to act at all. It is well within the means of many national Governments to prevent some of the adversities which particularly affect women. Indeed, it is their responsibility to do so.

Together, we now have a unique opportunity, because, in a sense, we are revisiting the Charter of the United Nations.

Mistakenly or not, the birth of the United Nations was seen by many people as the fulfilment of an ageless quest for lasting peace. The foremost goal of the Charter was to eliminate war. But underlying the Charter was a no less ambitious ideal: the commitment to address the sources of human conflict through the promotion of human rights, justice and social progress. It was certainly not the fault of the United Nations that international political

manoeuvring overshadowed this second ideal. The onset of the cold war and the outbreak of East-West rivalry induced the leading Powers of the world to try to impose durable peace by the paradoxical means of establishing military superiority over each other. In a word, the United Nations was never given the chance to work as intended. The experiment was never completed.

In recent years we have witnessed the United Nations adapt itself quickly to the new demands of the post-cold-war environment. The series of conferences, starting with the World Summit for Children in New York and continuing with the Earth Summit in Rio de Janeiro, the World Conference on Human Rights in Vienna, the International Conference on Population and Development in Cairo and the World Summit for Social Development in Copenhagen, have set a new agenda whereby the Organization has broken free from the narrow conception of security as something largely measured in military terms. Instead, we are charting a new path to peace, based on the recognition that the security of individuals is in the long run not to be separated from the security of States.

It is in this sense that we are revisiting the Charter of the United Nations. In so doing we are rediscovering the neglected relationship, embedded in the Charter, between the maintenance of peace and the equal rights of men and women. The drafters of the Charter did not add "equal rights of men and women" as an afterthought. They enshrined it up front in the second paragraph of the Preamble to the Charter. And as we carry the torch for women to Beijing now and the "City Summit" in Istanbul next year, we are also demonstrating to the world that urgent global concerns including the environment, population growth and social development, involve women just as much as men.

All rights are matched by obligations, and in demanding equal rights to control their lives, women are also declaring their willingness to undertake the obligation of tackling these global concerns, in league with men, for the benefit of everyone on the planet. If we can state the cause of equality in such terms, we have truly universalized it and begun to look far into the future towards a very different quality of society. But curiously enough, such a vision strikes me as far less unthinkable than the notion of women's equality would have seemed a hundred years ago. In this sense we can justifiably say that we have come a very long way indeed.

We have come to Beijing to advance the cause of women. But even more important, we have come here as responsible citizens of the human race committed to creating a better world for succeeding generations. In the Chinese language, there is a sign for peace showing a man and a woman under one roof. As I conclude this address by thanking the Government of China for its generosity in providing the venue for such a large conference of men and women from all over the world, I should like to express the sincere wish that, before we depart from under this roof, we may come to make a relevant, substantial and lasting contribution to world peace.

Statement by Khaleda Zia, Prime Minister of Bangladesh

We have gathered here in Beijing for a common purpose - to renew our commitment to the advancement of women. As I stand here in this seat of ancient civilization, I feel inspired by a sense of optimism that the age-old prejudices against women are finally giving way and we are drawing closer to our cherished goal of equality, development and peace.

I have no doubt that this World Conference in Beijing will be a landmark in

the history of women's struggle towards equality and freedom that began with the first world conference on women 20 years ago in Mexico. I feel privileged to be present here at this historic moment to express Bangladesh's solidarity with you. I would like to express our deep appreciation to the Government of China for its warm welcome, hospitality and excellent arrangements for this Conference. I congratulate you, Madam President on your election and feel confident that under your able guidance, this Conference will proceed smoothly and complete its heavy agenda.

The journey from Mexico to Beijing has been a long one. It was an odyssey that lasted two decades. It was a movement that was marked by a sense of deep commitment and perseverance. But the obstacles and barriers that stood in the way were formidable - the foremost being the psychological barriers. But the sense of determination of women the world over was unshakable.

A series of conferences sharpened the global focus on our concerns. There was progress, though in varying degrees, in every country of the world. The Nairobi Forward-looking Strategies were the beacon that guided our paths. Gender gaps in education and health narrowed. Female life expectancy increased appreciably. Maternal mortality rates were halved. Differences in literacy between the sexes diminished vastly.

This record of progress, however, cannot hide the fact that women still live in an unequal world. While educational and health care opportunities have increased rapidly for women, the doors to economic and political opportunities are not yet fully open to them in many parts of the world. This is clearly evident from the fact that 70 per cent of the poor are still women. They are disadvantaged in matters of employment, wages, access to credit and representation in administrative and political levels.

Violence and discrimination against women in many societies also remain high. The barbaric atrocities being committed against women in Bosnia are a painful reminder that even in Europe today the veneer of civilization and enlightenment is thin indeed.

The previous three women's conferences succeeded in raising the international community's awareness about these issues. They were instrumental in persuading Governments to accelerate their investment in the education and health of their women and in upholding women's rights. The main challenge for the Beijing Conference is to widen the economic and political opportunities that have remained constricted until now. In Beijing our political will to advance the cause of women must find true and meaningful expression.

In this context, this Conference must reiterate three factors that are crucial to the advancement of women:

First, that improving the condition of women is a vital investment in the future of humankind. The spin-offs are many. Women are a fundamental force in eradicating poverty, charting a sustainable future and attaining regional and global peace.

Second, we must affirm the need for a new relationship and harmonious partnership between men and women, Governments and citizens, indeed all those who can contribute solutions to complex social problems. Democracy has fostered a larger civil society and value system. I believe this must be buttressed by a responsible society in which the supportive role of government is indispensable.

Finally, we must do everything possible to create, promote and sustain awareness of the role and contribution of women by all means possible.

Perhaps it would be appropriate for me to share my country's experience with you. It is well known that in Bangladesh our constraints are numerous and diverse. Yet our commitment remains unflinching. We have made every effort in the last few years to enhance the status of women. We have sought to empower them to enable them to contribute their best to societal progress. We have several significant achievements to our credit. Let me enumerate some of these.

Our Constitution guarantees gender equality in all spheres of national life. Laws are in place to protect the rights of women. We have set up an independent Ministry of Women's Affairs. Government policies are directed towards the mainstreaming of women in our socio-economic development programmes. A national Council for Women's Development under the Chairmanship of the Prime Minister has been formed to provide policy guidelines and to oversee the activities of all the ministries in this area.

As is apparent, women in our society have begun to play a key role in politics. They freely participate in national and local elections. To ensure minimal involvement in legislative matters, 10 per cent of all parliamentary seats are also reserved for women. There are specific quotas for them at all levels of government services.

Education for girl students is highly encouraged. Our Government has launched innovative schemes to increase their enrolment in schools. The Food for Education programme is one such novel idea that has paid dividends. Another programme is providing stipends for girl students up to grade 10. Today, in many parts of our country girl students outnumber boys.

Impartial observers have lauded our progress in the health sector as well. Health care services are now far more readily available. The life expectancy of women has increased from 54 years in 1985 to 57 years in 1994. Infant mortality rates have been reduced. Women have gained from the decrease in population growth from 2.35 per cent in 1985 to 1.9 per cent in 1994.

One of the most significant transformations that is taking place in Bangladesh today has been the substantial increase in female employment in both urban and rural areas. Close to a million women are employed today in the production of ready-made garments alone. Our policy of providing credit without collateral is paying rich dividends. It is estimated that there are well over 6 million self-employed women engaged mainly in small-scale productive ventures and related activities in rural areas.

While the Government itself has made efforts in devising a large number of innovative programmes for the empowerment, emancipation and employment of women, I would also like to stress that the Government's efforts have been supplemented by private and non-governmental initiatives. The achievements of many of them especially the Grameen Bank have been remarkable.

The seven countries of South Asia that have come together under the umbrella of the South Asian Association for Regional Cooperation (SAARC) have given the highest priority to women. In this connection, I would refer to the SAARC declaration of 1991-2000 as the Decade for the Girl Child and the SAARC target for the elimination of absolute poverty, preferably by the year 2002. Our efforts have certainly been given an added meaning and significance by virtue of the fact that three out of seven SAARC countries today are headed by

women who have been placed at the helm of affairs through the ballot box.

In Bangladesh we are also poised to undertake appropriate strategic measures and massive programmes for the empowerment of women during the Fifteen-Year Perspective Plan beginning from this year.

Bangladesh has thus held steadfastly to the goals and objectives of the Nairobi Forward-looking Strategies. Our achievements may not have been very spectacular but they are clearly indicative of our determination to realize those goals.

Last December, a common position paper of the SAARC countries containing five important recommendations was forwarded to the Conference secretariat.

More recently, in July the SAARC Ministerial Meeting on Women was held in Dhaka. The Dhaka resolution adopted at that Meeting stressed the following:

- Eradication of poverty among women;
- Survival, protection and development of the girl child;
- Measures to counter violence against women, including trafficking in women and children;
- Equal access to educational opportunities for women;
- Equal access to health-care services and nutrition for women.

I believe that this very significant work done under the framework of SAARC has a much wider relevance. We hope that these recommendations will be reflected in the Platform for Action to be adopted in Beijing.

Similarly, we should draw upon the results of other such regional and international meetings held in the recent past. We can profit enormously from their outcome.

The Platform for Action should uphold the religious, cultural and social values that are instrumental in strengthening family ties, social peace and stability. I would take this opportunity to mention here that the teachings and tenets of Islam can contribute positively to the realization of our common goal of equality, development and peace.

Our vision for the future world is not for a world that is ideal, but for one that is just; not for one that is unattainable, but for one that is achievable. This vision will be transformed into reality not by mere commitment but by matching action. The initiatives taken here in Beijing can be rendered far more meaningful by complementary action elsewhere. There must be a free flow of resources to achieve our goals. There must be commensurate new and additional resources in the form of finance, technical know-how and technology transfer from the developed to the developing world.

There must be a more vigorous application of development policies by the United Nations system and other international forums. There must also be special attention paid to the plight of the women of the least developed countries. The structural nature of their constraints make their problems more acute. The global community must be called upon to augment national efforts by international action. This is an opportunity to display the universality of

human fraternity. Let the world seize upon it.

The Platform for Action adopted in Beijing will, no doubt, have a far-reaching impact on the lives of women for decades to come. However, I believe that what will be of crucial significance is to ensure that there is a good, effective, visible and credible follow-up mechanism in position. In Copenhagen at the World Summit for Social Development, I had put forward three specific proposals. One of these proposals related to calling upon the Secretary-General to make the entire United Nations system more responsive to this new agenda for international cooperation, which we established through a series of landmark conferences in Rio de Janeiro, Cairo, Copenhagen and now here in Beijing.

In the case of the follow-up action to the World Conference in Beijing, I would like to submit the following three proposals:

First, at the United Nations General Assembly this year priority should be given to the creation of a new post of Deputy Secretary-General in charge of women's affairs. Needless to say, this post must be occupied by a woman of proven ability who would be given responsibility for coordination of all women's activities and women's programmes throughout the United Nations system. She would also have specific responsibility for the implementation of the Beijing Platform for Action.

Second, a high-level United Nations commission made up entirely of women of great eminence should be established. The members of this commission would serve in their personal capacity. They could be drawn from different walks of life. The commission would put forward specific proposals and suggest programmes to facilitate the implementation of the Platform for Action. Above all, it would monitor and evaluate the performance of all United Nations bodies and agencies on issues relating to women. The several eminent and distinguished women who are holding top positions in the United Nations system may also be invited to serve in their individual capacity on the commission.

Third, I would like to suggest that the Secretary-General of the United Nations take the lead in instituting an annual award to be given to a woman whose achievements during the year would earn her the title of Woman of the Year. The person should be selected by an international jury of great eminence. Perhaps the Secretary-General could invite the distinguished President of this Conference to serve as the first chairperson of the international jury.

My three proposals relate primarily to the international community and specifically to women of great eminence who have a global vision. While considering these proposals, we must not forget the millions of women in our own countries who struggle day and night to improve the quality of their lives and contribute in their own modest way to female emancipation, enlightenment and empowerment. National awards can be instituted for these women who have contributed in their own modest way to uplifting women in their respective countries. In so doing, we shall endeavour to remember the significance of the Fourth World Conference on Women in Beijing. In so doing, we shall pay tribute to the sacrifice and contribution made by countless generations of women. In so doing, we hope we shall also inspire our youth and future generations of girls to look ahead with a sense of confidence in their true worth, dignity and capabilities.

I came to Beijing with a sense of great hope and expectation. I shall not leave disappointed. On the contrary, my sense of determination to continue to work for the women of Bangladesh, for their betterment, for their happiness and

well-being has been fortified and strengthened. True, the task is enormous, but I know that today the world stands behind us. We shall support, sustain and encourage each other in facing the challenges ahead. We must succeed and indeed we will.

Statement by Speciosa Wandira Kazibwe, Vice-President and
Minister of Gender and Community Development of Uganda

It gives me great honour as leader of the delegation of Uganda to be among the first speakers to address the eagerly awaited Fourth World Conference on Women, a Conference poised to prepare humankind for the challenges of the twenty-first century for a better world.

I would like to take this opportunity to congratulate you, Madam President, and all the members of the Bureau upon election to guide this memorable Conference and I trust that your great wisdom and experience will guide us towards a fruitful conclusion of all the important agenda items before us.

On the same note, I would like to extend my delegation's sincere appreciation to the Government of China for all the preparations put into hosting this Conference and the hospitality extended to us since our arrival in this beautiful country.

The secretariat of the Conference has had an immense task in the preparatory process and in putting together the draft Platform for Action. I congratulate my sister, the Secretary-General of the Conference Mrs. Gertrude Mongella, and her team for all the work put into coordinating and guiding this process.

My delegation appreciates the ongoing trends and initiatives in the United Nations system directed towards more practical and systematic action for the advancement of women, and the momentum that has been maintained through the convening of a series of global events where women's concerns and indeed developmental issues have been discussed.

We note in particular the Convention on the Elimination of All Forms of Discrimination against Women, which Uganda signed without reservations, and which provides appropriate guidelines for Member States in addressing critical issues that affect the status of women. It is my earnest hope that the momentum gained and enthusiasm generated during the past two decades will continue until such time as equality, development and peace are achieved in reality.

Profound global changes in political, economic, social and cultural relationships have dominated the 1990s and have provided us with new challenges. The rights and responsibilities of individuals and States on a range of global issues have been defined and redefined in various conferences and conventions. The women's movement world wide has played and continues to play an increasingly influential role in focusing debates and taking action for the empowerment of women. In all the debates, the message is clear: nothing short of aggressively redressing the gender imbalance will attain sustainable people-centred development.

This has called for concerted efforts at national, regional and international levels to put into action the goals and strategies laid down in the Nairobi Forward-looking Strategies, which set the agenda for advancing the status of women in 1985.

After almost a decade of consolidating its fragile peace, Uganda is now embarking on a process of democratization and is committed to protecting human rights and women's rights in particular.

Uganda's position on the role of women is clear and positive. In recognition of the disadvantaged position that women have held for a long time, the Government has pursued a policy of affirmative action and as a result, Uganda has a record of six women ministers, including myself, the Vice-President, and five women judges of the High Court. In addition, women constitute 16 per cent of members of Parliament and 19 per cent of members of the constituent assembly, a body that has written a new Constitution for our country.

We have guaranteed the presence of a minimum representation of 30 per cent of either sex on all local government councils. The presence of women is crucial if they are to be effective watchdogs for their rights.

To reinforce this further, the Constitution has provided for an equal opportunities commission to monitor and supervise the implementation of laws made to effect affirmative action in favour of women and such other marginalized groups as youth and persons with disabilities.

In the new Constitution, the following provisions, which protect women's fundamental human rights and dignity of person, have been embedded:

- Women shall be accorded the same personal dignity as men;
- Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities;
- Women shall have the right to affirmative action for the purpose of redressing the imbalance created by history and traditional customs;
- Laws, cultures and customs or traditions that are against the dignity, welfare or interest of women or that undermine their status are prohibited by this Constitution.

In the area of education, the Government of Uganda has taken affirmative action to increase the rates of enrolment at the national university and other institutions of higher learning. As a result, there has been a record increase in female enrolment from 25 per cent to 33 per cent at the university while at some of the colleges, particularly agricultural colleges, 50 per cent of the vacancies are reserved for female applicants, and this is to continue until gender parity is achieved.

I wish to emphasize that this initiative is part of a steady movement towards the achievement of a critical mass of women at the decision-making and managerial levels, in the political field and in public service. What we need is not only a few women who make history but a critical mass that effects change at all levels.

The decade has also witnessed the review and reform of discriminatory laws, particularly the law on rape and defilement.

In addition to affirmative action, the Government of Uganda has taken steps to ensure the positive integration of women and gender issues in the mainstream

of all development processes. The integration strategy is implemented at two levels: at the national level, through the national gender policy framework and at the sectoral level through sector-specific gender-oriented policy. At both levels, guidelines for mainstreaming gender issues are provided, policy reviews carried out and training in gender analysis skills implemented.

These interventions are meant to provide a framework which all government structures and development partners can use to mainstream gender issues in their policies and programmes.

At the community level, Uganda has established local assemblies for women, known as women's councils. The councils have a structure from the grass-roots to the national level and provide local forums for women right from the grass-roots level through which women are mobilized into civic participation.

The whole world now eagerly awaits the outcome of this Conference. While the Conference has provided the international community with an opportunity to reflect on our past achievements and failures with regard to the advancement of women, it should in the same breath endeavour to provide solutions.

The challenge is to have the Platform for Action translated into concrete programmes that will achieve tangible results for all women at all levels. We should continue to "maternize" globally but act locally.

The most crucial area is that of functional literacy for women in the developing world. To make an illiterate woman history, we must make sure the girl child is guaranteed relevant education to equip her with the skills necessary for survival in this competitive world.

We must advocate further affirmative action for women with disabilities and women belonging to ethnic and religious minorities.

All this needs money. Women must have money, but money will continue to be an illusion if we promote micro-projects for small groups of women. Money is power.

It is well known that those with economic power control others at the international, regional and national levels.

The economic emancipation of women will call forces to the balance even at the family level. This may be the recipe for peace.

We must have regional financial facilities for women from which similar institutions at the national level will draw funds to finance tangible economic projects in the hands of women. We must not forget the old English saying that whoever pays the piper calls the tune.

The proof of the pudding is in the eating. We must stop kidding ourselves that power is given on a silver platter all the time. We must not underestimate the political power of women - it lies in our vote - "Eyesitukidde, tanywa matabangufu. Mwene Nkovu, namanha bwesiigha".

The strategy to end our woes is to vote for capable gender-sensitive women and capable gender-sensitive men. Then we shall stop begging.

Statement by Nguyen Thi Binh, Vice-President of Viet Nam

I will begin by saying how happy I am to be here today, in the company of thousands of women who have come to Beijing as part of their quest for equality, development and peace. In particular, I commend the immense efforts of the People's Republic of China which have rendered possible the convening of our important Conference and the vast forum of non-governmental organizations. I wish to express my heartfelt thanks to the Government of China for its invitation and for the warm hospitality I have received. At this final world assembly of women to be held in the twentieth century, let us try together to pave the way towards a twenty-first century that is more peaceful, more equitable and more prosperous, and let us respond to the appeal issued by the United Nations on its fiftieth anniversary: "United for a better world" - a better world for women as well as for mankind as a whole.

My country, Viet Nam, is all too well known for its tumultuous and painful odyssey through the decades of wars which have ravaged our poor land and left in their wake millions of widows, orphans and disabled and missing persons. Within their people, the women of Viet Nam have been shaped by ordeals and multiple vicissitudes, which have brought to the fore their exceptional capacity for endurance and perseverance, their ability to survive and maintain intact their identity despite the tempests, like the pliable but resistant bamboos of my country, which bend in the wind but do not break, and then straighten again, as upright and proud as before.

How can one explain what we, side by side with our menfolk, have been able to accomplish without mentioning the other strength which the women of Viet Nam have drawn from their singular past? I am referring to a remarkable aptitude for taking control of their own destinies and displaying initiative and creativity in all, even the most difficult, circumstances.

Observers are in agreement, however, that the Vietnamese people, both men and women, while maintaining strong attachments to the past, are more forward-looking than backward-looking. Today's Vietnamese women are absorbed in the task of restoring and developing their country. To perform this work, they call on the two main qualities they displayed in wartime: endurance and perseverance, together with the determination to shape their own destiny. As a result, they are involved as active agents in the process of reform and renewal by which Viet Nam is overcoming the after-effects of war and emerging from its state of poverty to become part of the outside world.

It is nevertheless my firm belief, formed as a result of my experience as Minister of Education and Training and reinforced by a host of conferences and symposiums and a variety of studies and surveys at the national, regional and international levels, that these twin assets of Vietnamese women will not be fully exploitable as long as women lack the powerful and intensive catalyst of education. We must therefore venture to undertake the education of women and especially of girls. I have not the least doubt that, once the women of Viet Nam in general are endowed with knowledge and expertise, they will voluntarily become a mainstay of socio-economic development in their country and will be able to play a noble part in the national enterprise of constructing a desirable future for Viet Nam.

Such are the reflections, straight from the heart, which I wanted to share with you. I also wish to take this opportunity to reiterate to friends, past and present, the sincere gratitude of the people and women of Viet Nam for their friendship, support and assistance.

Annex III

CLOSING STATEMENTS

Statement by Boutros-Ghali, Secretary-General of the United Nations*

Although I cannot be with you today, I have followed the developments of this Conference with the closest attention. From New York, I say to all of you, delegates, representatives of non-governmental organizations, and Secretariat: Congratulations!

All of us owe a debt of gratitude to the People's Republic of China. China has hosted one of the largest global conferences ever held, with some 17,000 participants, including 6,000 delegates from 189 countries, over 4,000 representatives of accredited non-governmental organizations, a host of international civil servants and about 4,000 media representatives. More than 30,000 people also participated in the NGO Forum. Thank you, China, for being hosts to the world.

My special thanks go to the President of the Conference, Madame Chen Muhua. Over the years, as we met in Cairo and Beijing, every encounter with Madame Chen Muhua strengthened my admiration for her calm efficiency and her capacity to solve problems almost before they arose. Madame Chen Muhua, you are the model of the strong and committed woman who will ensure the lasting and influential success of this Conference.

I thank the Secretary-General of the Fourth World Conference on Women, Mrs. Gertrude Mongella. She has been the driving force of this Conference. In the difficult days of the preparatory meetings, in negotiations with national delegations, Mrs. Mongella, through her commitment to the cause of women, through her experience as a negotiator, kept the world on track to Beijing. I am confident of her continued devotion to this cause, as we go forward to implement the decisions reached in Beijing.

Now the momentum of Beijing must be translated into concrete action. We must all ensure that the decisions reached here will change the world.

The commitments made in Beijing are not only the result of diplomatic negotiation. Behind them lies the strong and organized power of the women's movement. The entire continuum of global conferences and summits has been shaped by the growing influence, passion and intellectual conviction of the women's movement.

At Rio, Vienna, Cairo and Copenhagen the importance of issues related to the improvement of the status of women was stressed. From each of these global conferences emerged a more powerful recognition:

- Of the crucial role of women in sustainable development and protecting the environment;
- Of the human rights of women as an inalienable, integral and indivisible part of universal human rights;

* The statement was made by the Special Representative of the Secretary-General on behalf of the Secretary-General.

- Of violence against women as an intolerable violation of these rights;
- Of health, maternal care and family planning facilities, and of access to education and information, as essential to the exercise by women of their fundamental rights.

In the United Nations, the women's movement has a staunch ally. Starting from the assertion in the Charter, calling for full equality of men and women, the United Nations has worked with the women's movement to realize this goal of our founders. The Commission on the Status of Women was one of the first bodies established by the United Nations after its foundation. Over the past 20 years, world conferences on women, held in Mexico City, Copenhagen and Nairobi, have contributed to the progressive strengthening of the legal, economic, social and political dimensions of the role of women. In 1979, the General Assembly adopted the landmark Convention on the Elimination of All Forms of Discrimination against Women.

The movement for gender equality the world over, has been one of the defining developments of our time. I am proud and honoured that the United Nations has been part of this movement.

Despite the progress made, much, much more remains to be done. While women have made significant advances in many societies, women's concerns are still given second priority almost everywhere. Women face discrimination and marginalization in subtle as well as in flagrant ways. Women do not share equally in the fruits of production. Women constitute 70 per cent of the world's poor.

The sign at the entrance to the NGO Forum at Huairou calls on us to "look at the world through women's eyes". For the past two weeks, the world has done just that. We have seen that, despite the progress made since the First World Conference on Women, 20 years ago, women and men still live in an unequal world. Gender disparities and unacceptable inequalities persist in all countries. In 1995 there is no country in the world where men and women enjoy complete equality.

The message of this Conference is that women's issues are global and universal. Deeply entrenched attitudes and practices perpetuate inequality and discrimination against women, in public and private life, on a daily basis, in all parts of the world. At the same time, there has emerged a consensus that equality of opportunity for all people is essential to the construction of just and democratic societies for the twenty-first century. The fundamental linkages between the three objectives of the Conference - equality, development and peace - are now recognized by all.

The Platform for Action has emerged from a preparatory process more participatory and inclusive than any in history. Never before have so many women, representing both Governments and non-governmental organizations, gathered to share experiences and chart the way ahead. The United Nations has provided the venue and the framework to move issues of gender equality to the top of the global agenda. The women of the world have been the driving force to shape this agenda and move it forward.

The Platform for Action is a powerful agenda for the empowerment of women. It calls for the integration of gender perspectives in all policies and programmes. It focuses on concrete measures to address the critical areas of concern worldwide. The Platform for Action must be our guide and constant point

of reference. I ask that it receive wide dissemination globally, regionally and locally. The implementation of its goals, objectives and measures must be actively monitored. And it must be further strengthened, as needed, to take account of new developments as they emerge.

As we set out on the road from Beijing, the Platform is a call for concrete action to make a difference:

- Action to protect and promote the human rights of women and the girl child as an integral part of universal human rights;
- Action to eradicate the persistent and increasing burden of poverty on women;
- Action to remove the obstacles to women's full participation in public life and decision-making, at all levels, including the family;
- Action to eliminate all forms of violence against women;
- Action to ensure equal access for girl children and women to education and health services;
- Action to promote economic autonomy for women, and ensure their access to productive resources;
- Action to encourage an equitable sharing of family responsibilities.

The Platform for Action places heavy responsibilities on the United Nations system. It calls upon United Nations organizations to play a key role in follow-up, implementation and monitoring. It poses a challenge to the capacity and commitment of the United Nations. As Secretary-General, I accept that challenge. I will ensure that the recommendations addressed to me are implemented swiftly and effectively. I am committed to placing the gender perspective into the mainstream of all aspects of the work of the Organization. I will work with my colleagues, the executive heads of the United Nations specialized agencies and the United Nations programmes and funds, to ensure a coordinated system-wide response, integrating the follow-up of this Conference with that of other global conferences. And I will keep Member States regularly informed of the progress that is made.

Executive heads of the organizations of the United Nations system have expressed their commitment to the advancement of women in the secretariats of the system as a policy priority. They have all committed themselves to developing specific policies and monitoring mechanisms to improve the status of women and, in particular, to increase the number of women in senior and policy-making positions.

The United Nations system is already active on a number of fronts that will prove critical to the implementation of the Platform: reversing the trend towards the feminization of poverty; raising the educational levels and health standards of women and girls; expanding legal protection for women in the home; establishing stronger protection for women in times of war. All these must be given priority.

I call on all Governments that have not yet done so, to accede to and ratify United Nations human rights instruments and labour conventions - in particular, the Convention on the Elimination of All Forms of Discrimination

against Women and the Convention on the Rights of the Child.

In conclusion, let me emphasize the institutions of civil society that have played such an important role in preparing for this Conference. Since I assumed the office of Secretary-General, I have spoken often of the evolution of civil society and its importance for economic, cultural and democratic advancement. More effective mechanisms to ensure partnership between Governments and civil society will contribute significantly to the implementation of the policies and measures that are called for in the Platform. The United Nations will intensify the close ties and working relationships that already exist with the community of non-governmental organizations at the global and national levels. The United Nations will be prepared to support Governments in their endeavours to foster and strengthen the institutions of civil society.

In a few weeks, the leaders of the world will meet at United Nations Headquarters in a Summit of Heads of State and Government. There they will mark the fiftieth anniversary of the founding of the United Nations.

As the world celebrates this anniversary, let us work together to ensure that the equal rights of men and women, enshrined in the Charter of the United Nations, become a reality.

Let us work together to implement the Platform for Action adopted here at Beijing.

Let us tell the world - and let us tell it with pride: the empowerment of women is the empowerment of all humanity!

Statement by Gertrude Mongella, Secretary-General
of the Fourth World Conference on Women

As I rise to make my closing remarks at this most special of all United Nations world conferences, I cannot help but heave a big sigh of relief. Relief, not because the numerous meetings, consultations and events associated with the Fourth World Conference on Women are officially over, but relief and happiness that we have made it - we have made it! We have managed to transcend historical and cultural complexities; we have managed to transcend socio-economic disparities and diversities; we have kept aflame our common vision and goal of equality, development and peace. In a number of areas, we have significantly expanded the horizons of previous conferences. Finally, we have managed to achieve our consensus document - the Platform for Action - a task that was accomplished through the hard work and cooperative spirit, dedication and determination of Governments and other groups represented here.

It is a wonderful feeling. I am sure that we all share this moment, for which we have all diligently worked from all levels. We all contributed our part so we can all join together to celebrate our common achievement of today in the same spirit of solidarity which guided our activities and actions up to, and including, Beijing. Each and every one of us has contributed time, energy and vision to enable us all to arrive at this critical turning-point in the history of humanity. I thank you all sincerely.

To our hosts, the Government and people of China, no words can adequately express my gratitude for the physical infrastructure you placed at our disposal; for the moral and friendly support you provided to make us feel we are at home here; for the untiring efforts you made to secure and protect us; and also for

the many spectacular entertainments and events arranged for participants in both the NGO Forum and the Conference. Thank you. For all these, we are especially grateful to the China Organizing Committee and the All-China Women's Federation and all the volunteers for their dedication and commitment and for the smooth coordination of all the preparatory arrangements.

The 1995 NGO Forum on Women, which was held from 30 August to 8 September 1995 to bring together women and men to challenge, create and transform global structures and processes at all levels through the empowerment and celebration of women, brought together over 25,000 women, men and young people to discuss in workshops, symposia and other consultations, different aspects of concerns which touch the very lives of women. Some of the debates that took place generated animosity, which reflects divergent views and the difficult process of consensus-building. But do we know of any conferences that did not have these impassioned debates?

The all-inclusive celebrations of women's work which took place at Huairou helped to cement the bonds and networking among women from all corners of the globe. I thank the organizers of the 1995 NGO Forum for their drive, dedication and support.

To the Secretary-General, Dr. Boutros Boutros-Ghali, who has been with us from the very beginning, I thank him for his support and for placing his trust in me. I thank him also for committing himself to the follow-up actions to meet the aspirations of so many, many women - and he has done so.

I also take this opportunity to express my sincere gratitude to the entire Secretariat of the United Nations as well as to colleagues from other United Nations agencies, organizations and bodies, who are too many to enumerate here, for their unflinching support. Had it not been for their hard work throughout the preparatory process and certainly in Beijing, the Conference would not have proceeded as smoothly as it did.

I thank and bless young people. You have been with us throughout. It is you, with your creativity, courage, energy and vision, who will make us move forward. For, as I have said before, young people own the future and you have a right to own the actions of Beijing. We will, therefore, rely on you to carry on the revolution!

And now we have our Platform, a platform from which we should manage the changes expected of us. We owe much to the able chairmanship of Mme Chen Muhua, President of the Conference; Dr. Patricia Licuanan, Chairperson of the Main Committee; Obaapanyin Nana Ama Yeboaa, Chairperson of Working Group I; Ms. Irene Freudenschuss-Reichl, Chairperson of Working Group II, and all the others, whose efforts have facilitated the process towards the adoption of this Platform. We now have in our hands the mandates for which we have been working; our legitimate basis to demand change. Our Platform, which represents a global consensus for social change, cannot now be hidden away and allowed to collect dust.

The Fourth World Conference on Women is concluded, but the real work of transforming words into action is only now beginning. Let the spirit of organization and goal-setting which marked the preparatory phase of this Conference become the energy to propel implementation. Let the diversities of women now be channelled into making women indeed the greatest multipliers of prosperity rather than the greatest victims of poverty.

We have taken a decisive, irreversible step forward; there is no going back. The strands for weaving a better world for humanity are here; let us, therefore, act, and act now. While I do not wish to underestimate the problems which would accompany the implementation of the Platform, I believe firmly that if we all do our little bit, no matter how small it is, we shall succeed in making even the impossible, possible.

For, as our Chinese hosts say, the journey of a thousand miles begins with one step. The journey will not, however, be on super-highways on which we can gear up at full speed: it might rather take us over seas and lakes; over hills, mountains and valleys; it will take us many years of hard work and sacrifice to journey to the end. We may have to rest a little at rest-stops when the going gets tough so that we can refuel, refresh and redirect ourselves. Social justice demands that we move on. Not even when we stray a little away from our course can we reverse the social revolution that has been launched.

Let Beijing be the first step of our thousand miles to implement the attainment of true equality, development and peace in the world. Let Beijing be the Platform from which our global crusade will be carried forward. Let us all commit ourselves, as we have been doing all along, to carrying the spirit and hopes of Beijing to all women, men and the young in our hamlets, villages, towns and cities in every nation of the globe. Disseminate the Platform on your return home to your countries and let the message be loud and clear - action now.

The eyes of the world are upon us. The world will hold us accountable for the implementation of the good intentions and decisions arrived at in Beijing. I therefore charge you to reassemble in your ranks, sharpen your focus and march on. Let us ensure that we carry the torch which was lit in Mexico, and rekindled in Copenhagen and Nairobi, further forward from Beijing. We shall surely get there!

Statement by Gro Harlem Brundtland, Prime Minister of Norway

We came here to answer the call of billions of women who have lived, and of billions of women who will live. We now need a sea change: women will no longer accept the role of second-rate citizens.

Our generation must answer that call. Undoubtedly, we have moved forward. But the measure of our success cannot be fully assessed today. It will depend on the will of us all to fulfil what we have promised.

The views expressed here - and the news which has escaped from here - will irrevocably shape world opinion. The story of Beijing cannot be untold.

What will be remembered? Zealous security? The palms of policemen? Visas not granted? Yes, but such practices cannot, and will not, long endure. Let us today count our strategic victories, not the tactical defeats. What we have achieved is to unbracket the lives of girls and women.

Now we must move on. The history of liberation struggles tells us that life, freedom, equality and opportunity have never been given. They have always been taken.

We cannot maintain the illusion that someone else is going to do the job and establish equality with men. Women, and men working with them, men who

understand, must all fight for that freedom.

Today we know that women's contribution to the economy is decisive for growth and social development. We know that countries will continue to live in poverty if women remain under the heel of oppression. We know the costs of continuing genderized apartheid.

Today, there is not a single country in the world - not one - where men and women enjoy equal opportunities. So we must go back from Beijing to the shantytowns of third world megacities, to the croplands at the desert's edge in Africa, and to the indigenous communities of Latin American rain forests. We must go home to change values and attitudes. But not only there: we must go to boardrooms, to the suburbia of Europe and North America, to all of our local communities, to our Governments and to United Nations Headquarters. This is where change is required. Both in the North and in the South.

What must be one to fulfil the hopes and aspirations of generations living and yet unborn? Not only must women become free and equal to make choices about their own lives, not only must women have the right, the formal and protected right, to take part in shaping society, but far more, women must make use of that right. Women power is a formidable force. Women's values have a lot to give.

We need women at all levels of management and government - local as well as national government. We all agree that women must have education, not only experience - but we still are far from a world that makes use of it.

To take one example from the political field, there are cabinets and parliaments in the world with few or even no women. This situation cannot and will not last. And if the transition towards more real political representation is sluggish, affirmative action will work. It did, in Scandinavia.

When I first became Prime Minister, 15 years ago, it was a cultural shock to many Norwegians. Today, four-year-olds ask their mothers, "Can a man be Prime Minister?"

We are adopting a comprehensive Platform for Action. All of its elements are important in this agenda for change. Let me focus on some of its most compelling thrusts.

We agree that women's education is essential. This year's Human Development Report makes it emphatically clear: the economic returns on investing in women's education are fully comparable to those for men. But the social returns from educating women far exceed those of educating men. Schooling of girls is one of the keys to development.

There has been a difficult debate on how Beijing should define the human rights of women. As if there could be one set of human rights for men and another, more restricted one, for women. I even have heard the following allegation from a country not to be named: "The West, to be frank, is attempting to impose its cultural pattern as an international model". This is wrong: most countries today strongly defend their own cultures; and there is more respect and mutual understanding of the value of other cultures and religions than ever before.

But the point is a different one: there are limits to the practices that countries can expect the international community to accept, or condone, even

when such practices have deep cultural roots. This is where human rights enter the picture.

Violence against women, including domestic violence, can be said to be part of a "cultural pattern" in most countries, including my own. We receive too many appalling reports of wife-beating. Clearly, freedom from violence and coercion must apply also in the sexual sphere of life. This Conference has rightly made clear what existing human rights must mean in practice.

The State becomes an accomplice if violence against women is seen as a separate cultural category of behaviour extraneous to the realm of justice and law enforcement.

There are stains on the world map of girl-child maltreatment. Genital mutilation of girls is just that. It does not become sacrosanct or elevated beyond the realm of politics, just because that practice can be said to be part of a "cultural pattern".

We are familiar with the terrible discrimination against girls, even before birth. What has obscurely been described as "pre-natal sex selection" and the fatal neglect of infant girls are tragic testimonies.

There are often ancient root causes of such practices. But they are committed by people who live today. Why are there astonishingly more boys than girls in certain countries? The question may be unpleasant for Governments which do not encourage these crimes. But we will all be found guilty if we close our eyes.

Why are girl children given less and poorer food than their brothers? Why do they receive less health care and less education? Why are they subjected to the horrible tradition of sexual exploitation?

Ingrained, centuries-old attitudes are not easily changed, but those that I have mentioned must be. The task requires vigorous action on the part of Governments, religious groups and private, non-governmental organizations.

Greater equality in the family is to the good for men, women and children. The allegation that this Conference is against motherhood and family is plainly absurd.

Today, we recognize that poverty has a gender bias. Increasingly, poverty discriminates between men and women.

The myth that men are the economic providers and women, mainly, are mothers and caregivers in the family has now been thoroughly refuted. This family pattern has never been the norm, except in a narrow middle-class segment.

Women have always worked, in all societies and at all times. As a rule they have worked harder than men and, as a rule, without pay and acknowledgement. Their contribution has been essential to national economies as well as to their families, where women have been the breadwinners, often quite superior to men.

As defined by statistics, societies have often kept women at arm's length. Women who work 10 to 12 hours a day in subsistence agriculture may be registered as "housewives" in the national censuses.

But overlooking women's contribution to the economy has had more severe damaging effects. Often women cannot even obtain a modest loan to become more independent and productive. In many countries, women own nothing, they inherit nothing and are unable to offer security. On top of that, laws often work against them.

Women will not become more empowered merely because we want them to be, but through change of legislation, increased information and redirection of resources.

Ministers of finance and planning may rue their former practice faced with what Beijing says about the economic role of women. Unleashing women from the chains of poverty is not only a question of justice, it is a question of sound economic growth and improved welfare for everyone. It is high time that we genderize development plans and government budgets.

The 20/20 concept is a promising path forward. It requires mutual commitment, the solidarity of the international community and the responsibility of each national Government to provide basic social services. It is not possible to meet the aspirations of our people, nor to fulfil our commitments without allocating at least 20 per cent of national budgets to basic social services. And those 20 per cent need to be genderized.

We learned a lesson at the International Conference on Population and Development in Cairo in 1994. Improving the status of women and sound family planning is the key to lower fertility rates. The risky pattern of "too many, too soon, too late and too close" is also strongly detrimental to the survival of infants and children. There is no morality in condemning women to a life of perpetual child-bearing and fatigue. Where appeals for justice for women have not been listened to, perhaps the necessity of a sounder economy and sounder population trends may.

Fortunately, we managed to erect a dyke against the stormy waves threatening the Cairo consensus. But here in Beijing we managed more than just a defence of past achievements. When I said at the Cairo Conference that, at the very least, we should decriminalize women who had seen no other solution than to go through an abortion, it caused an uproar. I fail to understand why, also here in Beijing, those who speak most vocally for what many of us favour - a caring society where all women can safely have their children - have held so strongly that these most dramatically difficult decisions should be cause for public prosecution.

We should focus on human suffering, not on recrimination against the weakest and most vulnerable.

Every second a baby boy and baby girl are born into this world of diversity and inequality. They all deserve love and care, a future and opportunities. There is nothing so thoroughly, so unconditionally, trusting as the look in the eyes of a newborn girl or boy child. From that privilege we must depart, and make ourselves worthy of the look in those eyes.

Statement by Chen Muhua, President of the Fourth World
Conference on Women

Two weeks ago, when I was unanimously elected President of this Conference, I was deeply honoured, but I was also keenly aware of my tremendous responsibility. Today I am delighted and thrilled because our hard work of the

past two weeks and all our cooperative efforts have made the Fourth World Conference on Women a resounding success and have brought it to a triumphant conclusion.

Women around the world have been following the Beijing Conference closely, and people in every country have placed tremendous hope in us. And I think we can say that we have not let them down.

The success of the Conference shows that raising the status of women not only gives women a greater voice but is also demanded by the times: it is the common hope of all humankind.

The success of the Conference is indicative of the shared political will and commitment of the world's Governments and the international community to promote gender equality and to strive for equality, development and peace.

The success of the Conference is the result of close cooperation and joint efforts by all participants. The Beijing Declaration and Platform for Action are the crystallization of all our hard work.

The Fourth World Conference on Women will be regarded by the entire world as a well-organized United Nations conference on an unprecedented scale, and as a milestone in the annals of the world-wide women's movement. It will undoubtedly give a strong impetus to the efforts of the United Nations to promote gender equality and social development. Like the documents adopted by the three previous women's conferences, the Beijing Declaration and Platform for Action adopted by the Conference will provide guidance to Governments and the international community in their efforts to promote gender equality, and like the recent major United Nations conferences on environment and development, population, and social development, they will become key documents in the field of global social development.

In my work as President of the Conference, I have enjoyed the positive support and close cooperation of the other officers of the Conference and members of the Main Committee, all delegations, the United Nations Secretariat and all Conference participants as well as non-governmental organizations. I should like to express my heartfelt gratitude to all of them.

Let us continue to maintain this spirit of solidarity and cooperation as we redouble our efforts to enhance the status of women around the world. Once the Conference is over, let us adopt effective measures, turn our resolve into action and make the potential into the actual. Let us join hands to achieve equality, development and peace, to ensure a happy life for future generations and to work together for an even better twenty-first century.

Annex IV

STATEMENT BY THE PRESIDENT OF THE CONFERENCE ON THE
COMMONLY UNDERSTOOD MEANING OF THE TERM "GENDER"

1. During the 19th meeting of the Commission on the Status of Women, acting as preparatory body for the Fourth World Conference on Women, an issue arose concerning the meaning of the word "gender" in the context of the Platform for Action of the Conference. In order to examine the matter, the Commission decided to form a contact group in New York, with the Commission's Rapporteur, Ms. Selma Ashipala (Namibia), as Chairperson. The Commission mandated the informal contact group to seek agreement on the commonly understood meaning of "gender" in the context of the Platform for Action and to report directly to the Conference in Beijing.

2. Having considered the issue thoroughly, the contact group noted that: (1) the word "gender" had been commonly used and understood in its ordinary, generally accepted usage in numerous other United Nations forums and conferences; (2) there was no indication that any new meaning or connotation of the term, different from accepted prior usage, was intended in the Platform for Action.

3. Accordingly, the contact group reaffirmed that the word "gender" as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage. The contact group also agreed that the present report should be read by the President of the Conference as a president's statement and that the statement should be part of the final report of the Conference.

THE INTERNATIONAL ORGANIZATIONS
RESEARCH GROUP

EUROPE'S SOCIAL AGENDA

Why is the European Union
Regulating Morality?

Maciej Golubiewski

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TABLE OF CONTENTS

Preface	v
Executive Summary	1
Introduction: Unity, Bureaucracy, and Human Rights	7
Conservative Beginnings.....	8
Secularization and the Democracy Deficit	8
EU Conditionality and the Recent Eastern Enlargement	9
Moral Regulation and Human Rights	10
EU Institutional Structure and Governance	13
Directives and Regulations	13
The Principle of Subsidiarity	14
Treaties and Basic Legal Instruments	15
General Decision Making Process.....	19
Drafting Legislation through “Civil Dialogue”.....	21
Implementing Legislation Through “Community Action Programs”	22
EU Positions on Human Rights and Religion	25
Making New Rights.....	25
The EU Charter of Fundamental Rights:	
Moving Away from the Human Rights Consensus.....	28
Monitoring and Promoting the EU Human Rights Regime.....	30
Ensuring the Ambiguous Status of Religion.....	32
Moral Regulation in Practice: Family, Education and Sexual Ethics	36
Marriage and Family	36
Sexual Education.....	40
Promoting Sex Among the Youth.....	42
Advancing the Abortion Agenda	43
Implications and Policy Recommendations	48
Biased Sponsorship of NGOs.....	48
Unaccountable Community Programs and Expert Networks	49

Increased Role of the European Parliament.....	50
Flawed Nature of the Charter of Fundamental Rights and Freedoms and the New Reform Treaty	50
Growing Tension in the Enlarged EU-27	50
Conclusion	52

Figures

Figure 1: The “Three Pillars” of the European Union	17
Figure 2: Co-decision Procedure	20
Acronyms	53

Appendices

Appendix A: Pertinent Non-Binding Resolutions of the European Parliament.....	54
Appendix B: Funding.....	57

PREFACE

Every year various European Union (EU) bureaucracies openly fund and support policies and programs regarding the family and the beginning and end of human life, often despite heated controversy and objections by EU member states. This “moral regulation” from Brussels occurs even though the promotion of many of those social policies is virtually absent from the EU’s mandate. What explains this?

In this International Organizations Research Group (IORG) White Paper, Maciej Golubiewski finds that the “moral regulation” agenda in the European Union is the result of a confluence of several social, political, and legal trends over the last three decades, including an ascending influence of powerful non-governmental organizations (NGOs), increasing numbers of EU bureaucracies concerning themselves with moral and social issues, and the diversification of legal and bureaucratic venues for promoting human rights, among other trends.

European national leaders have allowed centralized control of their most treasured human institutions such as marriage and family to advance in part because of a misplaced belief that their national laws are protected by the principle, if not the practice, of subsidiarity, by which member States cede only minimally necessary decision making power to Brussels. As Golubiewski shows in his analysis, however, this assumption is increasingly out of step with facts on the ground.

Previous IORG White Papers have identified similar trends at the United Nations and other regional institutions. This analysis of the EU should therefore prove valuable for any policy maker or scholar concerned with the influence of international law and institutions on national laws and policies, especially as they relate to moral and social issues. As Golubiewski cautions us, “Only timely and effective action by national capitals to assert their rights can protect and preserve national traditions of marriage, family, and human life – arguably the most important issues of our time.”

Austin Ruse
President
Catholic Family &
Human Rights Institute (C-FAM)

Susan Yoshihara, Ph. D.
President
International Organizations
Research Group (IORG)

EXECUTIVE SUMMARY

Starting much earlier, but especially since the inclusion of social policy chapters in the revised European Union (EU) treaties in the 1990s, bureaucracies within the EU have engaged themselves in sponsorship and funding of controversial social policy initiatives. The initiatives are based on an expansive view of treaty mandates, and are often undertaken with limited knowledge and consent on the part of the member states. This is a process of “moral regulation,” a term used in this study to encompass all EU social and human rights policies and initiatives that intrude, or potentially intrude, on democratic national jurisdiction over moral matters. It is the result of a confluence of various trends attendant to EU integration and European social, political and legal developments.

Overview

Why does the EU involve itself in the moral regulation of member states? The general cultural context of Europe is important. The EU up until the recent enlargement has reflected general secularization trends prevalent in Western Europe. These trends point to value changes, which in turn affect policy. The generally favorable atmosphere surrounding the so-called gender, reproductive health and anti-discrimination agendas is reflected in all the areas of concern mentioned throughout the paper. These issues, although not most salient for populations and governments of the member states, benefit from the attention of well-funded NGOs who have gained privileged partner status within and access to the EU bureaucracy. These NGOs are the avant-garde of the broad value shift away from traditional, often religiously inspired, values. The same goes for mainstream political parties. In particular, Christian Democratic parties have seen the erosion of their religious voter base and thus have moved away from more traditional conceptions of social life.

The ideological bias is further compounded by the legal and institutional set up of the European Union. Over the past 20 years, with consequent treaty revisions, there has been a significant increase in the number of EU competences as well as policy instruments and decision mechanisms. This creates an ideal opportunity for policy specialists (NGOs) and their counterparts in the EU bureaucracy to develop “policy communities” operating in relative obscurity, far removed from the oversight by national authorities. The European institutions benefit immensely from expertise and outreach done by their NGO cooperators, who also lend them a measure of legitimacy. This interest group-driven, almost corporatist, system of social representation on the issues of human life and sexuality suffers from the virtual monopoly

of NGOs that are the drivers of the current value change away from traditional conceptions of social life. Policy research long ago ascertained that activists tend to be more extreme than “the man on the street.” Due to the “democratic deficit” of a weak European Parliament and scant influence of national parliaments, it is the privileged Brussels-based activists (NGOs) that have substantial leverage over the EU policy process. Conservative policy makers, who happen to be recruited mostly from among the members of the European Parliament, are thus left without these crucial policy advocates and liaisons.

Another influence on the dynamics of moral regulation is EU enlargement. Treaty revisions in 1992 and 1997 that prepared the ground for EU’s activity in the realm of social policy and human rights reflect the pre-enlargement consensus. The enlargement of the EU to the twelve new member states from Central and Eastern Europe shifted the ideological balance in the EU. Yet the so-called EU conditionality process was responsible for inhibiting political competition around contentious issues in candidate member states before the accession.¹ Now, the more controversial aspects of the European law such as its “human rights” agenda provoke political tension in many Central and Eastern countries.

Though EU moral regulation takes place outside explicit legal boundaries, the intent of this analysis is not so much to point to illegality of EU actions as it is to turn the attention towards a prevailing liberal tilt of the EU’s established social policies that touch on areas of human life and sexuality and its consequences. The first part of the analysis examines the venues in which issues of human life and sexuality are influenced: The European Commission’s “community action programs” and NGO involvement in their creation and implementation; The operation of EU quasi-regulatory agencies and “expert networks;” The role of the European Parliament; and The EU Charter of Fundamental Rights.

Purpose of the Study

The paper has three general purposes. First, it aims to clarify what the European Union, through its various bodies, actually does in policy realms that touch on issues of human life and sexuality. Secondly, it proposes some explanations for these activities. Finally, it attempts to correct the view, often held by those broadly sympathetic to the cause of moral conservatives, that the existing legal and institutional framework of the EU ensures proper oversight

1 Grzymala-Busse, A. and A. Innes, *Great Expectations: The EU and Domestic Political Competition in East Central Europe*, EAST EUROPEAN POLITICS AND SOCIETIES 17 (2003), 64-73 and Mair, P., *Popular Democracy and EU Enlargement*, EASTERN EUROPEAN POLITICS AND SOCIETIES 17 (2003), 58-63.

of these activities by the primary principals of the EU treaties – the governments of the EU member states. The paper is therefore directed as much to those who would like to learn more about how the EU works, especially with regards to controversial social policy, as well as to those “fence sitters” in the Brussels policy community that are complacent or have given up on the effective, public and open pursuit of more conservative social policies in the European Union.

The paper touches on the legal framework of the EU. It tries to address those possessed of the legalistic mindset who believe that the treaty provisions effectively safeguard issues of human life and sexuality from too much intrusion by the EU bodies. Specifically, the argument points to the very weak letter of the subsidiarity principle, which for reasons of scale and effects, can be effectively abrogated in the policy process. Because of that, the paper argues that sovereignty serves as a much better principle of democratic control than subsidiarity because the locus of control remains closer to the more transparent and accountable institutions of the democratic state. In a sense, sovereignty avoids the pitfalls and difficulties of national monitoring of policy once the policy becomes even a shared competence of the EU. Put another way, given the cultural and institutional make up of the Brussels milieu, the chance for successful countervailing action along traditional lines from member state capitals is very slim once a certain competence finds itself into a new revision of the treaty.

EU Institutional Structure and Governance

Arguably the most important power in the EU is agenda setting power. The Council of Ministers, a body consisting of national ministers, sets the long-term agenda, while the independent bureaucratic body, the European Commission, initiates and writes drafts of legislation. The Commission is the main driver of European integration. The Council and the European Parliament amend Commission drafts. The Commission, unlike a government, does not depend on a political mandate from the Parliament and is only weakly controlled by the Council. The European Court of Justice is an activist court that has sought to establish its supremacy over national courts and expanded its jurisdiction to rule in matters of human rights. A principle of subsidiarity that is supposed to guard local competences is weakly incorporated in the treaties, and can be overridden for reasons of scale or effects of proposed EU action. Treaties outline numerous competences of the EU in areas of social policy, gender and non-discrimination. The Commission operates inter-departmental Fundamental Rights, Anti-Discrimination and Equal Opportunities Group that assists in drafting legislation in those areas. In drafting legislation the Commission engages well-positioned NGOs and

NGO platforms in a form of “civil dialogue.” The Commission then relies on “community action programs” that promote the Commission’s agenda in the member states often through the use of Commission sponsored NGOs.

EU Positions on Human Rights and Religion

The EU as an institution is not a member of the Council of Europe, which is the plenary body of the European Convention on Human Rights (ECHR). Nevertheless, the EU treaties assure the respect for the ECHR and contain clauses that allow for suspending the rights of EU member states if a member state is in persistent breach of “the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.” Nevertheless, the EU Charter of Fundamental Right has been annexed to the Nice Treaty, which supposedly only lists extant rights, but in fact changes the language of the rights concluded in the ECHR, and is controversial as to the scope and the justiciability of its provisions. The European Court of Justice had established case law that comes close to redefining the nature of marriage and has expanded its jurisdiction to cover not only community body actions but also state actions in the area fundamental rights.

The EU has also established a controversial Fundamental Rights Agency in Vienna to monitor the state of human rights observance within the member states. It replaces the obscure advisory body called the Network of Independent Experts on Fundamental Rights, whose contentious opinions on freedom of conscience of doctors not willing to perform abortions derailed the Slovakian-Vatican concordat in 2006. The EU maintains a symbolic dialogue with religious organizations through the Bureau of European Policy Advisers by the President of the European Commission. The EU treaties contain an annexed and non-binding Declaration No.11, which states that the EU protects the status of churches under national laws. The EU also allows funding organizations “connected with reflection at European level on ethical and spiritual foundations of the building of Europe,” but expanded it to all organizations of general European interest. The new Reform Treaty, which incorporates the EU Charter, will be up for ratification in 2008.

Family, Education, and Sexual Ethics

The European Commission directorates are actively involved in sponsoring programs aimed at moral regulation. The Employment, Social Affairs and Equal Opportunities Directorate (DG EMPL) sponsors competitions and publicity campaigns aimed at influencing national norms surrounding the notions of family, appropriate sexual behavior, and even state-church relations. The Development Directorate (DG DEV) regularly funds NGOs involved in promoting “reproductive health and rights” in the developing

world, while the Public Health Directorate (DG HEALTH) promotes reproductive rights within the EU openly criticizing views to the contrary. The Culture and Education Directorate (DG EDU) cooperated in educational programs aimed at youth, often anti-religious in nature and overtly promoting norms contrary to religious sentiments of many Europeans. The Directorate of Research (DG Research) funded pro-abortion activities of the Network of European Women's Rights. These directorates have worked with organizations such as Marie Stopes International and the International Lesbian and Gay Association-Europe. The latter is officially funded by the anti-discrimination unit of DG EMPL. Other privileged NGO groups which explicitly support legalization of abortion, such as the European Women's Lobby or the European Youth Forum, are routinely consulted and receive funding from these directorates. The Justice, Freedom and Security Directorate (DG JUST) oversees all activities in the areas of fundamental rights. Finally, the European Parliament regularly votes on non-binding, but symbolically important resolutions condemning traditional approaches to sex and family life.

Implications and Policy Recommendations

Certain instruments such as the EU Charter of Fundamental Rights should not be ratified and become a part of the new Reform Treaty. More transparency and control should be exercised over sponsorship of NGOs inimical to national laws and policies which protect traditional norms on marriage and family life. Community programs that fund controversial initiatives as well as the Fundamental Rights Agency should be placed under the scrutiny of national governments, while the so-called advisory expert networks should be eliminated. Finally, the European Parliament requires more transparency and accountability to member states, beginning with recorded votes on controversial resolutions that allow citizens to determine the voting record of individual MEPs.

Conclusion

Because of a confluence of various factors in EU formation and integration, bureaucracies in Brussels have successfully expanded the scope of moral regulation in Europe. This is happening even though the EU has, at most, only shared competence with the member states in matters of social policy. At the same time, many national leaders remain on the fence about whether or not to push back. This is due in part to a belief that EU member states will ultimately be protected from encroaching EU bureaucracies through the practical realization of subsidiarity. As this study demonstrates, however, the factors leading to concentration of power in Brussels are likely to persist

if not accelerate in the coming years. Subsidiarity, ill-defined and practically ineffectual on social policy matters, is unlikely to help. What is more, given the trends examined in this study, states will be less able to regain protection of their national laws and culture in coming years than they are today. Only timely and effective action by national capitals to demand transparency and accountability and to retain their authority on social policy can protect and preserve national traditions on marriage, family, and human life – arguably the most important issues of our time.

INTRODUCTION: UNITY, BUREAUCRACY, AND HUMAN RIGHTS

Europe comprises 46 recognized states, of which 27 form the EU. Among 800 million Europeans only 493 million are part of the EU. The EU defines itself as “a family of democratic European countries, committed to working together for peace and prosperity.”² Its predecessor was the European Coal and Steel Community (ECSC), founded in 1951 by Belgium, France, Germany, Italy, Luxembourg and The Netherlands. The ECSC was an effort to reconcile the warring European nations by jointly managing the production of coal and steel – the raw materials of war – through a single body named “the High Authority.”³ In 1957 the same countries signed the Treaty of Rome (otherwise known as the Treaty Establishing the European Community – TEC),⁴ pledging to remove trade barriers and promote “the common market.”⁵ Yet in agreement with the spirit laid out in the pre-amble to the Treaty of Rome, the common market was but a step towards the goal of “an ever closer union.”⁶

Through the 1992 Treaty of Maastricht, Europeans called into life the European Union in order to create a more political union. Thereafter, the EU ceased to exist only as a common market and has become a fledgling political union with ambitions for a constitutional polity. It is also recently that the EU has moved to establish itself as a guardian of fundamental rights in Europe and abroad with a new Agency of Fundamental Human Rights, directorates general dealing with issues of non-discrimination, equality, and fundamental rights, and an ambitious program of aid to developing countries. In all of these areas, the EU has become a source of financial and even political support to many NGOs that promote the legalization of abortion and are inimical to traditional forms of family and religion. It is the purpose of this paper to illuminate activities of the EU institutions in these controversial spheres that often escape the attention of commentators who still see the EU for what it predominantly is and has been – a treaty organization oriented to preserving peace and economic stability on the European continent.

2 See PANORAMA OF THE EU, European Union Website (Sep. 7, 2006), http://europa.eu/abc/panorama/index_en.htm.

3 TREATY OF PARIS 1951, http://www.unizar.es/euroconstitucion/Treaties/Treaty_Paris.htm.

4 TREATIES OF ROME 1957, http://www.unizar.es/euroconstitucion/Treaties/Treaty_Rome.htm.

5 *Id.* at Article 3(h).

6 Note 4 *supra.*, Preamble.

Conservative Beginnings

It is difficult to assign a particular ideology to the founding of the EU. After the Second World War, there arose a consensus among both Christian Democratic and Social Democratic parties that peace can be achieved only by closer political cooperation of European countries. Still, in the 1950s and 1960s, in all of the original EU founding states, with the exception of France, Christian Democratic parties were almost constantly in power. Catholic politicians such as Alcide de Gasperi, Robert Schuman and Konrad Adenauer provided diplomatic impetus and political leadership in the early years of European integration. In their mind peace was to be achieved not “according to a single plan,” as advocated by totalitarian ideologies but “will be built through concrete achievements which first create a *de facto* solidarity,”⁷ facilitating personal contacts among the citizens of European countries and allowing them unfettered pursuit of their creative and entrepreneurial talents. The essential element of the original project was that the High Authority (later to become the Commission) be run by government appointed officials from each member state, yet independently of particular national interest. In the ensuing decades, this project has achieved a tremendous success. Membership in the EU has conferred enormous economic benefits on its members, not least through a joint EU effort to help poorer European countries revitalize their economies. The creation of the so-called “structural funds”⁸ in the second part of the 20th century carried on the project of economic regeneration initially provided by the American Marshall Plan. Both the mainstream left and the right can congratulate themselves on this achievement.

Secularization and the Democracy Deficit

The first shake up of the European institutions came with the French President General Charles de Gaulle who reasserted the national principle (often called the intergovernmental model) in the European communities. Cooperative consensus was replaced by hard bargaining among national ministers trying to set up common policies. The Commission was eclipsed by traditional national interest-driven diplomacy. As the EU has expanded, it has also become much more culturally and politically diverse. In the meantime, the progressing secularization started to erode the political base of the Christian Democratic parties, which had started to lose elections in the 1970s and the 1980s and had to look for non-confessional bases of sup-

7 THE SCHUMAN DECLARATION of 9 May 1950, http://www.mic.org.mt/PR's/MIC%20Press/Official%20PRs/09052002_official.htm.

8 European Commission Website, http://ec.europa.eu/regional_policy/funds/prord/sf_en.htm.

port. The events of 1968⁹ introduced neo-Marxism on the European stage, which influenced the philosophical discourse about the European Union. The emergence of the New Left and alternative parties such as the Green party has moved the political agenda away from strictly economic concerns to focus on social issues. All of this naturally influenced the agenda of the EU, which after the 1992 Maastricht Treaty (specifically in the 1997 Amsterdam Treaty) has also turned to broadly understood social regulation. Of enormous significance is that fact that throughout the years the European Court of Justice (ECJ) has established its supremacy over national courts in matters conferred on the EU by the treaties.

For some current critics of the EU it has become an organization that serves as an effective instrument of national political establishments to legislate unpopular policies for which individual nations can then blame the EU at home. For others, the EU has evolved into an autonomous bureaucracy that invades national sovereignty. Both approaches take into account the fact that the EU is profoundly undemocratic, in that it is unaccountable and removed from effective democratic parliamentary control of the member states. The policies promulgated using the non-transparent EU decision making process regulate, and have potential to regulate (more or less directly), many areas usually reserved for national or local democratic deliberation. It thus merits careful scrutiny by those interested in preserving democratic national and local control over these policies and constitutional traditions.

EU Conditionality and the Recent Eastern Enlargement

Sociological studies show that socially conservative attitudes towards the traditional family, sexual behaviour and abortion are quite pronounced in post-communist states.¹⁰ If one were to take just the 25 million practicing Polish Catholics, it would equal in population the 7th largest country in the EU and form 5% of the whole EU population. The EU politics in the pre-enlargement era (before 2004) exhibited mainly a secular and a liberal bias

9 The year 1968 (often called “the year of the barricades”) witnessed massive student unrest in all the major capitals of Europe, especially in Paris and Rome. The students, calling themselves “the New Left,” opposed what they saw as conservative curricula at their universities and demanded an anti-capitalist revolution. They often invoked neo-Marxist authors such as Herbert Marcuse, Jean-Paul Sartre and the writers of the so-called Frankfurt School. Daniel Cohn-Bendit, a head of the Greens group at the European Parliament, was one of the student leaders from that time.

10 Standard Eurobarometer 65, 2006; C. Wallace and L. Mateeva, *Attitudes to Gender Equality in the Context of Enlargement*, Presented at the Employment Research Unit Annual Conference, Management, Work and Organization in Post-socialist Societies, Cardiff University, Cardiff, UK, September 8–9, 2004; and at the ESPANET Conference, Oxford, UK, September 9–11, 2004.

due to the left-of-center value consensus in the old EU-15. It is crucial to note that the treaty revisions in 1992 and 1997 in the realm of social policy and human rights reflected that pre-enlargement consensus. The enlargement of the EU to the ten new member states from Central and Eastern Europe has shifted the ideological balance in the EU. Yet the so-called EU conditionality process was responsible for inhibiting political competition around contentious issues in candidate member states before the accession.¹¹ The pre-accession procedures such as the periodic reviews in the Joint Inclusion Memoranda hid controversial parts of the EU law from the eye of the population, and the carrot of economic benefits arguably made Central European governments rush through the process. Now, the more controversial aspects of the European law such as its “human rights” agenda provoke political tension in many Central and Eastern countries. Thus while there exist relatively traditional countries in Western Europe (Ireland, Italy, Spain), these countries had entered and had a chance to participate in the EU policy process long before the increase in EU’s social competences, which have diminished somewhat the political tension associated with the new social agenda of the EU in those countries.

Moral Regulation and Human Rights

Moral regulation is a form of social regulation, which concerns non-economic aspects of public policy.¹² Some scholars¹³ simply speak of moral politics, which tries to modify, shape and sanction individual behavior. Notably, moral politics can be championed by both the left and the right. Moral regulation is simply the attempt at preservation or transformation of a certain national/local culture through active social policy. Today, after consecutive treaty revisions, the EU institutions have acquired influence extending beyond economics into defense and internal security policies,¹⁴ most importantly into the areas of social policy and the promotion of human rights.¹⁵ These policy areas include some aspects of family, educational and cultural policy.

11 Note 1 *supra*.

12 ALAN HUNT, *GOVERNING MORALS: A SOCIAL HISTORY OF MORAL REGULATION*, Cambridge: Cambridge University Press, 1999; Rodger, J., *Family Policy or Moral Regulation*, *CRITICAL SOCIAL POLICY*, 15 (43), 1995.

13 P. KURZER, *MARKETS AND MORAL REGULATION: CULTURAL CHANGE IN THE EUROPEAN UNION*, Cambridge: Cambridge University Press, 2001.

14 TREATY OF MAASTRICHT 1992 also known as TREATY ON THE EUROPEAN UNION (TEU), http://www.unizar.es/euroconstitucion/Treaties/Treaty_Maast.htm,

15 TREATY OF AMSTERDAM 1997, http://www.unizar.es/euroconstitucion/Treaties/Treaty_Amst.htm.

Some EU initiatives seek to actively diminish the scope for regulation of these matters on the national level and promote alternative policies that clash directly with long-established cultural patterns of some member states. This is done by various initiatives in policy realms falling under the headings of justice (human rights), anti-discrimination, gender mainstreaming, equal opportunities, social exclusion and development. Most of these initiatives reflect general trends in Western societies and are broadly reflective of the moral consensus in West European states. Yet the EU has become a playground for lobbyists and interest groups who realize that by skillfully exploiting an already wide jurisdiction of the EU institutions they can advance and expand their agenda throughout Europe.¹⁶

One last point is in order. It must be remembered that the main guarantor of human rights in Europe is the Council of Europe, a different organization than the EU, which through its tribunal in Strasbourg oversees the proper observance of the European Convention of Human Rights in Europe (ECHR). All of the EU member states are signatories of the Convention and if the EU ever takes on a legal personality the EU itself might sign it. Still, it has to be remembered that it is the EU and not the Council of Europe that is the most advanced political pan-European organization. Most importantly, the EU's legislation has the power of national laws, while the EU's own budget can be effectively used in implementing EU's policies. Thus it is the EU and not the Council of Europe that is much more present in the consciousness and the everyday political reality of Europeans.

This paper is divided into three main sections. The first lays out the institutions and procedures whereby the EU social legislation and policy are made. The second section describes the general human rights framework within which policies of the EU operate, as well as lays out, in general terms, the EU's relationship with religion and religious organizations. The third section consists of the analysis of the initiatives of the EU's social and human rights agencies (Directorates General [DGs]) – the proposed as well as promulgated directives and regulations – as well as of the so-called “community action programmes”¹⁷ that serve as implementation tools of already

16 For example: the promotion of the free movement of persons is an effective and much better disguised way of enacting controversial social policy aimed at easing national moral restrictions on homosexual unions. Also, the recent agreement on the so-called Reform Treaty, which has replaced the failed EU Constitutional Treaty, has attached to it what would be a legally binding Charter of Fundamental Rights. The original constitutional project, with potentially negative consequences for the national sovereignty of EU member states, stalled after failed referenda in France and The Netherlands, and it is unclear whether the new Reform Treaty, which shares most features of the previous failed effort, will share the same fate.

17 For an example see PUBLIC HEALTH, European Commission Website, http://ec.europa.eu/health/ph_overview/pgm2007_2013_en.htm.

existing EU law. The discussion focuses on grant making and how the EU uses NGOs as an integral part of managing policies and implementing its budget. The paper concludes with an examination of the implications of the current trend and offers policy recommendations.

EU INSTITUTIONAL STRUCTURE AND GOVERNANCE

The institutional structure of the EU makes the assertion of national prerogatives especially difficult. The EU, unlike the United Nations (UN), is not a mere inter-governmental body. It is akin to a federal state that, in contrast to the UN, has explicit regulatory and budgetary powers which directly impact the law and policy of its 27 member states.¹⁸ Like its member states, the EU possesses its own court (the European Court of Justice – ECJ), parliament (the European Parliament – EP) and an executive branch (the European Commission – EC), which co-exist with still the most important political body: the Council of Ministers (the Council).

Directives and Regulations

It is commonly assumed that ten to thirty percent of the laws of the member states derive from the directives and regulations promulgated by the EU.¹⁹ It is, then, instructive to evaluate the EU's impact on national sovereignty, traditional family and religion in a way that focuses on how the institutions of the EU interpret their policy making mandate, which is contained in the continuously amended Treaty Establishing the European Community (TEC) and the Treaty on the European Union (TEU).²⁰ Yet the interpretation of the treaties by the EU institutions is not so much a legal as a political matter.²¹

18 For a good introduction of the political evolution of the EU see James Caporaso, *The European Union and Forms of State: Westphalian, Regulatory or Post Modern?* JOURNAL OF COMMON MARKET STUDIES, March 1996, 29–52.

19 The number is established by convention. Ken Endo claims that the EU's laws form 30 percent of all, and 70 percent of business law in the United Kingdom (UK). Ken Endo, *The Principle of Subsidiarity: From Johannes Althusius to Jacque Delors*, HOKKAIDO LAW REVIEW, Vol. XLIV, No. 6 (1994). UK parliamentary answer gives the figure of 9 percent (written answer of Denis MacShane MP to a question from Mr. Davidson on EU Regulations. WA, Col 796–797 22/3/05). Other quantitative studies put the number at 20–30 percent of all national legislation: Edward C. Page (1998), THE IMPACT OF EUROPEAN LEGISLATION ON BRITISH PUBLIC POLICY MAKING: A RESEARCH NOTE, Public Administration 76: 803–809. Annette E. Toller (1995), EUROPAPOLITIK IM. Frankfurt: Peter Lang.

20 For the texts of the two consolidated treaties see: <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/ce321/ce32120061229en00010331.pdf>

21 Since the Single European Act of 1986, the EU is the only international treaty-based organization to which the signatory states explicitly agreed to cede parts of their sovereignty. Regulations and directives are promulgated by a qualified majority vote by the member states in the Council and amended by a political majority in the EP. This marks the largest difference between the EU and the UN – the interpretation of the EU mandate has become a political (though not necessarily democratic), rather than a purely administrative, affair. <http://www.unizar.es/euroconstitucion/library/historic%20documents/SEA/Single%20European%20Act.pdf>.

While the legal acts are promulgated with the participation of national governments and political parties, the right of proposal and the powers of execution belong to the EC. Still, the EC can only start drafting the text of a potential law with permission of the member states, whose heads meet occasionally in the Council to set the long-term agenda for the EU as a whole. This does not stop the EC from initiating many legal initiatives since the Council guidelines are often general and allow for a wide margin of bureaucratic discretion. Political scientists have long regarded the power to set the agenda as one of the most important influences on the course of voting and the direction of policy.²² What is more, Article 250 (2) of the TEC gives the EC a power to alter its legislative proposal at any time during the legislative process. These powers truly make the EC the main driver of legislation as well as the promoter of further European integration.

The Principle of Subsidiarity

Before going on to demonstrate the EU's direct policy actions, it is worth visiting the issue of subsidiarity,²³ which, though spoken well of, does not seem to sit well at the center of European action. The principle of subsidiarity was enshrined into European law in Article 3B of the Maastricht Treaty of 1992 (Article 5 of the consolidated TEC), which promised:

In areas that do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, *only if and in so far as* the objectives of the proposed action cannot be sufficiently achieved by the member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.²⁴

This sentence is preceded by one that limits the Community to the powers conferred on it by the Treaty and is followed by one that says that “any action by the Community shall not go beyond what is necessary to achieve the objectives of this treaty.”²⁵

By the “*only if*” test of EU action, the burden of proof is placed on those who advocate action by the central body; but this negative is loosened by another guideline. The “*in so far as*” test envisages the possibility that the

22 Richard D McKelvey, *Intransitives in Multidimensional Voting: Models and Some Implications for Agenda Control*, JOURNAL OF ECONOMIC THEORY 12 (1976): 472-82.

23 EUROPA GLOSSARY http://europa.eu/scadplus/glossary/subsidiarity_en.htm. and Report prepared for the Steering Committee on Local and Regional Authorities (CDLR), http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/documentation/library/localregionalauthorities/55.pdf.

24 Note 14 *supra* Article 3B and Note 33 *infra* Article 5 TEC (emphasis added).

25 *Id.*

Community may well be in a better position to act. In this manner the clause opens the way to a reallocation of authority to the centralized government. Bavaria, one of the states in the German Federal Republic, was the main mover in getting the subsidiarity clause inserted into the Treaty. Traditionally Catholic and conservative, Bavaria's main goal seems to have been to limit the power of the EU.

Subsidiarity powers are enhanced in many fashions by the robust nature of regional power within about half the EU nations, where, for instance:

Decentralization of social assistance and services has had much greater impact than privatization in the last decades... In 2002, about half of the EU-15 regions were 'partner regions,' or regions with legislative powers (almost in half of the member states). Many of them have been very active in developing welfare programs with a clear vocation for 'policy Innovation.'²⁶

Moreover, central EU bodies have played their part in strengthening regional structures:

The European Commission has also promoted regional development, and EU structural funds have opened up new development opportunities and additional resources to sub-state regions within decentralized systems... The harmonization of economic development has gone hand in hand with the decentralization of political institutions and the rationalization of welfare development.²⁷

Two tendencies, then, co-exist within the EU: those which pull inwards towards centralization and those which pull outwards towards regional autonomies.

Treaties and Basic Legal Instruments

All laws in the EU must have an explicit treaty basis. The original Treaty of Rome (1957)²⁸ was followed by the Single European Act (SEA, 1986).²⁹ These two treaties barely treated matters of social policy. The SEA aimed at liberalizing the common market. The EU acquired significant political authority in the matters of human rights in the 1992 Maastricht Treaty³⁰

26 Luis Moreno and Bruno Palier (2004), *The Europeanization of Welfare*, paper delivered at the ESPANET Conference, Oxford, UK, September 9-11, 2004, p.15.

27 *Id.* 18.

28 Note 4 *supra*.

29 THE SINGLE EUROPEAN ACT (SEA) 1986. <http://www.unizar.es/euroconstitution/library/historic%20documents/SEA/Single%20European%20Act.pdf>.

30 Note 14 *supra*.

and in social policy with the signing of the 1997 Amsterdam Treaty.³¹ The Nice Treaty of 2000³² was not revolutionary, and was meant to adopt the EU procedures for the entry of ten new members. The Treaty Establishing the European Community (TEC) is the consolidated version of the Rome, SEA, Amsterdam and Nice treaties; whereas the Treaty on the European Union (TEU) is the consolidated Treaty of Maastricht.³³ These two treaties, the TEC and TEU, specify the decision making mechanisms in the three policy “pillars” of the EU: internal, foreign and police/criminal (Figure 1). Most of the analysis presented here will focus on the first pillar as it is most developed and most removed from the control of the member states.

There are several titles in the TEC that deal at some length with the community’s prerogatives in the realm of moral regulation. All of them became part of the TEC in the 1997 Treaty of Amsterdam.³⁴ The body of EU *law* in the general realm of social policy, especially outside the realm of explicit employment relations, is relatively small. According to some commentators³⁵ it is comparable in volume to federal social legislation on the eve of the New Deal³⁶ in the United States.

Much of the most important EU legislation takes on two basic forms: directives and regulations. Regulations are specific pieces of law whose

31 Note 15 *supra*.

32 THE TREATY OF NICE 2000 <http://europa.eu.int/eur-lex/lex/en/treaties/dat/12001C/htm/12001C.html>.

33 Consolidated version of the TREATY ESTABLISHING THE EUROPEAN COMMUNITY (TEC). http://europa.eu.int/eur-lex/en/treaties/dat/C_2002325EN.003301.html,

Consolidated version of the TREATY ON THE EUROPEAN UNION (TEU). http://europa.eu.int/eur-lex/en/treaties/dat/C_2002325EN.000501.html.

34 They are: Title VIII on employment; Title XI on social policy, education, vocational training and youth; Title XII on culture; Title XIII on public health; and Title XX on development cooperation. (The TEU includes Title VI on police and judicial cooperation in criminal matters.) Other provisions of the TEC establish auxiliary institutions, such as the European Social and Economic Committee (ECOSOC), and funds such as the European Social Fund (ESF). Moral aspects are implicated in Articles 39–42 on the free movement of workers, as well in citizenship and right to residency clauses in Articles 17 and 18. Article 13 authorizes the EU to enact measures to combat any discrimination based on sex, race, ethnic origin, religion or belief, disability, age or sexual orientation. Some provisions contained in these articles can be enacted into law by unanimity only (Article 13, for example; and articles related to workers’ social security and the like).

35 P. PIERSON, ED., *THE NEW POLITICS OF THE WELFARE STATE*, Oxford: Oxford University Press, 2001; D B Robertson, *The Bias of American Federalism: The Limits of Welfare State Development in the Progressive Era*, *JOURNAL OF POLITICAL HISTORY* 1, 3 (1989): 261–91.

36 UNITED STATES LIBRARY OF CONGRESS. <http://memory.loc.gov/learn/features/timeline/depwwii/newdeal/newdeal.html>.

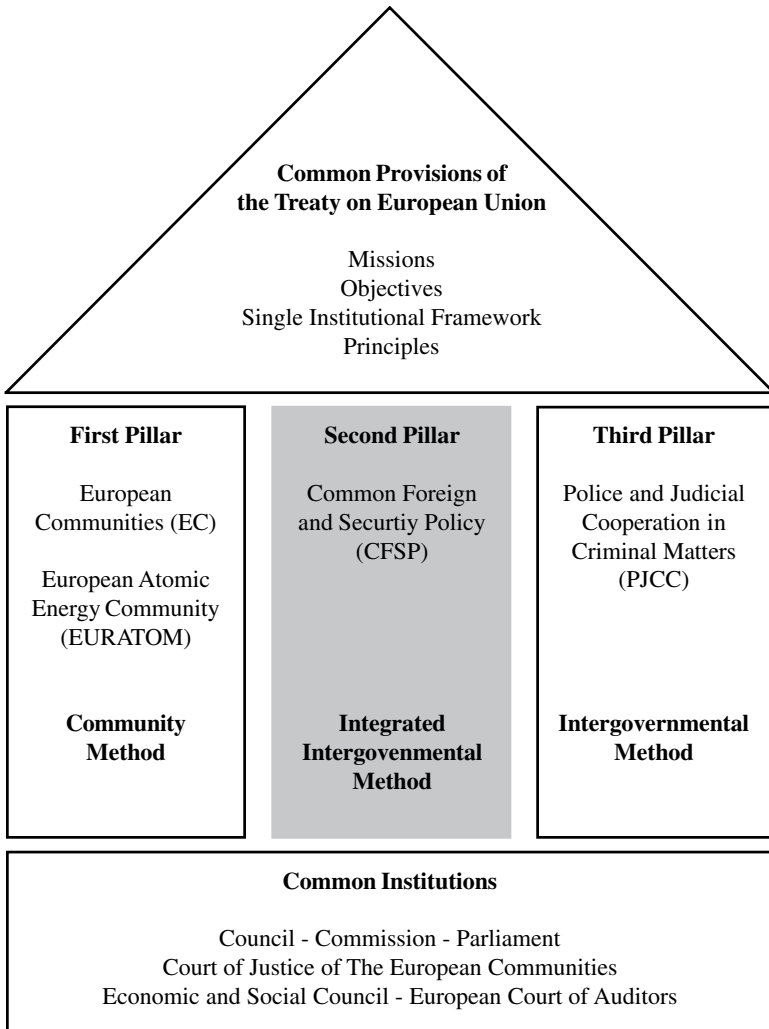


Figure 1: The “Three Pillars” of the European Union

Source: <http://www.diplomatie.gouv.fr/en/IMG/gif/cfsp-2.gif>

language and form enter the national legislation of the member states automatically. Directives, on the other hand, are less specific and are meant to be implemented into member state legal orders by means adopted by the states themselves. Directives are therefore binding as to the *result* to be achieved. Other forms of legislation exist, such as: decisions (binding and directed only to individual entities); communications (often outlining new policy initiatives); resolutions (declaratory and non-binding); and recommendations.

Between 1985 and the early 1990s the EC enacted eighty directives and fifteen hundred regulations;³⁷ but the EC is not operating without oversight. Appropriate provisions ensure that the Council (i.e., the member states), and most recently the European Parliament, have ways of monitoring the implementation of laws by the EC. It is done by what are called comitology committees.³⁸ There are three such committees: advisory, management and regulatory. They consist of Council appointed officials who sit in on the Commission's proceedings. Each committee has a mechanism, by a vote or other means (such as a referral to the Council), allowing it to effectively control the Commission's actions.

General Decision Making Process

The Council of Ministers is the most important legislating body in the EU. It comprises all ministers of national ministries that deal with a proposed law. The council meets in nine functional configurations, consisting of ministers responsible for a particular policy area.³⁹ The European Council, which is the summit of the heads of EU member states, sets the long-term agenda for the EU. It is chaired by the country which happens to hold the 6-month rotating Presidency of the European Union and meets around four times a year.⁴⁰ The President represents the EU at the meetings of other international organizations unless the EU has specific external competence, whereby it sends its special representative from the EC.⁴¹ The EC drafts primary and secondary (implementing) legislation based on the recommendations of the European Council, and the Council(s) of Ministers, respectively. The EC's legislation drafts are submitted to the Council of Ministers and the EP for elaboration, amendments and a vote.

Since the 1986 Single European Act, most of the laws passed in the Council use a supermajority voting system (qualified majority—QM),⁴² which

37 G MAJONE, ED., *REGULATING EUROPE*, Routledge: 1996.

38 For an in depth definition see the EUROPA GLOSSARY http://europa.eu/scadplus/glossary/comitology_en.htm.

39 COUNCIL CONFIGURATIONS, The Council of the European Union Website, <http://www.consilium.europa.eu/showPage.asp?id=427&lang=en&mode=g>.

40 From 2007 onwards the Presidency will be "tripled," with three countries taking the chair for 1.5 year. Within that period, each country will play a leading role for 6 months on the rotation basis. The person holding the presidency chair is usually the foreign minister.

41 The World Trade Organization (WTO) is a good example of where the EU has exclusive competence. At the WTO all member states of the EU are represented by the Commissioner for Trade.

42 A qualified majority (QM) is the number of votes required in the Council for a decision to be adopted when issues are being debated on the basis of Article 205(2) of the EC Treaty. After 1 January 2007, following enlargement of the Union, the QM went up to 255 votes out of a total of 345, representing a majority of the Member States. Moreover, a Member

deprives a member state of the veto power usually granted in most treaty-based international organizations. Yet, most legislation is in fact secondary and made by the EC, to which the Council has effectively delegated all implementing powers. The EP always participates, but the mode of its participation depends on the policy area. The EP is involved in amending EC's drafts; and towards the end in reconciling its differences with the Council. Most legislation passed under the QM in the Council employs the so-called co-decision procedure,⁴³ with the EP retaining a veto power in the EP-Council reconciliation committee (Figure 2). Yet, the EP – the only popularly elected European institution – has limited powers, a fact which fuels the so-called “democratic deficit” debate in the EU. While often an equal partner with the Council in promulgating legislation through the co-decision procedure, the EP is not a traditional parliament. It does not possess the right of legislative initiative (which belongs to the EC). It is rather a scrutinizing body, amending legislation proposed by the EC. The EP is also involved in scrutinizing the initiatives of the Commission DGs responsible for social policy through various committees.⁴⁴ The committees also prepare amendments to EC proposals when the procedures governing a given policy area allow for it. In a most recent development, the EP received a right to participate in comitology. It can now block a quasi-legislative initiative of the Commission under the co-decision procedure by an absolute majority vote.⁴⁵

The EP also likes to issue many non-binding resolutions, also called “own initiative reports,”⁴⁶ that have strong symbolic power and are used

State may request verification that the QM represents at least 62% of the total population of the Union. If this is not the case, the decision is not adopted. EUROPA GLOSSARY, http://europa.eu/scadplus/glossary/qualified_majority_en.htm.

43 “Codecision gives the same weight to the European Parliament and the Council of the European Union on a wide range of areas (for example: transport, the environment and consumer protection). Two thirds of European laws are adopted jointly by the European Parliament and the Council.” See the European Parliament website: <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=3&language=EN>.

44 Civil Liberties, Justice and Home Affairs (LIBE); Human Rights (DROI); Women's Rights and Gender Equality (FEMM); Culture and Education (CULT); and Development (DEVE). Other committees – such as the committee on employment (EMPL), and especially the committee on environment, public health and food safety (ENVI) – often encounter issues connected to moral regulation.

45 Report on the conclusion of an interinstitutional agreement, taking the form of a joint statement, concerning the draft for a Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (new regulatory procedure with scrutiny) 10126/1/2006 – C6-0208/2006 – 2006/2152(ACI)), A6-0237/2006.

46 Rules of Procedure of the European Parliament, under the sub-heading: “Governing Bodies,” <http://europa.eu/scadplus/leg/en/lvb/o10000.htm>.

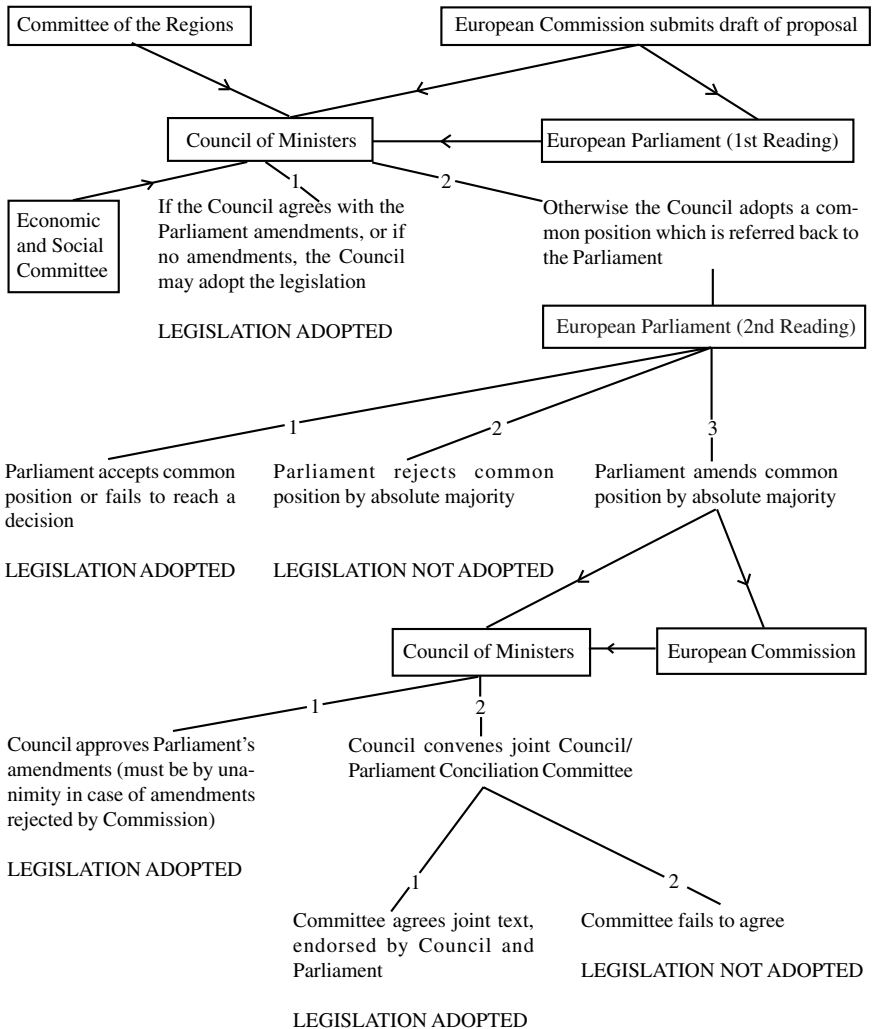


Figure 2: Co-decision Procedure

Source: <http://www.eurim.org/EURGUIDE.html#sources>

to legitimize policy actions of the EC (Appendix A). They have no legal binding power, yet they are often mentioned in the recitals of directives and regulations. Increasingly, the EP has been very active in issuing opinions in the area of human rights and civil liberties.

The European Court of Justice (ECJ) plays a very prominent policy-making role in the EU system. Consisting of 27 judges (one from each member state, chosen for a six-year term), the ECJ is effectively charged with

a judicial review of community legislation. In general, the legislation has to further the four foundational freedoms of the EU: freedom of movement for goods, capital, workers and services. The ECJ has interpreted the TEC as a *sui generis* constitution that confers positive obligations on the member states, as well as gives rights to individuals to claim these obligations.

In a groundbreaking case *Van Gend en Loos*, often compared to *Marbury v Madison* which established the principle of judicial review by the Courts concerning the constitutionality of legislative enactments, the ECJ has unequivocally stated that the TEC has established a new order of law that has direct effect in the member states. In other words, states could not any more promulgate legislation that went against the letter of the treaty. There was a clear statement in the court decision to the effect that the member states have relinquished part of their sovereignty and thus effectively enabled the treaty to impose rights and duties not only on the member states but also on individuals. Other doctrines, usually associated with constitutional orders, such as supremacy and preemption have been similarly construed by the rulings of the ECJ. Thus by 1964 the EU had established a rather powerful constitutional order. Finally, the Amsterdam Treaty has also given the ECJ the power to ensure respect of the fundamental rights and freedoms by the European institutions.⁴⁷

As for the ECJ caseload, in the area of social policy it was around 23 percent by 1998. Only competition cases arise more frequently, and the rate of growth for social policy cases is much greater.⁴⁸ The ECJ has also issued many rulings that expanded its jurisdiction in the area of fundamental human rights, which will be discussed in the second chapter of this paper.

Drafting Legislation through “Civil Dialogue”

The Directorates General (DGs) of the European Commission (EC) that deal with the drafting and implementation of policy instruments are divided into two groups. The ones dealing with the internal affairs of the member states we will call policy directorates. The other group of directorates deals with external affairs of the EU. The matters of moral regulation can be present in many more departments (e.g. research), and any attempt to confine them neatly into restricted areas of bureaucratic expertise is doomed to failure. The number of treaty articles with specific competencies and decision making rules have grown from 86 (TEC, 1957) to 254 (Nice Treaty, 2000).⁴⁹ These are spread across many fields and the analyst is simply forced to prioritize.

47 Article 46, TEU, see Note 33 *supra*.

48 P. Pierson, “Social Policy and European Integration” in A. MORAVCSIK ED. CEN-TRALIZATION AND FRAGMENTATION, Council on Foreign Relations, 1998.

49 Guillaume Durand, Ed., *After the Annus Horribilis : A Review of the EU Institutions*, THE EUROPEAN POLICY CENTER, WORKING PAPER No. 22, January 2006.

Interestingly, realizing this increased number of competencies, the EC has divided itself into five functional groups of commissioners; the Fundamental Rights, Anti-Discrimination and Equal Opportunities Group deals with issues of moral regulation. The existence of these functional groups shows the increasing salience of moral regulatory matters, which is also borne out in interviews with EC officials.⁵⁰

One of the most dynamically developing modes of making policy by the EC is “civil dialogue.”⁵¹ More and more frequently, before the process of issuing the directives and regulations takes place, the EC carries out a consultative process with civil society. The beginning of “civil dialogue,” which in EU parlance means making policy together with NGOs, has its roots in the 1992 Maastricht Treaty, and the Commission 1993 Green Paper on social policy.⁵² It gained real impetus during the Second European Social Policy Forum convened in 1998,⁵³ which aimed at broadening NGO access to the EU. Usually, the EC issues a Green Paper outlining ideas for legislation and submits it for discussion to all political bodies of the EU, as well as civil society through the internet. On the basis of these recommendations the EC issues a formal White Paper, which then presents the official position of the EC on a legislative matter. The White Paper is discussed and the relevant legislative proposals follow suit. It is a rather expansive version of the “notice and comment” procedure of American regulatory agencies involved in consulting society before issuing regulations. In fact, the EU sponsors NGOs and establishes them as the main implementing partners in some areas of policy.

Implementing Legislation through “Community Action Programs”

The EC is tasked with not only proposing, but also with implementing EU law. It does so by spending the EU budget appropriated for each DG (Appendix B). The EU operates on a 7 year budget agreed to by all EU institutions. It amounts to between two and four percent of community

50 Interviews with Sergiusz Waplak and Deirdre Hodson, Anti-Discrimination Unit within the DG on Employment, Social Affairs and Equal Opportunities, November 15, 2006.

51 “Civil dialogue” is a term used to denote consulting civil society. http://europa.eu/abc/eurojargon/index_en.htm.

52 M. CARLEY, ED., *EUROPEAN SOCIAL POLICY FORUM*, Brussels, DGV, Dublin, European Foundation for the Improvement of Living and Working Conditions, 1998; quoted in Bouget and Prouteau, *National and Supranational Government_NGO Relations: Anti-Discrimination Policy Formation in the European Union*, PUBLIC ADMINISTRATION AND DEVELOPMENT 22, 31-37 (2002): 33.

53 *EUROPEAN SOCIAL POLICY FORUM, SUMMARY REPORT*, Brussels, 24-26 June 1998. http://www.disabilitaincificre.it/allegati/European_Soci_Pol_forum.pdf.

member states' total budgets and 1.01 percent of the EU's total GNP.⁵⁴ The total EU budget amounts to roughly €12 billion. The revenue is taken from a common EU external tariff, agricultural levies, percentage of national VAT (Value Added Tax) revenues, and some direct contributions from member state budgets. The EU possesses no direct fiscal authority, although issues of fiscal harmonization, especially in the realm of corporate taxes, have emerged in consideration of future directives and regulations. Almost half of the budget is spent on farm subsidies, and a third on economic aid to poor regions. The rest of the budget is used on external policies of the EU (7%), administrative expenses (6%), citizenship, freedom, security and justice (1%).⁵⁵

The EC is instructed in Article 274 (TEC) to implement the budget on the basis of regulations issued by the Council as laid out in Article 279. The EP, acting on the recommendation of the Council, grants discharge to the EC to implement the budget (Art. 276). The so-called Financial Regulations issued by the Council govern the EC's administration of the budget. The general budget of the European Communities prescribes three modes of budget implementation: 1) on a centralized basis; 2) by shared or decentralized management; or 3) by joint management with international organizations.⁵⁶ The first and second modes are relatively uncontroversial and account for the majority of managed funds. Under them money is spent either by: the EC's relevant DG itself; a member state (shared); or a third country (decentralized). In the third, "joint management" mode, civil society organizations (NGOs) are the main beneficiaries.

One of the popular ways of implementing the budget are the so-called "community programs."⁵⁷ Currently, the EC operates around 46 programs operated by around 12 DGs. Not all DGs operate "community programs." All of the social policy DGs which concern this analysis possess community programs, which are established by the decisions of the Council and financed from the general EU budget. Often these community programs are implemented in the joint management mode as they utilize various NGOs to help

54 FINANCIAL PROGRAMMING AND BUDGET, The European Commission website. http://ec.europa.eu/budget/index_en.htm.

55 *Id.*

56 Article 54 of the Council Regulation No 1605/2002 of 25 June 2002.

57 Community Programs are based on extensive European cooperation, representing and supporting the integration of community policies, with the implementation of multi-annual projects via international consortiums. Community Programs are a series of integrated measures accepted by the European Commission, with the primary objective of strengthening the cooperation among the Member States regarding Community policies for a long period of time. Community Programs are financed from the general budget of the Community. See example at: www.eucenter.org/download/other/currcommprg.pdf.

them implement programs (see Chapter 3). Prior to the adoption of the EU's Financial Regulations in 2002, many grants were given out to various NGO's without an explicit treaty basis under the administrative section of the EU budget.⁵⁸ This basis was often provided by Article 308 TEC, which just like the *necessary and proper clause* in the US Constitution enables legislation in fields where the EU does not possess explicit powers.⁵⁹

The following sections examine the way the general legal and policy framework outlined thus far allows for a large scope of material action in areas that may concern social conservatives.

58 For a list of some grants given out under the A-30 administrative heading see House of Commons Written Answers for Sept 8 2004: <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040908/text/40908w08.htm>.

It is important to notice that the nomenclature of the budget headings has changed after the new Financial Regulation of 2002 came into force: Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities.

59 Article 308 TEC: "If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures." See Note 33 *supra*.

EU POSITIONS ON HUMAN RIGHTS AND RELIGION

All of the 27 members of the EU are signatories of the European Convention on Human Rights (ECHR) of 1950,⁶⁰ which together with the European Court of Human Rights (ECtHR) in Strasbourg⁶¹ has for almost half a century served as the guarantor of human rights in Europe. The EU as an economic organization promoting the four freedoms of movement has, for most of its existence, agreed that human rights concerns should be resolved within the member states' own constitutional and ECHR treaty obligations.

The tradition of limiting itself to economic matters began to change in the 1980s when the EU acquired more power and ambition to act as a quasi-government, thus potentially infringing upon the individual human rights guaranteed under the ECHR and the national constitutions. The premise that national courts, or the Strasbourg court, could claim supremacy over the EU by adjudicating conflicts between fundamental rights and the EU's four freedoms quarrels with the EU's expansive view of its prerogatives.⁶² On the other hand, some observers in the European member states are afraid that the EU can escape human rights violations because its legal acts escape the control of the ECtHR, which occupies itself only with the human rights record of the European states, not other European organizations such as the EU.⁶³

Making New Rights

In response to criticism that it is unaccountable for human rights violations, the EU has responded thusly. Instead of responding to the complaint that is unanswerable to the ECtHR by acceding to the ECHR, it has chosen to write its own human rights agenda, often changing the language contained in the ECHR. By doing so, it has played into the hands of the critics that see increased EU activity in the area of human rights as a means to extending its prerogatives. Below is the outline of the EU's procedures established to defend fundamental rights:

60 THE EUROPEAN CONVENTION OF HUMAN RIGHTS (ECHR) 1950. <http://www.hri.org/docs/ECHR50.html>.

61 THE EUROPEAN COURT OF HUMAN RIGHTS (ECtHR). <http://www.echr.coe.int/ECHR/>.

62 Indeed, the German Constitutional Tribunal ruled in its *Solange I* decision from 1974 that it retains its power to control the EU acts in so far as they potentially violate constitutional rights guaranteed by the German constitution.

63 For a very good discussion of the conflict see Laurent Scheek, *Solving Europe's Binary Human Rights Puzzle: The Interaction between Supranational Courts as a Parameter for European Governance*, QUESTION DE RECHERCHE, No. 15 – October 2005, 40.

- It established, as a general principle, that the EU is founded on “the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law” upon which the Union is founded (Art. 6 (1) TEU).⁶⁴
- Art. 6 (2) TEU states that the EU will respect the ECHR and the constitutional traditions of the member states.⁶⁵
- The Union can suspend certain rights of the member state deriving from the application of the Treaty, if it has determined the existence of a serious and persistent breach of the principles by that member state (Art. 7 TEU).⁶⁶
- Candidate countries will have to respect these principles to join the Union (Art. 49 TEU).⁶⁷
- It has also given the ECJ the power to ensure respect of the fundamental rights and freedoms by the European institutions (Art. 46 TEU).⁶⁸
- In the TEC it has mentioned the observance of the 1961 European Charter of the Social Rights of Workers in Art. 136 as well as the ECHR.⁶⁹
- Also within the TEU, Title V Article 11 states that in developing its common EU foreign policy its objective will be to “develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.”⁷⁰

The European Court of Justice is the primary EU institution vested with interpreting EU law. As early as 1974, the ECJ ruled that fundamental rights belonged to the general principles it had to defend.⁷¹ What is more, although the Amsterdam Treaty provided the first mention of ECJ’s jurisdiction over actions of the EU institutions in Article 6 TEU, the ECJ had already developed case law that expanded that jurisdiction to cover the action of member states while implementing EU law and interpreting derogatory clauses from EU law.⁷² Finally, in *Schmidberger*⁷³ the ECJ ruled that it can invoke fundamental rights in any conflict between a member state and EU law.

64 Note 33 *supra*.

65 *Id.*

66 *Id.*

67 *Id.*

68 *Id.*

69 *Id.*

70 *Id.*

71 Case C-9/74, *Casagrande* [1974] ECR 773.

72 Case C-5/88, *Wochauf v. Germany* [1989] ECR I-2609 and Case C-260/89, *Elliniki Radiophonia Tileorassi AE v. Dimotili Etairia Pliforsis i Sotirios Kouvelas* [1991] I-2925.

73 Case C-112/00, *Eugen Schmidberger v. Austria* [2003] ECR I-5659.

Matters involving "moral regulation" are usually those that deal with the principle of non-discrimination, gender equality and the common market (especially the freedom of movement of persons and services). In the sphere of gender equality in the *Kalanke*⁷⁴ case and then in *Marschall*⁷⁵ the ECJ ruled in favor of allowing members states to take measures favoring under-represented sex in employment and with regards to gender based disadvantages in pursuing careers. The decisions however outlawed explicit quotas. In a series of cases⁷⁶ the ECJ extended the concept of gender equality to transsexuals. As for abortion, the ECJ carefully avoided the issue. In *Grogan*,⁷⁷ the ECJ responded favorably to the question of the Irish court whether to grant injunction on behalf of the Society for the Protection of Unborn Children to stop a group of youth distributing leaflets in Ireland about the availability of abortion abroad. The court argued that although abortion might be considered a service within the meaning of the TEC, and thus prohibiting the distribution might be construed as a limitation on the freedom of movement, it nevertheless stated that for a restriction on freedom of movement to exist there should be "an economic nexus between ... [the information provider] and an abortion provider ..."⁷⁸ Since there was no nexus, Ireland was justified in banning the activity. Nevertheless, the case sent a clear signal that the ECJ is willing to enforce common market laws that potentially conflict with substantive human rights arising from constitutional commitments of the member states.⁷⁹

Marriage still seems to be protected by national laws. In *Grant*⁸⁰ the ECJ stated that "in the present state of the law within the Community, stable relationships between two persons of the same sex are not regarded as equivalent to marriages." Yet a few years later in *K.B.*⁸¹ the ECJ came close to interfering with British marriage law when it pointed to the ECtHR ruling in *Goodwin*,⁸² which extended the right to marry to transsexuals.

74 Case C-450/93, *Kalanke v. Freie Hansestadt Bremen* [1995] ECR I-3069.

75 Case C-409/95, *Marschall v. Land Nordrhein-Westfalen* [1997] ECR I-6363.

76 Case C-423/04, *Sarah Margaret Richards v. Secretary of State for Work and Pensions* [2006] ECR I-03585.

Case C-13/94 *P. v. S. and Cornwall County Council* [1996] ECR I-02143.

77 Case C-159/90, *Society for the Protection of Unborn Children v. S. Grogan*

78 Alicia Czerwinski, "Sex, Politics, and Religion: The Clash Between Poland and the European Union over Abortion," *DENVER JOURNAL OF INT. LAW & POLICY* 32 (653), Fall 2004, p. 664.

79 Diarmuid Rossa Phelan, *Right to Life of the Unborn v Promotion of Trade in Services: The European Court of Justice and the Normative Shaping of the European Union*, *THE MODERN LAW REVIEW* 55 (5), 1992, pp. 67-689.

80 Note 87 *infra*.

81 Case C-117/01, *K.B. v. National Health Service Pension Agency* [2004] ECR I-541.

82 Note 88 *infra*.

Another example of the EU crafting “moral regulation” that potentially differs from the ECHR or national constitutional traditions is the expansive nature of Article 13 TEC, which for the first time in the history of international law enshrined the principle of anti-discrimination on the basis of sexual orientation. In fact, the inclusion of sexual orientation in the Article, and then in the implementing directives, has caused some new member states’ parliaments to protest.⁸³ The EU seems to have followed a course set by the civil rights rulings of the American Supreme Court occasioned initially by the famous Footnote number 4 to the *Carolene Products Company* case,⁸⁴ often criticized for judicially creating groups worthy of special legal protection.

Finally, the Fundamental Charter of Human Rights of the EU is an attempt to codify this treaty language and jurisprudence and enshrine them as “fundamental rights.”

The EU Charter of Fundamental Rights: Moving Away from the Human Rights Consensus

In 2000 the EU promulgated its own Charter of Fundamental Rights of the European Union that was intended to codify all the rights that the EU feels itself obliged by. The EU took this opportunity to change the language of some of the ECHR provisions, thus helping the activist rulings of the ECtHR. The most glaring is Article 9 of the Charter on the right to marry, which changes the original language of Article 12 of the Convention:

Article 12 of the Convention states:

Men and women of marriageable age have the right to marry and to found a family, according to national laws governing the exercise of this right.⁸⁵

Article 9 of the Charter states:

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.⁸⁶

83 Filip van Laenen, *Latvia Angers EU over “homophobia,”* THE BRUSSELS JOURNAL, Sun, 25 June 2006.

84 Though *Carolene Products* was not itself a civil rights case, the footnote has been the basis for the Supreme Court’s “subsequent judgments in cases protecting the integrity of the political process or involving so-called ‘suspect’ classifications, such as race, creed, alienage, religion and gender.” U.S. Department of State, <http://usinfo.state.gov/usa/infousa/facts/democrac/34.htm>.

85 THE EUROPEAN CONVENTION ON HUMAN RIGHTS 1950 (ECHR) (emphasis added). <http://www.hri.org/docs/ECHR50.html>.

86 CHARTER OF THE FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION. http://www.europarl.europa.eu/charter/default_en.htm.

What is more, while formally a non-justiciable document given its status as an annex to the TEC, the Charter is being quoted by ECourtHR, and Article 9 is not an exception. A legal scholar notes that “while in *Grant*⁸⁷ the Court of Justice [ECJ] noted that the ECourtHR had interpreted article 12 of the ECHR, on the right to marry, as applying only to ‘traditional marriage between two persons of opposite biological sex, since this judgment... the ECourtHR has moved beyond such a conception and in the *Goodwin*⁸⁸ case extended the right to marry to transgendered people. The ECourtHR stated that there have been ‘major changes in the institution of marriage’ since the adoption of the European Convention. In this regard, the ECourtHR noted that article 9 of the EU’s Charter of Fundamental Rights departs from the wording of article 12 of the European Convention ‘no doubt deliberately’ by removing the reference to only ‘men and women’ having the right to marry.”⁸⁹

The “updates” to the ECHR are also present in the section of the Charter under the heading of “equality.” The Charter elevates certain EU policies to the level of fundamental rights. Article 13 TEC on anti-discrimination is included as Article 21 changing significantly the non-discrimination Article 14 of the ECHR. First, it includes sexual orientation as a prohibited ground, and secondly unlike Article 14 ECHR it prohibits discrimination in all EU law. It is worth remembering that Article 14 ECHR prohibits discrimination only within the scope of exercising rights *explicitly mentioned* in the ECHR, not in general (i.e. within the constitutional orders of the signatory states). By way of illustration, that is why the United Kingdom can discriminate against Catholics by not allowing them to inherit the British throne. There is no right to become a king in the ECHR. The EU Charter changes all this, and the application of Article 21 extends to all present and future activities of the EU.

Of significance is the fact that when the Council of Europe introduced a special protocol (Protocol 12), which extends the application of Article 14 to all rights exercised within the member states, only ten states signed on to it by 2006.⁹⁰ Clearly, most member states are reluctant to extend broad anti-discrimination provisions, not to mention transferring the jurisdiction in those matters to international bodies. Yet, all member states that will ratify the EU Reform Treaty, which makes the Charter its integral part, will find

87 Case C-249/96 *Grant v South West Trains* [1998] ECR I-621.

88 *Goodwin v United Kingdom* (No 28957/95) and *I v UK* (Application no 25680/94), (2002) 35 EHRR 18.

89 Claire McGlynn, *Families, Partnerships and Law Reform in the European Union: Balancing Disciplinary and Liberalisation*, THE MODERN LAW REVIEW, 69 (1), 2006, 102.

90 “The Council of Europe protocol against discrimination is important.” VIEWPOINT. Available at the Commissioner’s website at www.commissioner.coe.int.

themselves with a much more broad anti-discrimination provision than under the ECHR and with a much more powerful court to enforce it. Another policy provision that is raised to the status of a fundamental right is Article 141 TEC on gender equality in Article 23. It actually goes further than Article 141 TEC in that it does not mention the role of the member states in ensuring advantages to the underrepresented sex, simply stating that such action is permissible in general.

This much is clear: the EU seems to be fashioning the human rights regime after its own needs and internal agendas, of which the re-definition of marriage is only one example. What is more, in an illuminating article about the relations between the ECHR and the ECJ, Laurent Schieck⁹¹ points out that the initial period of hostility between the two courts has been replaced by a mutual endeavor. If this endeavor includes cross-citation of case law to promote the political agenda of both European courts, as in the *Goodwin*⁹² case, then it appears that the initial intention of controlling the EU by an external human rights body has been replaced by a joint project: using human rights language as a political instrument in imposing controversial moral rulings on the member states.

Monitoring and Promoting the EU Human Rights Regime

There exist around twenty quasi-regulatory agencies of the EU such as the recently instituted Agency on Fundamental Rights, the European Observatory on Demography and the Social Situation (renamed from the European Observatory on the Social Situation, Demography and Family), and the soon to be operational European Institute on Gender Equality, that serve as research and monitoring arms of the various EC directorates. In that group are also included various “expert committees” created through a public tender offer, or open bid, by the EC, specifically the Expert Network on Fundamental Rights.

The DG EMPL (Employment, Social Affairs and Equal Opportunity), within the mandate given to it by the Open Method of Coordination (OMC) agreement at Lisbon, manages its multilateral surveillance activities in the realm of the family through the European Observatory on Demography and the Social Situation in Vienna, Austria. It has organized various conferences: the 2000 Seville conference on fertility, the 2001 Milan conference on family forms and the young generation, the 2002 conference on immigration and family, the 2003 conference the family in the health system and finally the 2004 conference Europe’s Coming Generation: demographic trends and social change.

91 LAURENT SCHEEK, Note 63 *supra*.

92 Note 88 *supra*.

The Agency for Fundamental Rights serves as an instrument of the EC to monitor and enforce the human rights framework in the EU.⁹³ Its purposes are myriad, though the agency avers that “These tasks do not belong to the Fundamental Rights Agency:

- a. examination of individual complaints;
- b. regulatory decision making powers;
- c. monitoring the situation of Fundamental Rights in the Member States for the purposes of Article 7 of the Treaty of the EU;
- d. dealing with the legality of the legislative acts within the meaning of Article 230 of the Treaty (which refers to the Court of Justice’s power to review the legality of Community acts), or questioning whether a Member State has failed to fulfill an obligation under the Treaty within the meaning of Article 226.”⁹⁴

On the other hand “the network of independent experts could be one of the information networks animated by the Agency.”⁹⁵ The activity of this “network” is a cause of concern. Pro-abortion groups were invited (to the exclusion of pro-life organizations) in November 2005 to advise the Network of Fundamental Human Rights Experts on the situation of “reproductive rights,” with the focus on new member states. Their advice resulted in a 40-page document squarely condemning Slovakia, among other countries, for allowing an exception from performing abortions for Catholic doctors in its treaty with the Vatican. One of the Network’s experts from Italy protested the decision, not least because pro-life groups were not consulted. The network has issued many controversial reports in which it called for the legalization of same-sex partnerships and unequivocally praised countries that instituted same-sex marriage.⁹⁶ Given that the new agency will rely on

93 FREEDOM, SECURITY AND JUSTICE, European Commission website http://ec.europa.eu/justice_home/fsj/rights/fsj_rights_agency_en.htm.

94 *Id.* (emphasis in original).

95 *Id.*

96 Report on the Situation of Fundamental Rights in the European Union and its Member States in 2005. (available at <http://crldho.cpdr.ucl.ac.be/documents/Download.Rep/Reports2005/CFR-CDFExecSumm2006EN.pdf>) “Welcoming the extension of the marriage to same-sex persons in Spain, following the examples of the Netherlands and Belgium, the Network notes that several Member States still have not organized, in the framework of an institution such as registered partnerships, the legal consequences of the cohabitation of same-sex couples. Having regard to the case law of the Human Rights Committee instituted within the framework of the International Covenant on Civil and Political Rights, the independent experts underline the risk of discrimination enshrined by such a situation. Agreeing with the concerns expressed by the European Parliament, the Network draws the attention on the reemergence of homophobia in certain Member States, which has also seriously harmed the freedom of peaceful demonstration.”

“civil society dialogue” through its nascent “fundamental rights platform,” and other pre-existing networks⁹⁷ one can expect similar pronouncements from the agency.⁹⁸

In an innovative move at the 2001 Lisbon Summit, the EU committed itself to a new method of coordinating policies among members of the EU without explicit recourse to law making. The Open Method of Coordination⁹⁹ (OMC) gives authority to the EC for the purpose of coordinating research on various moral regulation provisions. The EU can develop guidelines for action and can mandate reports from the member states on the state of reform. The EU can also issue performance benchmarks again, with appropriate powers of surveillance via means of progress reports. The OMC is most important for the purpose of research into the EU social policy making process, as it is designed specifically to reconcile intractable differences among differing models of social provision in the member states of the EU. It is significant that social policy is added on to employment objectives. Gender equity issues – and thus indirectly family issues – are also dealt with inside the employment and social affairs directorate.

Almost all examples of OMC illustrate the adoption of degrees of the centralization approach, and few seem to illustrate a tendency towards the deepening of cultural uniqueness or movement away from central command. As Noemi Lendvai of the University of Bristol observes: “Social policy is not a national business any more... The construction of social inclusion through the Open Method of Coordination... is a discursive regulatory mechanism towards a reconstitution of the European ‘social.’”¹⁰⁰

Ensuring the Ambiguous Status of Religion

The manner in which state authorities tackle religious issues is regulated by member state constitutions, but also by the provisions of the ECHR, especially Article 9 on freedom of conscience and religion. The EU treaties

97 COUNCIL REGULATION (EC) No 168/2007 of 15 February 2007, see Articles 6 (1a) and 10 (1).

98 Indeed, the meeting of FRA with a selected group of NGOs did not fail “to address threats to human rights in the EU, including concerning sexual and reproductive rights.” (See Main Conclusions of the Round Table Discussion 5 June 2007 – European NGO Platforms and the European Union Fundamental Rights Agency (FRA), also available at http://fra.europa.eu/fra/material/pub/civil/report_05062007_en.pdf)

99 See EUROPA Glossary on the European Union website: http://europa.eu/scadplus/glossary/open_method_coordination_en.htm.

100 Noemi Lendvai, “The Indigenization of social inclusion policy in post-communist Europe and its implication for EU social policy after enlargement,” paper delivered at ESPAnet conference 2004, Oxford, 1. <http://209.85.165.104/search?q=cache:JKtsGXPYyIAJ:www.apsoc.ox.ac.uk/Espanet/espanetconference/papers/ppr.2A.NL.pdf+espanet+conference+LENDVAI+OR+NOEMI+%22oxford+2004%22&hl=en&ct=clnk&cd=1&gl=us>.

do not refer to religion or churches with the exception of Article 13, which prohibits discrimination based on religion. In 1997 the Commission of the Bishops' Conferences, representatives of the Vatican, national conferences of bishops, the European Ecumenical Commissions for Church and Society, and the Orthodox tradition and German Protestant churches issued a joint declaration that was then presented by German Chancellor Helmut Kohl at the 1997 EU Intergovernmental Conference preparing the Amsterdam Treaty. Declaration No. 11 annexed to the Treaty of Amsterdam states:

The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. The European Union equally respects the status of philosophical and non-confessional organisations.¹⁰¹

Originally proposed as a part of the TEU, it failed in the Intergovernmental Conference and remained as a non-binding declaration.¹⁰² It is, then, very difficult for the Churches in Europe to claim special ethical status. Indeed, during the deliberation of the Constitutional Convention working on the now failed constitutional treaty of the EU, there arose a concern as to the mention of even God or religion in the preamble. In the end, there was no mention of either. The Reflection Group, organized by the European Commission, initiated by the President of the European Commission, Romano Prodi, and chaired by Kurt Biedenkopf, former Prime Minister of Saxony and a professor of law in Germany, met during 2003, to consider the "The Spiritual and Cultural Dimension of Europe."¹⁰³

The issue under discussion – relationship of church and state – essentially bogged down and came to a no consensus conclusion. Despite a consensus on the secular nature of government, there was an inability to form a consensus on the place of religion in Europe, other than an acknowledgement of the religious heritage of Europe (as past history). On the other hand the Convention acknowledged the special status of churches in Europe by making Declaration No. 11 an integral part of the proposed treaty. That move enraged the opponents of recognizing special status for churches, such as the Catholics For a Free Choice.¹⁰⁴ As for the reference to God in the preamble

101 Declaration on the status of churches and non-confessional organizations of 10 November 1997, 1997 O.J. (C 340) 133.

102 Thomas Jansen, *Europe and Religions: The Dialogue Between the European Community and Churches or Religious Communities*, SOCIAL COMPASS 47(1), 2000: 108.

103 Biedenkopf, K., Geremek, B. and Michalski, K. (2004) *The Spiritual and Cultural Dimension of Europe: Concluding Remarks*, INSTITUTE FOR HUMAN SCIENCES, Vienna/Brussels 2004. Available at: <http://www.iwm.at/publ/rep-fin.pdf>.

104 Catholics for a Free Choice website <http://www.cath4choice.org/news/pr/2005/20051128eudialogue.asp>.

of the TEU, a different amendment tabled by the European People's Party and calling for the reference to Judeo-Christian values failed to be included in the EP resolution on the treaty.¹⁰⁵ The proposed Reform Treaty incorporates the declaration but puts other philosophical and non-confessional organizations on the same footing. Nor does it include any reference to Christianity or God. Nevertheless, the EC does maintain contacts with major religions. These relations developed under the influence of EC presidents Delors and Santer (both Christian Democrats, politically).¹⁰⁶ In 1992 Jacques Delors launched a special project called "the Soul for Europe,"¹⁰⁷ an association of major monotheistic faiths along with European humanists, for the explicit purpose of debating the spiritual dimension of European integration. The Forward Studies Unit within the EC has been charged with the mission to carry out dialogue with churches and humanist organizations.¹⁰⁸ There are also organizations representing national churches and religious orders.¹⁰⁹ The unit has been in touch with nearly eighteen representatives reflecting all major and a few minor Christian churches including the Roman Catholic Commission of the Bishops' Conferences of the Member States of the European Community (COMECE), European Evangelical Alliance, Bureau de l'Eglise orthodoxe aupres de l'UE, European Network of Pentecostal Churches and many others including Buddhist and Jewish organizations. There are also organizations representing national churches and religious orders.¹¹⁰ Most recently, on 30 May 2007, 15 leaders of monotheistic religions met at a conference organized by the EU Bureau of Policy Advisers, which for the

105 Resolution on the draft Treaty establishing a Constitution for Europe and the European Parliament's opinion on the convening of the Intergovernmental Conference (IGC) (A5-0299/2003).

106 Note 102 *supra*, 104.

107 Berliner Konferenz für europäische Kulturpolitik http://www.kulturstiftung-des-bundes.de/media_archive/1090914768590.pdf.

108 Note 102 *supra*, 105: One of the tasks of the unit was "to advise on implementation of the program *A Soul for Europe: Ethics and Spirituality*. This is an initiative that enables the Commission in agreement with the European Parliament, to give financial support to projects with a religious or ethical inspiration. Such projects must have a spiritual, ethical and European dimension and also: help to interpret and give meaning to the process of European unification; promote tolerance and pluralism and emphasize mutual respect and acceptance of differences of nationality, sex, religion and culture; stress the concepts of freedom of opinion and action in the face of the multiple constraints of modern society; promote solidarity with the most deprived in areas; involve people and groups that do not normally have a say in discussions on European policy; and... support (with encouragement and advice) the efforts of the Commission directorates general aimed at furthering collaboration with the churches and religious communities in their area of responsibility, in keeping with Community strategies on peace, development, solidarity and integration."

109 *Id.*, 110, Note 3.

110 *Id.*, p. 110, Note 3.

first time in the history of EU sponsored interfaith meetings included the EC president, Jose Manuel Barroso.

The original Delors association had received privileged funding in then the newly created A-3024 budget line. Yet in 1998 reform came.¹¹¹ The budget line was moved to be administered by the DG on Culture and Education and split into A-3021 for “European think tanks and organisations advancing the idea of Europe” and A-3024 for “associations and federations of European interest.” Today, in applying for EU funds the religious organizations are treated as regular NGOs. Only a further description of the A-3024 budget line adds that “it is also intended to support activities connected with reflection at European level on the ethical and spiritual foundations of the building of Europe or providing advice on free movement within Europe.”¹¹² The language here lacks the gravitas of the debate over vying pagan and monotheistic visions of the future of Europe. One could argue that European interest has replaced the European soul.

The next section examines more examples of the EU’s use of non-democratic means to achieve “social” results; results that seem sometimes at odds with its founding documents and the constitutions of its member states, as well as with Europe’s populace.

111 Grants to Associations and Federations of European Interest (A-3024), ex-post evaluation report for 2004, Rapport à la Commission européenne – DG EAC N. Réf. R4129BL – 26 mai 2004.

112 DG Education and Culture, Partnership with Civil Society: http://ec.europa.eu/dgs/education_culture/association/index_en.html

MORAL REGULATION IN PRACTICE: FAMILY, EDUCATION, SEXUAL ETHICS AND ABORTION

The previous chapter demonstrated that the EU has emerged as one of the guardians of fundamental rights in Europe with its own “bill of rights” and various monitoring agencies and bodies. The EU has exhibited a lopsided focus on egalitarian and anti-discriminatory policies in the areas of human life and sexuality while its engagement with the fundamental normative underpinnings of the European civilization through religious dialogue carries only symbolic weight. The purpose of this chapter is to present selected case studies representative of the EU’s biased engagement in “moral regulatory” matters with specific attention paid to issue of family, sexual education and abortion. In contrast with the previous chapter, most of the examples will focus on actual programs engaged in jointly by the EU and its NGO partners.

Marriage and Family

Gender policy has a dominant role in the moral regulation of Europe, and gender equality principles are increasingly embedded in its founding documents.¹¹³ A review of the dates of these documents reveals that this set of issues did not arise overnight in 1997 with the Treaty of Amsterdam, but is a unique distillation of many trends coalescing in this policy agenda, which is already a major shaper of European life. The EC’s gender equality and anti-discrimination policies are based on regulations and directives, which then impact a member state’s autonomy.

The major milestones thus have been the following:

113 THE ROME TREATIES: Article 119 equal pay for equal work; THE SINGLE EUROPEAN ACT (1987): The preamble confirms the European Community’s respect for human rights; THE TREATY OF MAASTRICHT (TEU) (1993): gender equality and the principle of equal pay for work of equal value; THE TREATY OF AMSTERDAM (1997): Article 13 anti-discrimination provision prohibiting discrimination on the basis of gender, racial or ethnic origin, religion, disability, age, or sexual orientation; empowers the Council of Ministers to take action to combat these forms of discrimination; also extended the jurisdiction of the European Court of Justice to cover respect for human rights addressed in Article 6 of the EU Treaty, with regard to action by the EU institutions. This created a strong enforcement mechanism for gender discrimination complaints. Article 2 made equality between men and women a main objective of the European Community, while Article 3(2) outlined the EU task of eliminating inequalities and promoting equality and Article 137 and Article 141 reinforces these tasks in the labor market and in treatment at work. Adapted from Barclay, Erin M., (2003), *International Standards and Implementation Mechanisms on Equal Opportunity and Gender Equality*, prepared for the WORLD BANK INSTITUTE DISTANCE LEARNING DIALOGUE. <http://topics.developmentgateway.org/gendergov/rc/filedownload.do~itemId=379910>.

- 1982–1985 marked the First Action Program for Promoting Equal Opportunity;
- 1986 established the European Commission Network on Child-care;
- 2000 The Lisbon Summit set the goal of reaching an overall 60% female employment rate by 2010.

Anti-discrimination and gender initiatives are shared by two DGs: DG Employment, Social Affairs and Equal Opportunities, and DG Justice, Freedom and Security. These two DGs are the most important for elaborating moral regulatory policy. These initiatives directly create sexual and moral norms that can impinge on traditional notions of family. Other aspects of family law are indirectly regulated when they come in contact with various aspects of EU law, such as employment, social security, transnational enforcement of marital laws, immigration and asylum and freedom of movement. Oftentimes, these areas of law present the opportunity to define terms such as “family” or “marriage relationship.” That is why this legislation merits careful investigation.

The year 2000 witnessed the passage of two powerful anti-discrimination directives, which serve as legislative tools to implement the anti-discrimination guarantees of Article 13 TEC. The story of how these directives came about is instructive. Isabelle Chopin, an activist of the International Lesbian and Gay Alliance (ILGA), had started an initiative called the Starting Line Group. She and her colleagues frequently spoke at the EP in favor of inserting homosexual rights into the Amsterdam Treaty. They succeeded. Then, around the time of the passage of the anti-discrimination directives, Chopin and her colleagues were invited by the EC to create a European branch of ILGA with EC money taken from the “community action program” created to implement the directives in the member states.¹¹⁴ The anti-discrimination unit charged with coordinating the implementation of the directives has been funded with 200 million dollars over the next seven years, with 20 million earmarked for specific projects involving research and NGOs.

ILGA is officially listed on the DG Employment, Social Affairs and Equal Opportunities (EMPL) anti-discrimination unit website as a chief “umbrella organization,” cooperating with the EC on implementing the sexual discrimination provisions of the directives. It is important to note that ILGA is involved in continuous lobbying for legal reforms leading to the adoption of “gay marriage” laws in the member states. Given the fungibility of money (the EC states that it only covers ILGA’s operating costs), and that

114 Author’s interview with Commission official of DG EMPL, July 18, 2006.

the comitology¹¹⁵ committees can tend toward pro-forma oversight,¹¹⁶ the money ILGA receives from the EC can potentially be spent on promoting initiatives illegal in many EU member states.

While there is no EU “family law,” the Commission issued several directives in the realm of family-work reconciliation, parental leave, and employment gender discrimination, and is thus actively involved in shaping child-parent relations. Other directives treating with gender discrimination most relevant from a family policy standpoint are: the Maternity Directive 92/85/EEC; the Directive on Parental Leave 96/34/EC; and the Directive on Atypical Work (Part-time Work) 97/81/EC. These directives have for their aim reconciling family and professional life. The 1992 Pregnancy or Maternity Directive set a minimum standard for maternity leave of 14 weeks paid at a rate at least equivalent to disability payment.¹¹⁷ The Directive on Parental Leave and Leave for Family Reasons entitled all workers (men and women) to three months of parental leave and for “urgent family reasons.”

Finally, the Directive on Atypical Work was issued that eliminated all differences in treatment of part-time and full-time workers. Employers are also urged to consider requests for transfer from full-time to part-time work. It is one of the measures aimed at promoting inclusion of women in the labor force, while allowing for flexibility as an incentive to bear children. Member states are required to provide appropriate health and safety equipment for pregnant workers, while parental leave responsibilities are expected to be shared between both parents – with the opportunity for mothers to come back to employment at a similar position after coming back from parental leave.

Rianne Mahon¹¹⁸ posits that there are three competing visions of child-care that can emerge from the burgeoning competence of the EC in the area of employment and gender: 1) the neo-familialist models of France and Finland; 2) the third-way approach of the Netherlands and the United Kingdom (UK); and 3) the egalitarian model of Sweden and Denmark. The first model is characterized by provision of flat rate cash benefits to families, thus encouraging a conservative model of the family, with the woman often opting for staying at home. The second one is also a demand-side policy that encourages part-time work for mothers and fathers. The third way model in the UK uses a similar instrument, whereby parents are required to work at least sixteen hours a week to receive tax credit.

115 Note 38 *supra*.

116 Renaud Dehousse, *Comitology: Who Watches the Watchmen?* JOURNAL OF EUROPEAN PUBLIC POLICY, Volume 10, Number 5 / October 2003: 798 – 813.

117 *Id.*

118 Rianne Mahon, *Child Care: Towards What Kind of “Social Europe?”* Paper presented at the 1st IES Annual Colloquium, THE EUROPEAN UNION: ONE MARKET, ONE SOCIAL MODEL? September, 2002.

Which of Mahon's models is the most prominent among the directives? Since there are no benchmarks on childcare provision or any binding provisions on ensuring fathers participation in caring activities, Mahon concludes that the current EU childcare policy is positioned among the three models. Time will show what the ultimate shape of EU policy towards families and children will be. The many different approaches and the subsequent response from affected EU families may prove to be fatal for the imposition of central family policies in Europe, which seem to be reserved for subsidiary actions on the member state level.

What seems to be at stake is to what extent the EU is willing to interpret its gender equality mandate as strictly mandating equal pay for equal time. Pressure is gaining steam for an outcome model of equality in pay along the lines of "same paid time at the same rate" for women and men. This would in effect mandate universal public daycare, "externalizes" children to the realm of state provision, and deemphasizes the "family" aspect of parenting while rewarding the "partnering" aspect. On the other, some feminists¹¹⁹ have raised the question of whether the family has in fact the right "not to rely on extensive non-familial care for their young children."¹²⁰ Quoting German survey research¹²¹ Eileen Trzcinski has noted that German women do not condone the so-called universal care-giver model¹²² and see themselves as primary caregivers. German women comprise a third of the workforce and 26 percent of German women are paid below \$500 compared to 6.5 of males¹²³ and yet construe their identities not along the "laborist" dimension. These differences might prove to be fatal for the imposition of central family policies in Europe, which seem to be reserved for subsidiary actions on the member state level.

Finally, there are directives which indirectly impinge on family policies of the member states. The most important directive is the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. This directive was originally issued in April

119 Eileen Trzcinski, "Family Policy in Germany: A Feminist Dilemma?" *Feminist Economics* 6, 1 (2000): 21-44.

120 *Id.*, p. 39.

121 Koecher, Renate. 1993. "Lebenszentrum Familie" [Life Center: Families], in *40 Jahre Familienpolitik in der Bundesrepublik Deutschland: Rueckblick/Ausblick* [40 Years of Family Policy in Germany: Overview and Outlook], Bundesministerium fuer Familie und Senioren [Federal Ministry for Families and Seniors], pp. 37-51. Luchterhand: Bundesministerium fuer Familie und Senioren.

122 Fraser, N. "After the family wage: gender equity and the welfare state." *Political Theory* 22 (1994): 591-618.

123 Federal Statistical Office Germany. 1998. *Statistics of the Federal Republic of Germany*. Wiesbaden: Statistisches Bundesamt. Economic and social data published in English on the World Wide Web at <http://www.statistikbund.de/indicators/e>; Statistische Bundesamt 1997.

2004, and later amended. In the original version the definition of the family did not include “registered partnerships.”¹²⁴ It also did not mandate that the states, irrespective of their domestic legislation, should facilitate entry of “the partner with whom the Union citizen has a durable relationship, duly attested.”¹²⁵ The explanatory document attached to the amended directive states, “The Commission considers that the concept of durable relationship may cover different situations: same-sex marriage, registered partnership, legal cohabitation and common-law marriage.”¹²⁶ The European Parliament has also voted positively for many pertinent (non-binding) resolutions and reports (see Appendix A).

Sexual Education

In general, the area of culture and education seem to be relatively well safeguarded from too much EU intrusion. The treaty basis for activities in the realm of culture and education is Title XII, specifically Article 149 of the TEC. It clearly states that in this field of policy the Council will not act through the means of directives and regulations (laws) but “shall adopt recommendations” and “incentive measures excluding any harmonization of the laws and regulations of the member states.”¹²⁷ Even so, the influence of other measures promoting cultural agendas is pervasive, as is seen in the following examples.

The EC’s anti-discrimination unit within DG EMPL has been giving out support grants to educational authorities with the aim of disseminating anti-discrimination tutorials at schools. While the purpose might seem harmless, one of the programs called TRIANGLE (Transfer of Information Against the Discrimination of Gays and Lesbians in Europe)¹²⁸ sponsored a consortium of Italian, Dutch and German educational authorities, who created a booklet, financed by the EC, on how to teach children tolerance. The booklet instructs teachers in ways to teach children from religious families, whom they identify as having “problems” with their sexuality, about liberal currents among mainstream religions that condone more license in sexual matters. In other parts of the booklet teachers are cautioned to “not allow the discussion to focus on religious texts or religious rules, but

124 Directive 2004/58/EC.

125 *Id.* Article 3(2).

126 European Commission, SEC (2003) 1293, Official Journal on 29 June 2004 (L229 29-JUN-01 035 048).

127 Note 33 *supra* (TEC).

128 TRIANGLE/Transfer of Information Against the Discrimination of Gays and Lesbians in Europe: http://www.triangle-info.de/alt/html/index_eng.html; Booklet: http://www.diversity-in-europe.org/engl/religionen/ix_reli.htm.

on *warm* aspects....”¹²⁹ The pamphlet even provides damage control, advising how to talk to potentially disgruntled parents about the controversial content.

The fact that this program is EU funded can be construed as a breach of the very fundamental rights it defends, namely Article 2 of the First Protocol (1952) to the ECHR, which endorses the rights of parents to choose the religious or ideological orientation of their children's education:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.¹³⁰

The community action program to promote anti-discrimination and diversity has come up with inventive ways to animate its cause. It now holds competitions and offers prizes to European journalists and photographers dealing with discrimination in daily life. While in general very noble in their aims, there were some articles that in no straightforward ways condemned the autonomy of religious institutions on the question of sexual discrimination guaranteed to them in Article 4 (2) of the Anti-Discrimination Directive, which states:

Member States may maintain national legislation in force at the date of adoption of this Directive or provide for future legislation incorporating national practices existing at the date of adoption of this Directive pursuant to which, in the case of occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos.¹³¹

Despite the religious exception clauses in the directive, an article by Laurits Nansen condemning Christian schools' preferences for heterosexual teachers

129 *Id.* (Emphasis added).

130 ECHR at Hellenic Resources Network Website <http://www.hri.org/docs/ECHR50.html#P1.Art2>.

131 Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

was included in the 2005 diversity award. Even if the Danish law does not contain the ethos clause exempting religious organizations from some anti-discrimination measures, the very fact that the EU jury selected it accusing the Danish evangelical schools of “hypocrisy and lack of tolerance”¹³² speaks volumes about a political coloring of jury’s decision. In another example, one of the photographs that won in the competition was called “the Mother-Priest” and received an unambiguous praise from the jury:

The Jury particularly liked the way it subtly portrays the struggle by women for employment equality in the Church, and the way it presents a working-mother alternative to the established iconography of ‘mother and child.’¹³³

The EU jury justification leaves no doubt as to what model of education and church-state relations it favors, irrespective of legal language contained in the very directives it promulgated.

Promoting Sex Among the Youth

In 2001 the DG on Culture and Education issued a White Paper, in which it spelled out a proposed program of action.¹³⁴ While laudable in a its ambitions to promote “mobility and exchange schemes for young people,”¹³⁵ it nevertheless betrays an ambition of the EC to enlarge the scope of its activity to “a number of subjects – such as *participation or autonomy of young people* – which are not directly a Community concern, but which merit in-depth analysis.”¹³⁶ The EC goes on to say that “our societies will have to diversify in ethnic, religious, social and linguistic terms. And all this will have to be *properly controlled*, particularly with regards to young people....”¹³⁷ Under the heading, “Getting the Most Out of Being Young,” the claim is made that youths demand more “openness on sexuality,”¹³⁸ and that “They [youth] also advocate the legalization of abortion.”¹³⁹ Given the EC’s claim that “in terms of scale, duration, the diversity of the people consulted and

132 Jury comments, Journalist Award 2005, p. 36: <http://www.journalistaward.stop-discrimination.info/643.0.html>

133 *Id.* p. 246.

134 The European Commission, *A New Impetus for Youth*, White Paper, Brussels 21.11.2001, COM (2001) 681 final, 15. http://64.233.167.104/search?q=cache:SVhSzg86LgJ:ec.europa.eu/youth/whitepaper/download/whitepaper_en.pdf+the+european+union+a+new+impetus+for+youthy&hl=en&ct=clnk&cd=1&gl=us&client=firefox-a.

135 *Id.* 6.

136 *Id.* 7 (emphasis added).

137 *Id.* 9 (emphasis added).

138 *Id.* 48.

139 *Id.* 49.

the wealth of information drawn from it, the exercise is unprecedented at European level,”¹⁴⁰ it would be remarkable indeed if this claim of unanimity among youth on the question of abortion were true. But this is unlikely, since at least one of the lobbyists in the EU is the World Youth Alliance (WYA), which supports the defense of human life from conception onward, and regularly testifies in committees to this effect.¹⁴¹

On the basis of the White Paper on Youth the Council has issued a Decision authorizing the Commission to create a community action program, YOUTH, aimed at assisting international youth organizations in financing exchanges. It is operated by the DG on Culture and Education. A quick look at the financed projects shows that some orthodox religious organizations (i.e. Syndesmos – the World Fellowship of Orthodox Youth) received EU funding. Still, the mode of consulting large corporate youth organizations (e.g. European Youth Forum) appears to lead to the exclusion of some youth voices.¹⁴² In fact, one of the darlings of the EC, the European Youth Forum, actively supports organizations involved in direct or indirect support of abortion. In its 1997 statement on Gender Equality and Youth Policy it clearly states its intentions:

The Youth Forum will:

- Cooperate with EU and relevant international Health Authorities, AIDS foundations as well as the International Planned Parenthood Federation in order to develop efficient information strategies which meet the needs of young women of all sexual orientations;
- Ensure access to information about safer sex, condoms and other safer sex materials at European Youth Forum and Member Organisation activities.¹⁴³

As most so-called “umbrella organizations” the European Youth Forum has been awarded an exclusive budget line A-3023 (15 07 01 01) and has been enjoying the privileged position as the one-stop-shop for EU's youth programming.

Advancing the Abortion Agenda

Within the EU there are no binding laws concerning the availability of abortion, as these still remain within the purview of the member states.

140 *Id.* 11.

141 WORLDYOUTHALLIANCE (WYA) CHARTER, WYA Website. <http://www.wya.net/charter/index.html?catid=4>.

142 *Id.*

143 European Youth Forum, Gender Equality and Women's Policy Adopted at EYFo Executive Committee 20-23 November 1997, p.6.

Notwithstanding this, some member states annexed Protocols trying to safeguard themselves from future developments affecting their constitutional and legal orders. Ireland annexed its protocol to the Maastricht Treaty, Poland and Malta to their accession treaties. Article 40.3.3 of the Irish Constitution defended in the Protocol states:

The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees its laws to respect, and, as far as practicable, by its laws to defend and vindicate this right.¹⁴⁴

A group known for its support for abortion activities is Marie Stopes International (MSI). It instructs the visitors of its website on how to receive EU funding from the appropriate budget lines. In 2003 Dana Scallon, a pro-life Member of the European parliament (MEP), protested against moving money from the fisheries budget into a program funding MSI.¹⁴⁵ In 2002, MSI issued “Reproductive Health –A Briefing Pack.” It encourages civil society organizations to “advocate for changes to laws and policies hampering access to programmes such as safe abortion and services to adolescents.”¹⁴⁶ It also includes case studies from MSI-EU collaborative projects in the developing world. The briefing pack has been welcomed by EU representatives.¹⁴⁷ In another MSI publication, “Handbook on European Community Support,”¹⁴⁸ the preface is written by the EU Commissioner for Development, Paul Nielsen. This type of unabashed support for an abortion providing organization by an EU civil servant can be seen as another sign of pervasive partiality on the part of the EC.

The EC funds other organizations involved in the active lobbying for the change of abortion policies in the member states. For example, under the 5th Research Framework, the EC funded a three year project called the Network for European Women’s Rights (NEWR), which in its concluding statements says:

It is often assumed that this “battle” for women’s autonomy has been won and that the right to abortion has, for the most part, been granted and is unassailable. However, country reports produced at the NEWR

144 CONSTITUTION OF IRELAND. [http://www.taoiseach.gov.ie/attached_files/html%20files/Constitution%20of%20Ireland%20\(Eng\)Nov2004.htm](http://www.taoiseach.gov.ie/attached_files/html%20files/Constitution%20of%20Ireland%20(Eng)Nov2004.htm).

145 “European Union Dumps \$81 million on abortion organization,” *Lifesitenews*, January 13, 2003: <http://www.lifesite.net/ldn/2003/jan/03011504.html>.

146 REPRODUCTIVE HEALTH-THE BRIEFING PACK, 11. Marie Stopes International website. <http://www.mariestopes.org.uk/pdf/english-inserts.pdf>.

147 *Id.*

148 HANDBOOK ON EUROPEAN COMMUNITY SUPPORT, Marie Stopes International website. www.mariestopes.org.uk/pdf/eurobook-smaller.pdf.

workshops have proved this is not the case. The opening of the EU to the East has brought in strong, religion-based views on abortion and the relatively liberal abortion legislation from the Soviet era is gradually being overturned... Therefore lobbying to maintain the right to abortion where it exists and establish it where it does not is still very much at the centre of women's reproductive agenda.¹⁴⁹

Another way the EU advances the abortion agenda is through the use of treaty provisions in the TEC pertaining to aid to developing countries. Title XX on Development Cooperation Articles 177–178, clearly spells out that the EU can take necessary measures leading to policies aimed at “respecting human rights and fundamental freedoms” in developing countries. As previously addressed in this study, the promotion of these “rights” and “freedoms” often means promoting abortion. It also allows the EU to undertake “joint action” (Article 180) with international NGOs in this field.¹⁵⁰

Within the ambit of fostering cooperation with third countries, the treaty gives the EU open ended authority to work with international NGOs in the sphere of public health.¹⁵¹

The sexual health aid regulation has been lobbied for by MSI and other abortion advocacy groups. It is based on the controversial opinion of the EP reported by MEP Ulla Sandbaek (the Sandbaek Report A5–0020/2003) under the co-decision procedure. It allows for the financial regulation to finance abortion from the development aid budget and is instrumental in filling the UNFPA funding gap created by the George W. Bush's administration in a clear rebuttal of the UNFPA's abortion agenda. Although the EC does not have exclusive competence in the field of development aid the then DG DEV Commissioner Paul Nielson waved away this restriction when he stated boldly:

We are strongly engaged in this area and the relationship between poverty, conflict, AIDS and gender equality is so strong that we have

149 Audrey Guichon, Rebecca Shah, Christien van den Anker, Heather Widdows and Sirkku Hellsten, *NEWR State of the Art Report on European Women's Rights*, September 2005, NEWR website: <http://www.newr.bham.ac.uk/general/NEWR%20State%20of%20the%20Art%20Final.pdf>.

150 Note 33 *supra* (TEC).

151 The chief pieces of legislation regulating EU's assistance to the developing world are: Council Regulation 1567/2003 on aid for policies and actions on reproductive and sexual health and rights in developing countries; Council Regulation 975/1999 on developing and consolidating democracy and the rule of law and respecting human rights and fundamental freedoms; Council Regulation 2836/98 on integrating gender issues in development cooperation; Council Regulation 1484/97 on aid to developing countries; and Council Regulation 550/97 on HIV/AIDS-related operations in developing countries.

absolutely no doubt in our mind as to the need to react strongly and immediately to the threat coming to the US administration in this field. I announced in the UN in New York in January that Europe is able and willing to fill the decency gap and we will do that.¹⁵²

It is instructive to compare a broad mandate of the EU to promote reproductive rights abroad with a limited one at “home.”¹⁵³ Title XIII on Public Health Article 152, allows the EU only to “complement member state action,” “encourage cooperation” and “foster cooperation with third countries...toward improving public health, preventing human illnesses and diseases, and obviating the sources of danger to human health.” As opposed to development cooperation, but similarly to cultural policy, the EU cannot promulgate directives and regulations. Yet it can set “incentive measures designed to protect and improve human health, excluding any harmonization of the laws of the Member States.”¹⁵⁴ The EU cannot promulgate expansive sexual health measures within the member states as it is limited in the treaty to promoting incentive measures. Still, just as in the realm of cultural policy the DG Health sees its role as an enforcer of the liberal agenda of reproductive rights. In its recent communication¹⁵⁵ the DG Health states:

HIV/AIDS strategies are closely linked to strengthening the general European values on human security and the protection of human rights, including sexual and reproductive rights ...

An illustration of the way abortion advocates in the EU advance their agenda is the 2000 UN conference on women’s rights. At this five year follow-up meeting to the UN women’s conference in Beijing, the EP Women’s Rights Committee in pressured the Polish delegation to support the EU line on reproductive rights and abortion – even against Poland’s own constitutional provisions – or jeopardize Poland’s acceptance into the EU. In the end, the issue of reproductive rights was not included in the so-called “joint inclu-

152 *Response to Written Question E-0431/01 by Bastian Belder (EDD) to the Commission. Letter of 26 January 2001 from Minister Herfkens of the Netherlands to the Commissioner Nielson for Development Programmes Concerned with Abortion.*

153 Directive 2003/86//EC on the right to family reunification. The directive, as opposed to the Free Movement Directive, does not include “registered partnerships” in the definition of family and defines the nuclear family as including the spouse and minor children.

154 *Id.*

155 Communication from the Commission to the Council and the European Parliament on combating HIV/AIDS within the European Union and in the neighbouring countries, 2006-2009, Brussels, 15.12.2005COM(2005) 654.

sion memorandum” that measured Poland’s progress towards EU accession, and the action by the EP Women’s Rights Committee was condemned by 32 members of the EP.¹⁵⁶

This overview of the general legislative and policy environment of the EU has attempted to illustrate that the scope for political controversy over social issues is significant. Given the fact that the expansion of the EU’s fundamental rights agenda is correlated with the EU’s penchant for governance through NGO involvement, the democratic deficit moves into areas that decide constitutional normative frameworks in which so-called normal politics takes place. The examples above show that, increasingly, social policy regulation in the EU attaches itself to the realm of religion and fundamental human rights, rather than to the realm of pure distributive or technical/regulatory politics.

156 *Report to the Declaration of the National Council of the Slovak Republic on the Sovereignty of the Member States of the European Union in the Cultural and Ethical Issues*, KDH (Christian Democratic Movement) 2002.

IMPLICATIONS AND POLICY RECOMMENDATIONS

The political interpretation of the moral regulation agenda in the pre-enlargement era (before 2004) mainly exhibited a secular and a liberal bias due to the left-of-center value consensus in the old EU-15. The point of conflict with the social conservative agenda came with the application of human rights to matters of family, education and sexual ethics of new member states. The growth in the fundamental rights agenda of the EU, which often challenges the human rights consensus of the European Convention of Human Rights (ECHR), is of particular concern. The EU institutions and courts, in contrast to the other treaty-based European organization (the Council of Europe and its human rights court in Strasbourg), are not willing to grant a “wide margin of appreciation” to the member states in dealing with sensitive moral concerns.

Biased Sponsorship of NGOs

What emerges from this discussion is the profoundness of the EU’s “democratic deficit.” Its consultative operation is selective in the choice of privileged partners, biased in its ideological coloring, and largely removed from the democratic oversight process by EU member states. Indeed, one of the most dangerous trends in EU governance is the technocratic view that representation of social views on the EU level is done better by uncritically involving “civil society organizations,” rather than democratically elected bodies of the member states. The Social Platform is an organization consisting of multitude of members some of which are also umbrella organizations for other groups. These self-styled representatives of civil society are the main recipient of EU funds often with their own budget lines, such as the European Youth Forum, itself a member of the Social Platform, European Women’s Forum, and the International Lesbian and Gay Association. Yet the EC seems to make no effort to ascertain (and is probably unable to ascertain) the relative biases involved in interest group representation on the EU level.

There may be no “objective” way of assessing the whole gamut of social interests, but it is certainly not done by uncritically promoting the most visible civil society organizations. They do not possess the democratic legitimacy of political parties and are prone to rely on financial advantages given to them by often uncontrolled private donations. That they enjoy EU funding in the aftermath of their successful campaigns in no way legitimizes their rise and their claim to represent truly European interests. In a recent pair of articles, Duke University law professor Francesca Bignami has warned against “co-regulation” in the EU by involving “civil society organizations”

conveniently renamed from the more classic and accurate “pressure groups.”¹⁵⁷ She found that:

The public good is not crafted by the Commission and the interests and associations to whom it listens. These depictions of civil society governance paint a civic world in which public authority can somehow operate without conferring benefits and inflicting costs, excluding some groups and including others, and creating political winners and losers. In the technocracy narrative, when a choice is made to consult on a particular issue, to consult only certain groups, or to accept comments from some over the objections of others, it is because of the objective nature of the policy problem. Public servants select areas for consultation by defining them as technical problems in need of information. They ask certain organizations for comments and accept their suggestions because those organizations have the necessary resources, expertise, and knowledge. I certainly do not deny that expertise and science have a legitimate place in policymaking, but applied to interest groups the concepts are problematic because they mask the use of knowledge to frame problems, represent partial world views and shape political agendas.

EU member states should insist on transparency and accountability in this regard. A good start is with a recent Green Paper on the European Transparency Initiative.¹⁵⁸ One of the proposals is turning the unofficial registry of EU lobbyists and interest groups CONNECS¹⁵⁹ into a mandatory register of all groups receiving funding from the EU. Second, what is needed is a grants database, which would display all grants awarded to each beneficiary. It could be modeled on similar initiatives currently being proposed in the US Congress (Federal Funding Accountability and Transparency Act).¹⁶⁰

Unaccountable Community Programs and Expert Networks

Through a biased political sponsorship and funding of civil society groups mostly inimical to traditional values, the European Commission has sponsored community programs that directly question the reserved competence and rights of the intermediary institutions of family, education and the church. Unaccountable “expert networks” attached to the EC and EU agencies act with no democratic surveillance and their “independent” reports have been

157 *Id.*

158 The European Commission, *Green Paper on the European Transparency Initiative*, COM (2006) 194 final, Brussels, 3 May 2006.

159 CONNECS: http://ec.europa.eu/civil_society/coneccs/index_en.htm

160 US Senator Tom Coburn (R-OK):

<http://coburn.senate.gov/public/index.cfm?FuseAction=RightNow.Home>

used by the EC to bully countries such as Slovakia into compliance with the “expert” interpretation of EU law. Governments should increase the role of comitology committees or establish national centers to monitor the activities of EU bureaucrats so that they remain within the proper understanding of the treaties.

Increased Role of the European Parliament

The 2004 elections to the European Parliament witnessed a much more vigorous group of social conservatives taking part in the debates over fundamental rights, equality and anti-discrimination. There have also been instances of domestic politicization of these issues, as in the cases of the fall of the Slovak government and the debates over the ratification of the Anti-Discrimination directives in Latvia. The recent creation of the transnational movement of conservative Christian Democratic parties, which attract many parties from the new member states, is also a telling sign that the liberal value-consensus in Europe faces some criticism among the new member states, and not only there. All in all, given the continuing trend of constitutionalizing and legislating fundamental rights in the EU, the clash between social conservative and liberal/secular voices in EU politics may be heard even more frequently. Lastly, the non-binding resolutions of the EP need to be voted by name votes so that member state officials and their citizens know who has voted and for what. For too many years mainstream Christian Democrats escaped effective voter scrutiny through anonymous votes.

Flawed Nature of the Charter of Fundamental Rights and the new Reform Treaty

Soon the ratification process of the new Reform Treaty will take place across Europe. The Reform Treaty makes reference to the EU Charter of Fundamental Rights as belonging to the general principles of EU law. Given the legitimate doubts whether the inclusion of the Charter will improve the already high level of rights protection in the EU while posing a threat to the consistency of the ECHR framework, governments should be encouraged to sign a British protocol, which clarifies the scope of the Charter.¹⁶¹

Growing Tension in the Enlarged EU-27

EU moral regulation is provoking political tension in Central and Eastern countries, which did not fully ascertain the ramifications of pre-enlargement treaty revisions in 1992 and 1997 regarding social policy during the accession

161 Council of the European Union, the Presidency Conclusions, 20 July 2007, p. 25 (see the text on the website of the Council of the European Union: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/94932.pdf).

process. Controversy between the EU and new member states has become commonplace, and both political attention and further research are necessary to fully address and understand the political and social implications of the emerging divergence.

CONCLUSION

Because of a confluence of various factors in EU formation and integration, bureaucracies in Brussels have successfully expanded the scope of moral regulation in Europe. This is happening even though the EU has, at most, only shared competence with the member states in matters of social policy. At the same time, many national leaders remain on the fence about whether or not to push back. This is due in part to a belief that EU member states will ultimately be protected from encroaching EU bureaucracies through the practical realization of subsidiarity. As this study has demonstrated, however, the factors leading to concentration of power in Brussels are likely to persist if not accelerate in the coming years. Subsidiarity, ill-defined and practically ineffectual on social policy matters, is unlikely to help. What is more, given the trends examined in this study, states will be less able to regain protection of their national laws and culture in coming years than they are today. Only timely and effective action by national capitals to demand transparency and accountability and to retain their authority on social policy can protect and preserve national traditions on marriage, family, and human life – arguably the most important issues of our time.

ACRONYMS

CDLR	Steering Committee on Local and Regional Authorities
CULT	Committee on Culture and Education
DEVE	Committee on Development
DGs	Directorates General
DROI	Committee on Human Rights
EC	European Council
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOSOC	European Social and economic Committee
ECourtHR	European Court of Human Rights
ECSC	European Coal and Steel Community
EMPL	Employment and Social Affairs
ENVI	Committee on Environment, Public health and Food Safety
EP	European Parliament
ESF	European Social Fund
EU	European Union
FEMM	Women's Rights and Gender Equality
ILGA	International Lesbian and Gay Alliance
LIBE	Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of the European Parliament
MSI	Marie Stopes International
NEWR	Network for European Women's Rights
NGO	Non-governmental Organization
OMC	Open Method of Coordination
QM	Qualified Majority
SEA	Single European Act
TEC	Treaty of the European Community
TEU	Treaty on the European Union
TRIANGLE	Transfer of Information Against the Discrimination of Gays and Lesbians in Europe
UK	United Kingdom
UN	United Nations
VAT	Value Added Tax
WTO	World Trade Organization
WYA	World Youth Alliance

APPENDIX A

Pertinent Non-Binding Resolutions of the European Parliament

The following instruments are resolutions of the European Parliament (EP). While they are not legally binding on EU member states, they are used to set the agenda in the EP and have been used to pressure member states to change national laws and policies.

- Roth Resolution on equal rights for homosexuals and lesbians in the European Community, OJ 1994 C 61/40, Resolution no A3-0028/94.
- The Vayssade Report on Staff Regulations proposing equal treatment for civil servants working in European Union Institutions living with for same sex partners (1994).
- The Lindholm report on Staff regulations (1997).
- Resolution on respect for human rights in the European Union, A4-0223/1996.

54. Reminds Member States that equality between men and women rests upon the full control of one's sexual and reproductive health and rights, free of coercion, discrimination and violence, and with the concomitant access to information and services that this requires;

59. Deplores the fact that some Member States still have a discriminatory age-of-consent provision for homosexual relations in their criminal codes as well as other forms of discrimination, in particular within the army, although various competent human rights bodies and Parliament itself have condemned these provisions; repeats its demand for such clauses to be repealed;

60. Notes with satisfaction that the United Kingdom is undertaking to change the relevant legislation, but notes with deep concern that Austria continues to apply Article 209 of its Penal Code in persecuting homosexuals; urges Austria once more to repeal this discriminatory provision, and immediately to give amnesty to and to release from prison all persons imprisoned because of this provision;

76. Calls on candidate countries to ratify all the Council of Europe Conventions on human rights and calls on Bulgaria, Cyprus, Estonia, Hungary, Lithuania and Romania to remove from their penal codes all laws which entail discrimination against lesbians and homosexuals;

- Resolution on Respect for Human Rights in the European Union, 11350/1999 - C5-0265/1999 -1999/2001(INI).

84. Calls, pursuant to its resolution of 8 February 1994, on equal rights for homosexuals and lesbians in the EC, for the abolition of all discrimination against and unfair treatment of homosexuals, particularly as regards the differences which still persist with regard to the age of consent and discrimination with regard to the right to work, criminal law, civil law, law of contract and economic and social legislation;

- The Hermange Report A4-0004/1999.

This is a rare, generally family-friendly report, which outlines the comprehensive family policy with the focus on the well being of a child. Still, the recommendation for the centralization of family policy on the EU level is highly controversial.

- Resolution on women and fundamentalism, 2000/2174(INI), adopted 13 March 2002.

This resolution is a radical attack on major religious faiths and the promotion of the culture of life. It also under the guise of “women’s rights” wanted to force abortion on the then acceding new EU member states. It deserves to be quoted at length:

Article 4 says that the European Parliament “condemns the administrations of religious organizations and the leaders of extremist political movements who promote racial discrimination, xenophobia, fanaticism, and the exclusion of women from leading positions in the political and religious hierarchy.”

Article 23 says the EP “insists that the Commission ensure that in negotiations for accession, cooperation, or association agreements the Community ‘acquis’ in the field of women’s rights is upheld.”

Article 31 of the resolution says the EP “calls on all believers of whatever creed to promote equal rights for women, including the right to control their own bodies and the right to decide when to have families of their own, their lifestyles, and their personal relationships; calls on the Member States to adopt legislation to outlaw any practice which endangers the physical or mental integrity and health of women.”

Article 33 says the EP “expresses support for the difficult situation of lesbians who suffer from fundamentalism, and calls on religious lead-

ers, including the Romanian Patriarch and the Pope, to change their attitudes towards these women.”

Article 29 says the EP “considers the separation of church and state to be the only acceptable form of government in a democratic society; calls on the Member States to remain neutral vis-a-vis the various religious creeds, to retain their secular character, ensuring a complete division of responsibilities between church and state, and to abolish any legal and practical obstacles to the performance of religious duties and the use of religious symbols, insofar as religious precepts are compatible with national legislation, the rule of law, and international conventions.”

- The Van Lancker Report on sexual and reproductive health and rights, 2001/2128 (INI).
- Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women’s health in the European Community, 1999 O.J. (C 175) 68.

12. [EP] recommends that, in order to safeguard women’s reproductive health and rights, abortion should be made legal, safe and accessible to all.

- The Bastos Report (A5-0092/2004) on reconciling professional, family and private life.
- Resolution on homophobia in Europe (P6_TA(2006)0018)

The resolution calls on the member states to prosecute “homophobia.” Which is defined as “irrational fear and aversion towards lesbians, gays, bisexuals and transsexuals.” Notwithstanding its apparent and noble aim to fight unjustifiable discrimination of this part of its populace, it is unprecedented on a world-wide scale to recommend the prosecution of emotional feelings.

APPENDIX B

Funding

Programmatic and budgetary means are an important part of advancing social policy agendas. The following are some of the most pertinent to matters of family, religion and human life:

Selected Appropriations:

- DG Justice, Freedom and Security
 Appropriations: \$600 million (Most goes towards migration and border security)
 Relevant programs of interest: Item 18 04, Fundamental rights and Citizenship: \$32.6 million.

The establishment of this program is also based on proposals for Council Decisions using Article 308 TEC to legislate in fields it does not have explicit law making powers.¹⁶²

- DG Education and Culture
 2006 Appropriations: \$1.2 billion
 Most of the funding goes for vocational training
 Relevant programs of interest:
 - Item 15 06, Fostering European citizenship: \$27.6 million
 - Item 15 05 55, Youth in action: \$114 million
- DG Employment, Social Affairs and Equal Opportunities
 2006 Appropriations: \$11.4 billion
 Most of the funding goes into the European Social Fund used mostly for employment programs
 Relevant programs of interest:
 The PROGRESS program (Item 04 04 01, \$77.9 million):
 - Item 04 04 01 04, Anti-discrimination and diversity: \$19.5 million
 - Item 04 04 01 05, Gender equality: \$7.2 million
 Others:
 - Item 04 04 02 01 and Item 04 04 02 02, Gender Institute: \$4.5 million

162 Proposal for a Council Decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union (COM (2005) 280 final dated 30.6.2005); Proposal for a Council Decision establishing for the period 2007 to 2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice' (COM (2005) 122 final dated 6.4.2005).

- Item 04 04 06: 2007 Year of Equal Opportunities: \$9 million
- Item 04 04 09, Financing the Platform of European NGOs: \$0.620 million
- DG Development
 - 2006 Appropriations: \$1.2 billion
 - Relevant programs of interest:
 - Item 21 05, Human and social development: \$117.2 million
 - Item 21 03, Non-state actors: \$206 million
 - Within this budget, Budget Line B7-6212 on Aid for Population and Reproductive Health including HIV/AIDS, in Developing Countries and Budget Line B7-6000 on financing NGOs are the most popular among reproductive health advocates.
- DG External Relations
 - 2006 Appropriations: \$3.4 billion
 - Relevant programs of interest:
 - Item 19 04 02 02, Human rights and democracy – Activities under horizontal and geographical coverage of the European Neighbourhood Policy Instrument: \$31 million

The budget line description states the funds should be used for “encouraging less well represented groups to gain a voice and participate in civil society and the political system, combating all forms of discrimination, and strengthening the rights of women and children.”¹⁶³

- DG Health and Consumer Protection
 - 2006 Appropriations: \$530.9 million
 - Relevant programs of interest:
 - Item 17 03 06: Programme of community action in the field of public health: \$37.2 million (2007–2013)

The Council decision authorizing this appropriation is pending. It will include funding for HIV/AIDS as stipulated in the DG Health’s Communication.¹⁶⁴

163 European Commission, http://eur-lex.europa.eu/budget/data/P2007_VOL4/EN/nmc-titleN188CA/nmc-chapterN190D8/articles/index.html#N60591451600-18

164 Note 155 *supra*.



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Gleichheit - Differenz – Vielfalt: Gender-Diskurse als Kontroverse oder integrierter Ansatz?

Mag^a. Sigrid Fischer – Frauenservice Graz

Juli 2005

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Gleichheit – Differenz - Vielfalt: Gender Diskurse als Kontroverse oder integrierter Ansatz?
GenderWerkstätte Graz – eine Kooperation von Frauenservice und Männerberatung Graz



Gleichheit - Differenz – Vielfalt: Gender-Diskurse als Kontroverse oder integrierter Ansatz?

„Werde nie eine Frau wenn du groß bist!“

Friedrich Goeppert, Professor für Kinderheilkunde, gab seiner Tochter Maria Goeppert Mayer (1906 – 1972) den Rat mit auf den Weg: „Werde nie eine Frau, wenn du groß bist!“.

Früher, als sie noch klein war, hatte Maria nicht gewusst, wie er das meinte <keine Frau>. Natürlich würde sie eine Frau werden, sie war ja schließlich ein Mädchen. Aber Vater hatte es ihr erklärt. Die meisten Frauen, hatte er gesagt, führen ein langweiliges Leben, nur Kochen, Putzen, Einkaufen und Kinderhüten. Das ist bequem für die Männer, hatte er gesagt, die lassen sich gerne bedienen. Aber es darf nicht so bleiben, die Frauen werden dumm und stumpf dabei, und es schadet auf die Dauer auch den Kindern. „Du wirst studieren und etwas Interessantes tun...“ (Maria Goeppert studierte an der Universität Göttingen zunächst Mathematik, später wechselte sie zur Physik, promovierte, betrieb Forschungen und erhielt 1963 als zweite Frau den Nobelpreis für Physik für ihre „Entdeckungen zur Schalenstruktur des Kerns) ¹

Wann immer wir uns mit Geschlechterfragen auseinandersetzen und Strategien zur Realisierung von Gleichstellung diskutieren, begegnen wir einer Fülle von zunächst kontrovers anmutenden Fragen:

Wie werden Menschen als Männer und Frauen wahrgenommen, wie werden sie gedacht?

Wie präsentieren sich Individuen als weiblich oder als männlich?

Welche Eigenschaften werden ihnen zu- oder abgesprochen?

Sind Männer und Frauen überhaupt verschieden, wenn ja wodurch unterscheiden sie sich?

Ist es überhaupt sinnvoll oder möglich von „Frauen“ und „Männern“ zu sprechen?

Ist Maria Goeppert austauschbar? Ist an ihre Stelle jede andere Frau zu setzen?

¹ Aus: Veronika Merz (2001) Salto, Rolle, Pflicht und Kür, Zürich.

Auf der Suche nach Lösungen für die Aufhebung der ungleichen ökonomischen und sozialen Lage von Männern und Frauen kreisen wir zwangsläufig um den Versuch festzustellen, was Geschlecht über die biologischen Merkmale hinaus ist, welche Mechanismen Frauen zu Frauen und Männer zu Männern machen, wie Männlichkeit und Weiblichkeit in ein Gefüge konstruiert wird, das Privilegierung und Diskriminierung hervorbringt. Und wir bewegen uns im Feld scheinbar widersprüchlicher Lösungsstrategien zwischen Gleichbehandlung (von gedacht „Gleichem“) und Chancengleichheit durch geschlechtsspezifische Maßnahmen (für gedacht „Verschiedenes“).

Zwischen Gleichheit und Differenz

Emanzipationsentwürfe für Frau-Sein entlang der kontroversiellen Diskussion um Gleichheit oder Differenz sind so alt wie die Frauenbewegung selbst.

Der „Gleichheitsfeminismus“ fordert auf Grundlage der Überzeugung der prinzipiellen Gleichheit von Mann und Frau, eine Öffnung aller gesellschaftlichen Bereiche und eine gleichberechtigte Teilhabe an der „öffentlichen“ Welt (vor allem Zugang zu Bildung, Arbeitswelt und politischen Entscheidungsprozessen).

Er setzt auf Rechtsgleichheit und Gleichbehandlung sowie den Abbau der Unterschiede zwischen Männern und Frauen. Weiblichkeit wird als Konstrukt gesehen, das zur Unterordnung der Frau beiträgt. Als Strategie sucht der Gleichheitsfeminismus den Weg in die Institutionen und er zielt auf eine Erhöhung der Frauenquoten in allen Bereichen.

Als älteste Strategie seit der ersten Frauenbewegung um die Jahrhundertwende (Wahlrecht für Frauen / Zugang zu Universitäten etc) ist das Engagement um Teilhabe und Zugang bis heute nicht obsolet. Nach wie vor sind Frauen in hohen politischen Ämtern oder TOP-Managementpositionen nur marginal vertreten sehen wir auf Quotenstatistiken von Universitäten, Unternehmen oder politischen Gremien oder auf die Geschlechtersegregation am Arbeitsmarkt.

Der „Differenzfeminismus“ verbindet sein Engagement mit der Überzeugung über das Bestehen einer grundsätzlichen sexuellen und unveränderbaren weiblichen Identität, die different von Männlichkeit ist. Er definiert daher „von Weiblichkeit“ abgeleitete Sphären und Rechte und verwehrt sich gegen eine Angleichung der Frau an die Männerwelt in Beruf und Politik. Als Strategie sucht er den Weg in autonome Bereiche getrennt von männlich dominierten Strukturen und Normen, um einen selbstbestimmten und selbstdefinierten Raum für „weibliche“ Zugänge und Bedürfnisse zu ermöglichen, um bewusst Weiblichkeit als positives Gegenkonstrukt zu patriarchalen Definitionen

zu beginnen: Hier beschrieben am Beispiel Frauenbildung, ein Bildungsansatz, der in der autonomen Frauenpolitik der 70iger Jahre seine Wurzeln hat:

„Frauenbildung ist der Ort an dem Frauen sich zusammenfinden, um Lebensentwürfe vor dem Hintergrund der eigenen Biografien zu machen... ob dies auch gelingt wenn die Geschlechtlichkeit aufgelöst und ein Spiel mit der Neutralität eröffnet wird? ...Was wenn keine positiven Selbstbilder unterstellt werden können?...Die Frauenbildung nimmt die weibliche Perspektive auf - wie auch immer sie diese auslegt -, um Frauen verschiedener Generationen überhaupt sichtbar zu machen. Sie hat also außer der Dekonstruktion alter Klischees und Bedingungen auch den Auftrag zum Konstruieren, denn sie kann Frauen nicht im leeren Raum lassen.... Aufklärung und Wissen stößt hier an Grenzen, denn Sozialisationserfahrungen einer abgewerteten Weiblichkeit setzen sich schon bei Mädchen fest. Es gibt keine akzeptierenden, sich trotz kontroverser Ansichten wechselseitig bestätigenden inneren Verbindungen zwischen Frauengenerationen, damit fehlt eine Voraussetzung für weibliche Individuen, einen aktiven Part im demokratischen Geschlechterverhältnis zu erreichen. Nur durch innere Freiheit und Akzeptanz des eigenen Geschlechts, wie sie bei Männern - durch die gesellschaftlichen Verhältnisse sanktioniert - ganz selbstverständlich vorhanden sind, könnten Frauen die Stärke gewinnen, um institutionelle Freiheit zu erreichen...“²

An beiden Enden dieser Entwürfe und in ihrer Polarisierung entdecken wir Problematiken für eine wirkungsvolle Emanzipation von Frauen.

So ignoriert der Differenzfeminismus die Gefahren des Missbrauchs des „Frauen sind anders“ und der Gleichheitsfeminismus ignoriert in weiten Teilen tatsächlich bestehende geschlechtsspezifische Unterschiede.

Sieglinde Rosenberger diskutiert die grundlegenden Problematiken dieser beiden kontroversiellen feministischen Ansätze, die sie u.a. darin sieht, dass beide Konzepte von einer homogenen Kategorie Frau ausgehen, eine Annahme, die jede Vielfalt sozialer, ökonomischer, ethnischer, kultureller Herkunft ignoriert. Rosenberger plädiert für eine fruchtbare Verknüpfung der beiden Standpunkte:

„Gleichheit zu verlangen, bewirkt in der Regel als Gleichartige/Selbige behandelt zu werden (...), Differenz anzustreben läuft (meist) in die Sackgasse der inferiorisierten Andersheit. (...) Der konsequent nächste Schritt der Gleichheit/Differenzdebatte wäre daher (...) die Vielfältigkeit der Gleichheit und der Differenz, deren eigene Fallen und Beschränkungen zu reflektieren und nach einer Theorie der politischen Praxis der Gleichheit (Gleichwertigkeit)

²Giseke Wiltrud (2000) o.S.

auf der Basis des Respektes gegenüber Differenzen, beziehungsweise nach einer Theorie der politischen Praxis der (herrschaftsfreien) Differenz auf der Basis einer umfassenden Gleichheit zu suchen.“³

Die Dekonstruktion⁴ von Geschlechterbegriffen

Historisch jüngere Diskurse kritisieren zunehmend die Paradigmen der „heteronormativen Zweigeschlechtlichkeit“, die Geschlechter-Diskussionen hervorbringen.

Der Feminismus produziere zur Analyse der Herrschaftsverhältnisse eine konstruierte Strukturkategorie „Frau“ und übernimmt damit die vom Patriarchat erdachte Geschlechterpolarität als Denkmuster. Er trage damit weiterhin zur Stereotypisierung von Frauen bei indem ein „WIR“ über alle Unterschiede hinweg konstruiert wird, das erneut Ausgrenzungen produziere. Der Feminismus wäre demnach eine postmoderne Politik der >Repräsentation>, die ihr Subjekt (Frau) hervorbringt, um es zu vertreten.⁵

Demgegenüber legitimieren „Dekonstruktionstheorien jede Art von Politik, die (...) gesellschaftliche Konstruktionen als solche kenntlich macht, (...) und ermutigen dazu sich von allen Zuschreibungen des Geschlechts zu befreien.“⁶

Eine wichtige und folgerichtige Weiterentwicklung von Emanzipationsentwürfen wird hier also über die totale Infragestellung der Legitimität von Kategorien (Männer – Frauen) und Identitäten („männlich“ – „weiblich“) angestrebt.

Das frauenpolitische Gegenargument ist begreiflich: Die Infragestellung von Gruppenbildung durch gemeinsame gesellschaftliche Erfahrungen aller Frauen auf Grund des Geschlechts und die „Vereinzelung“ aller Menschen als Individuen mit individuellen Bedingungen und individueller Verantwortung wirke entpolitisierend. Wenn es nicht möglich ist von „den Frauen“ zu sprechen, können auch keine „Fraueninteressen“ daraus abgeleitet werden, die politisch eingefordert werden. Es entstehe somit ein Wirksamkeitsdefizit gegenüber anderen politischen Ansprüchen.

³ Vgl. Rosenberger Sieglinde (1996) o.S.

⁴ Dekonstruktion: Nachvollziehen / Aufzeigen der Herstellung von kulturellen Konstruktionen

⁵ Vgl. Höhler Sabine (1997) o.S.

Das Zit: „Über den Zwang (...) ein Subjekt des Feminismus zu konstruieren“ daraus stammt von Judith Butler, einer der bekanntesten VertreterInnen der Dekonstruktionstheorie.

⁶ Stiegler Barbara (1999) S 9.

Außerdem klammere der Dekonstruktionsansatz reale Machtverhältnisse aus, denn auch eine Vielfalt an Geschlechterrollen könne Hierarchisierung und Dominanz hervorbringen.

Ein Plädoyer für einen integrierten Ansatz

Letztendlich bieten alle drei Positionen (Gleichheit – Differenz – Dekonstruktion) wichtige Orientierungen für Geschlechterpolitik und sollten unserer Meinung nach als integrierte Strategie verwendet werden. Unter Beachtung der jeweiligen Chancen und „Fallen“ könnten je nach Kontext die Stellungnahmen aus der einen oder anderen Position heraus bezogen werden.⁷

Gender-Politik wird im Sinne des Nachteilsausgleichs für Frauen weiterhin frauenspezifische Unterstützungsmaßnahmen auf Basis von Thesen über ihre besonderen Bedürfnisse und Problemlagen anstreben müssen, sie wird den Blickwinkel erweitern und besondere Maßnahmen für männerspezifische Entwicklungen konzeptieren müssen. Sie wird weiterhin die Perspektive der gleichen Rechte für „alle“ einnehmen müssen, sowie die beständige Dekonstruktion von Geschlechterbildern durch Diskursfähigkeit und Institutionalisierung von Diskurs vorantreiben müssen.

Darüber hinaus haben sich aber auch längst schon, die zunächst als Kontroverse geführten Positionen, gegenseitig gefärbt und neue Konzepte für feministische Politiken arrangiert:

„Eine feministische Politik <nach> der Dekonstruktion, die Zweigeschlechtlichkeit (im Sinne von Reduktion auf zwei Geschlechterkategorien, Anm. d. Verf.) nicht voraussetzt, hätte demnach die Regeln und Widersprüche des Diskurses über Geschlecht seine Brüche und Ausschließungen auf die er gründet, aufzuzeigen. (...) Der Feminismus hätte von einer Politik der Identität zu einer „Bündnispolitik“ überzugehen, die nicht von vorneherein die Kategorie <Frau> festlegt sondern Differenz im Sinne von Pluralität zulässt.“⁸

Und Barbara Stiegler kommt zum Schluss:

⁷ Siehe nachfolgende Arbeitsunterlage: „Ziele und Dimensionen von Gender Theorien“

⁸ Höhler Sabine (1997) S 6.

„Nicht mehr die gemeinsame Identität stiftet die politischen Zusammenhänge, sondern die geschlechterpolitischen Ziele sind immer wieder historisch anders und neu zu bestimmen und zu verfolgen.“⁹

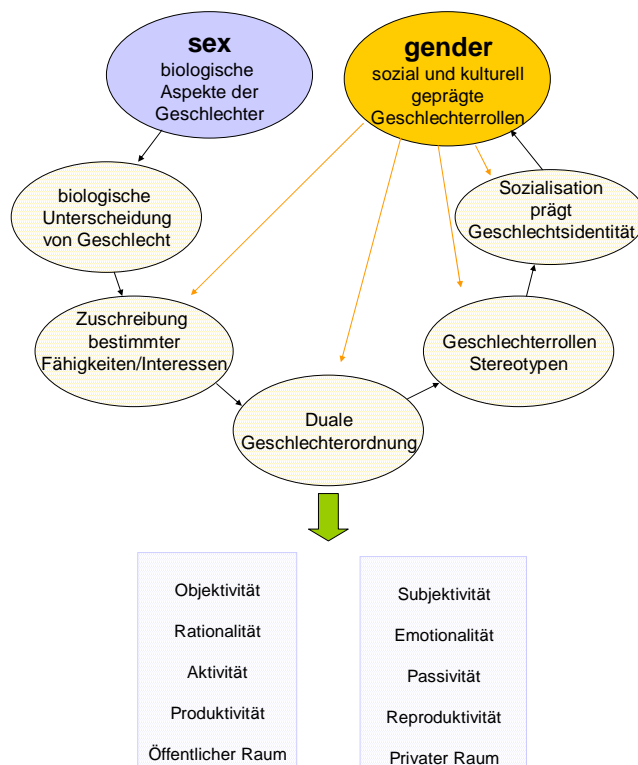
Gender

Der Begriff Gender fokussiert auf Geschlechterunterschiede und definiert sie als sozial und kulturell geprägte „Rollen“ weit ab von biologischen oder essentialistischen¹⁰ Erklärungsmustern.

„Sex“ das biologische Geschlecht, hat nur insofern etwas mit „gender“ dem sozialen Geschlecht zu tun, als die Gesellschaft Männern andere Rollen zuschreibt als Frauen und dadurch andere Kompetenzen, Interessen und Bedürfnisse fördert und verstärkt, divergierende Lebenskonzepte von Frauen und Männern festigt, Abweichungen von traditionellen Optionen sanktioniert.

Ein bipolares „Gender-System“ ordnet Geschlechterbeziehungen und gesellschaftliche Bereiche in „männliche“ und „weibliche“ und definiert Rollen, Rechte, Pflichten und Bewertungen.¹¹

Gender Begriffsklärung



⁹ Stiegler Barbara (1996)

¹⁰ im „Wesen“ begründet

¹¹ Arbeitsunterlage Sigrid

Diese „duale Geschlechterordnung“ impliziert auch eine Hierarchisierung (in Bewertung / Bezahlung) die sich am Arbeitsmarkt z.B. so abbildet:

*„Der Arbeitsmarkt in Österreich ist nach wie von einer starken geschlechtsspezifischen Segregation betroffen.(Stark) segregierte Frauen- und Männerberufe existieren weiterhin, und die Situation von Frauen in untypischen Berufen ist von speziellen Problematiken gekennzeichnet, wie z.B. Randstellung, informelle Strukturen, vertikale Segregation etc., bei den wenigen Männern in untypischen Berufen ist zu beobachten, dass sie das Feld wieder verlassen. Was auf der Datenebene als geschlechtsspezifische Disparitäten und Segregation evident wird, ist das punktuelle Resultat eines vielschichtigen Entwicklungsprozesses eines „Gender-Systems“ mit komplexer Dynamik. Die Segregation am Arbeitsmarkt ist dabei als das Resultat eines komplexen Verteilungsprozesses anzusehen, (...) über den der **Reproduktionsbereich** an Frauen und nicht/kaum an Männer zugeteilt wird. Konsequenterweise wird auch der outgesourcte Reproduktionsbereich in Gestalt von Dienstleistungen im Betreuungsbereich Frauen zugeteilt und dadurch die horizontale Arbeitsmarktsegregation maßgeblich erzeugt. Lauteten im Breadwinner-Modell die Zuteilungsregeln Mann → bezahlte Erwerbsarbeit und Frau → unbezahlte Haus- und Familienarbeit, so lauten die Analoga unter den neuen Bedingungen der teilweisen Auslagerung der Reproduktionsarbeit und der „modernisierten Breadwinner-Varianten“ (vgl. Kreimer 2003¹²):*

¹² Kreimer Margareta (2003), Download: http://www.maennerberatung.at/Download/research_arbeitsteilung.pdf [12.6.2004].

Mann → häufig relativ hoch bezahlte (=bewertete) Tätigkeit (z.B. Technik; bestimmte Dienstleistungen etc.) und (fast) nie betreuende Dienstleistungen

Frau → relativ niedrig bezahlte (=bewertete) Tätigkeit (z.B. betreuende Dienstleistungen: Kinderbetreuung, Pflegedienste, etc.; andere segregierte Berufe) und selten hoch bezahlte (=bewertete) Tätigkeit.“¹³

Im Sinne der Demokratisierung des Geschlechterverhältnisses sind Gender-Systeme und die darin wirkenden Rollenzuschreibungen und Verhaltenserwartungen demnach sinnvollerweise als veränderbar zu denken.

Gender im Kontext des Gender Mainstreaming

„Das eigentliche Problem der Geschlechterdifferenz ist nicht die Geschlechterdifferenz, sondern die Machtdifferenz!“

14

Trotz rechtlicher Gleichstellung besteht zwischen Männern und Frauen nach wie vor eine asymmetrische Verteilung von ökonomischer, politischer und kultureller Macht, Teilhabe an Ressourcen (Bildung, Besitz, Raum...) und Verteilung der Verantwortung für Reproduktionsarbeit (Versorgungs- und Familienarbeit).

Gender Mainstreaming konzentriert sich als strukturbezogene Strategie stark auf die Identifizierung von Geschlechterunterschieden und zwar jeweils im Hinblick auf Relationen zwischen Männern und Frauen (z.B. Relation der Nutzung von Bildung zwischen Frauen und Männern etc.).

Für diese Analysen sind repräsentative Gruppenbildungen sowie geschlechterspezifische Thesen nötig um entsprechende Ziele und Handlungsmöglichkeiten festlegen zu können. (z.B. Thesen über Hemmnisse der Teilhabe an Bildungsangeboten bei einer bestimmten Zielgruppe von Frauen).

Das sogenannte „Gender Dilemma“ oder „Gender Paradox“ gibt in einer kurzen und prägnanten Form die gesamte Problematik der Gender-Diskurse wieder:

¹³ Scambor Christian/Scambor Elli (2004/2005) o.S.

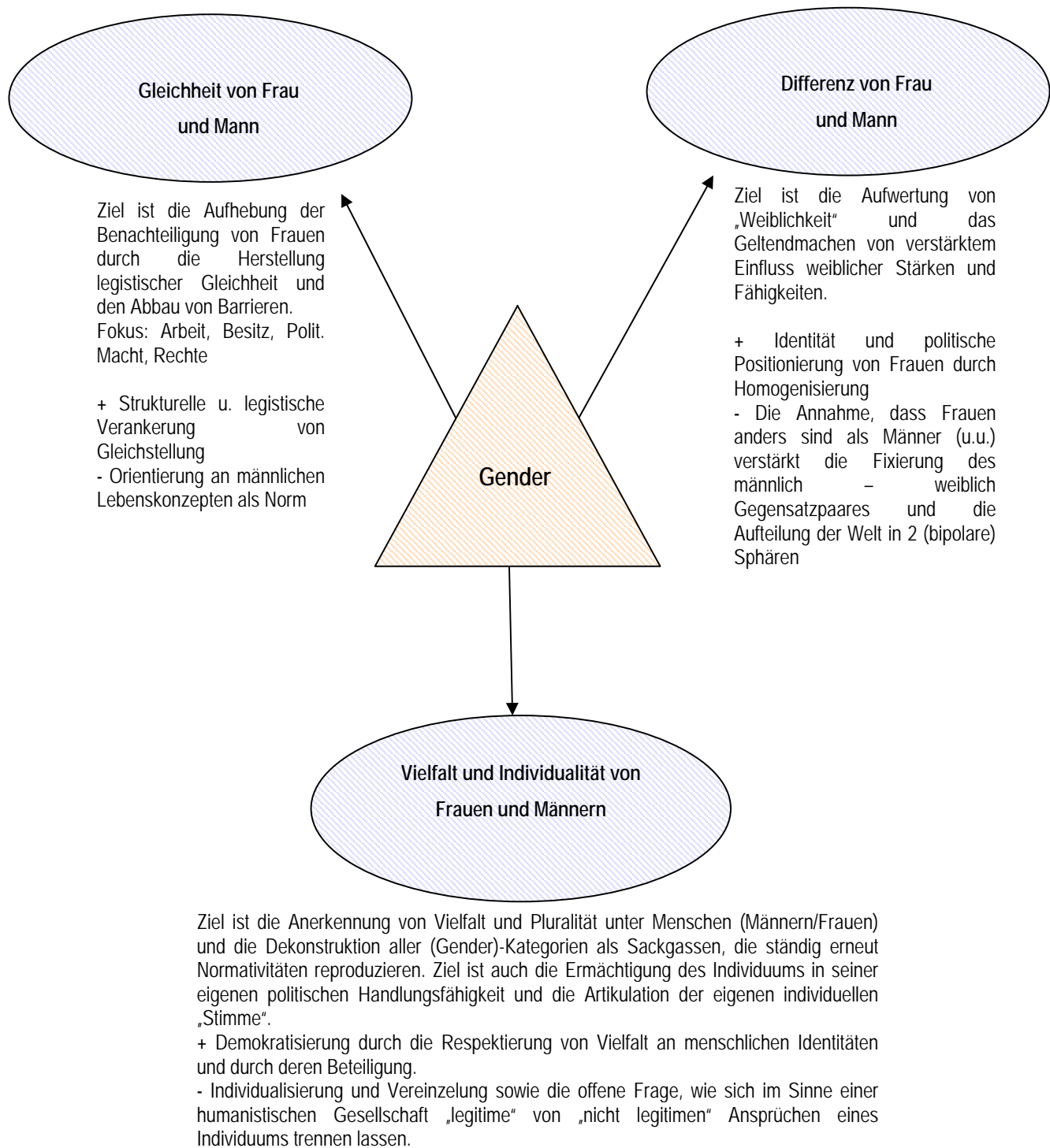
¹⁴ Vgl. Rosenberger Sieglinde (1996) o.S.

„Durch die Benennung der Unterschiede zwischen den Geschlechtern werden sie erneut gefestigt!“

Gender Mainstreaming arbeitet als politische Strategie stark aus differenz-theoretischen Positionen heraus, um Interessenslagen diskriminierter Personengruppen „vertreten“ zu können.

Es erscheint deshalb von großer Bedeutung für alle GeM-AkteurInnen, sich eingehend mit dem theoretischen Background der Gender-Theorien (Gleichheit– Differenz – Dekonstruktion) und ihrer Chancen und Weiterentwicklungen auseinanderzusetzen, ihre Dimensionen kreativ zu nutzen, aber auch Argumente für ihre jeweiligen Begrenzungen bereit zu haben.

Letztendlich ist es die große Herausforderung des Gender Mainstreaming nicht in geschlechterpolarisierenden Modellen stecken zu bleiben, sondern aktiv an der Dekonstruktion von Geschlechterbildern mitzuwirken und die hohe Diversität von weiblichen und männlichen Lebenskonzepten einzublenden.



¹⁵ Arbeitsunterlage Sigrid Fischer

Prämissen für die Gender-Perspektive¹⁶

Veränderung für beide Geschlechter

- Gender beschreibt sowohl die männliche wie auch die weibliche Geschlechterrolle in ihrer Veränderbarkeit. Im Gender-Begriff wird geklärt, dass Geschlechtlichkeit für Männer im gleichen Maße wie für Frauen eine gesellschaftlich bedingte, historisch geformte Zuschreibung von Anforderungen, Rollen und Normen beinhaltet.

Strukturelle Bedingungen im Fokus

- In der Gender-Perspektive wird nicht nur danach gefragt, was Individuen, die als Männer oder Frauen geschlechtlich zugeordnet sind, denken, sagen oder tun, sondern vor allem danach, in welcher Weise das duale und hierarchische Geschlechterkonstrukt in die Strukturen eingelassen ist, die das Leben der Individuen bestimmen. Eine Gender-Analyse macht geschlechterhierarchische Strukturen sichtbar.

Vermeidung persönlicher Perspektiven

- Die Gender-Perspektive vermeidet es einerseits die Diskriminierungen qua Geschlecht nur aus der persönlichen Betroffenheit von Frauen abzuleiten (nicht alle Frauen leiden subjektiv unter Geschlechterhierarchien) und sie vermeidet es andererseits Männer als Täter für die Unterdrückung von Frauen verantwortlich zu machen. Vielmehr geht es um den Nachweis der strukturellen Verankerung von beidem, der Diskriminierung und der Privilegierung.

Partizipation und Mitgestaltung

- Nicht zuletzt ist die Partizipation von Frauen und Männern, die in bestimmten Bereichen geschlechtsspezifisch betroffen sind und dies auch artikulieren, herzustellen. Über Ziele und Begehren von Geschlechterpolitik sollte es einen demokratischen Dialog geben.

¹⁶ adaptiert nach Stiegler Barbara (2002) o.S.

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Inhalt

Konstruktion und Dekonstruktion von Geschlecht. Perspektiven für einen neuen Feminismus

Ina Kerner

I. Feminismus heute und gestern	2
II. Die Trennung von Sex und Gender	5
III. Die Debatte um Gleichheit oder Differenz	7
<i>Gleichheitsfeminismus</i>	8
<i>Differenzfeminismus</i>	8
IV. Intersektionalität und die Pluralisierung von Gender	9
V. Die Entnaturalisierung von Sex	11
VI. Perspektiven für einen neuen Feminismus	13
VII. Fragen zum Text	17
VIII. Links zum Text	18
IX. Literatur	18
X. Endnoten	22
XI. Über die Autorin	24
XII. Andere Veröffentlichungen der Autorin	25



Ina Kerner

Konstruktion und Dekonstruktion von Geschlecht. Perspektiven für einen neuen Feminismus

I. Feminismus heute und gestern

Wollte man den Versuch unternehmen, in zwei, drei Sätzen den gegenwärtigen Stand des Feminismus in Deutschland zu umreißen, so geriete man schnell in Verlegenheit – oder müsste sehr grob vereinfachen. Denn das Bild, das sich uns zeigt, ist unübersichtlich, schillernd und vielfältig. Da sind zum einen Vertreterinnen einer „neuen F-Klasse“, die das Label „Feministin“ grundweg vermeiden, da sie es mit Selbstviktimisierung assoziieren und sich selbst nicht als Opfer verstehen. Deren Frontfrau Thea Dorn wettet in Talkshows und Feuilletons mit Vehemenz gegen die biologistischen Heim-an-den-Herd-Rufe einer Eva Herman, verkündet jedoch gleichzeitig, dass der Feminismus einen noch schlechteren Ruf habe als die Bundesbahn (vgl. Dorn 2006: 36). Die Bundesbahn selbst stößt in ihrem Magazin *mobil* in ein ähnliches Horn: „Ich bin zwar keine Feministin, aber ein bisschen davon habe ich schon“, zitiert das DB-Blatt in der Mai-Ausgabe 2007 die polnische Laserforscherin Halina Abramczyk, die an der Entwicklung eines molekularen Verfahrens für die Brustkrebs-Früherkennung arbeitet und dafür nicht nur eine prestigeträchtige EU-finanzierte Forschungsprofessur bekommen hat, sondern eben auch in *mobil* portraitiert wurde (vgl. Greiner 2007). Da ist außerdem die Wochenzeitung DIE ZEIT, die im Sommer 2006 unter dem Titel „Wir brauchen einen neuen Feminismus“ fünfzehn beruflich profilierte Frauen Bilanz über Geschlechterfragen ziehen lässt, in einer erläuternden Redaktionsnotiz jedoch verkündet, „einen neuen Feminismus zu fordern war in den letzten 20 Jahren so ziemlich das Unsouveränste, was man als Frau tun konnte“ – denn „man outete sich damit nicht als kämpferisch, sondern als schwach“ (vgl. DIE ZEIT Nr. 35, 24. August 2006: 49). Parallel dazu trifft sich die EMMA-Chefin Alice Schwarzer zum Interview mit FAZ-Herausgeber Frank Schirrmacher, und distanziert nicht nur sich, sondern gleich den gesamten Feminismus von der Quote: „Ist ihnen eigentlich klar, dass die Quote nicht vom Feminismus kommt? (...) Die Quote kommt von den Parteifrauen. Die kamen und kommen ohne diese Krücke in ihren Männerparteien nicht voran“, antwortet sie dem Publizisten, als dieser äußert, seine Generation sei mit einer Aversion gegen Quotenregelungen großgeworden (vgl. FAZ Nr. 152, 4. Juli 2006: 45).

Während in der medialen Öffentlichkeit feministische Positionen zur Zeit selten ohne Abgrenzung von einer ominösen Angelegenheit namens „Opferfeminismus“ vertreten werden, sieht das Bild in Wissenschaft und Verwaltung ganz anders aus. An den Hochschulen wird in den unterschiedlichsten Disziplinen sehr ernsthaft Frauen-, Geschlechter- und Männlichkeitsforschung betrieben. Und auch wenn die entsprechenden Professuren und Studiengänge in den inneruniversitären Macht- und Ressourcenkämpfen nicht immer gesichert sind, und zudem so manche Veranstaltung – sei es ein Modul oder eine Konferenz – seit einigen Jahren aus Gründen der Salonfähigkeit eher den Namen „Gender“ trägt als das Label „Feminismus“, käme hier wohl kaum jemand auf die Idee, die Auseinandersetzung mit Geschlechterfragen und der Einsatz für Geschlechtergerechtigkeit seien grundsätzlich peinlich, bedürften Entschuldigungen oder manifestierten gar persönliche Schwäche. Zudem zeichnet sich bezogen auf die Bereiche von Politik und öffentlicher Verwaltung ein gravierender geschlechterpolitischer Wandel ab. Seit im Jahre 1999 der Amsterdamer Vertrag in Kraft trat und die EU-Mitgliedstaaten zu aktiver Gleichstellungspolitik im Sinne des Gender Mainstreaming verpflichtet, haben nämlich sowohl die Bundesregierung als auch diverse Landesregierungen diese potentiell sehr weitreichende geschlechterpolitische Strategie implementiert und vielfältige einschlägige Aktivitäten entfaltet – auch wenn diese durchaus noch um- und ausbaufähig sind. Gender Mainstreaming bedeutet laut Definition der Bundesregierung:

„bei allen gesellschaftlichen Vorhaben die unterschiedlichen Lebenssituationen und Interessen von Frauen und Männern von vornherein und regelmäßig zu berücksichtigen, da es keine geschlechtsneutrale Wirklichkeit gibt“ (BMFSFJ 2002: 5).

Und in der jüngsten Ausgabe des *Brockhaus* ist in einem ausführlichen Eintrag zum Stichwort Gender-Mainstreaming u.a. zu lesen:

„polit. Strategie zur Gleichstellung der Geschlechter. G.-M. markiert einen grundlegenden Strategiewechsel in der Gleichstellungspolitik weg von der traditionellen Frauenförderung hin zu einem umfassenden Gender-Ansatz, der das Verhältnis der Geschlechter zueinander



insgesamt verändern will. G.-M. wird als ein Prozess verstanden, der darauf zielt, dass bei sämtl. polit. Aktivitäten – auf allen Ebenen, in allen Bereichen und in allen Phasen – die Auswirkungen für Frauen und Männer beachtet werden. Die unterschiedlichen Interessen und Erfahrungen beider Geschlechter sollen zu einem zentralen Bestandteil bei der Planung, Durchführung, Überwachung und Auswertung aller polit. Grundsätze und Programme werden („polit. Querschnittsaufgabe“). (...) Ziel ist die Gleichberechtigung von Frauen und Männern in allen gesellschaftl. Bereichen (Politik, Wirtschaft, Soziales, Recht) und auf allen Ebenen (regional, national, international) im Rahmen einer ‚geschlechtergerechten Gesellschaft‘. Damit geht G.-M. weit über die Forderungen und Organisation traditioneller Frauenförderung hinaus. Jedoch werden konventionelle Ansätze durch G.-M. nicht überflüssig, sondern als komplementäre Elemente in eine gleichstellungspolit. Gesamtstrategie integriert.“ (Brockhaus in 30 Bänden, 21. Aufl., Bd. 10: 416).

Folgt man diesen beiden Darstellungen, ist Gender Mainstreaming tatsächlich ein sehr weitreichendes politisches Reformunternehmen – und eines, das viele Fragen aufwirft, zudem. Wie z.B. sind heute die unterschiedlichen Lebenssituationen von Frauen und Männern zu bestimmen? Und worin unterscheiden sich die Interessen und Erfahrungen beider Geschlechter? Was z.B. wären mainstreamingfähige weibliche Erfahrungen? Fehlende Betreuungseinrichtungen für Kleinstkinder? Homophobie? Ausbeutung am informellen Arbeitsplatz? Unterstützung durch freundliche Lehrerinnen? Rassistische Diskriminierung? Offenbar gibt es eine Vielzahl weiblicher Erfahrungen, die keinesfalls von allen Frauen geteilt werden. Manche dieser Erfahrungen werden eher von Subgruppen von Frauen und Männern geteilt als von allen Frauen. Dennoch können diese Erfahrungen prägend sein und zu ernststen und berechtigten Interessen führen. Wer also legt fest, welche Erfahrungen und Interessen welcher Frauen und Männer Eingang in Prozesse des Gender Mainstreaming finden? Und nach welchen Kriterien wird dies festgelegt? Und was ist eigentlich mit Erfahrungen und Interessen von Intersexuellen und anderen Personengruppen, die sich nicht klar als männlich oder weiblich klassifizieren können oder wollen? Können sie im Rahmen von Gender Mainstreaming bearbeitet werden, oder handelt es sich dabei um geschlechterpolitische Belange, die hier grundsätzlich keinen Platz haben? Mit anderen Worten: Welche

Geschlechter hat Gender Mainstreaming im Blick? Und was ist mit Bezug auf diese Geschlechter Gender? Ist Gender dasselbe wie Geschlecht? Wenn nicht, wie unterscheiden sie sich, was genau bezeichnen die beiden Begriffe? Und da Gender Mainstreaming ja offensichtlich ein politisches Projekt ist, das auf Missstände reagiert, die mit den Kategorien Gender bzw. Geschlecht zu tun haben – wo wirken Gender und Geschlecht – und wie? Haben sich diese Wirkungen über die Jahre, Jahrzehnte und Jahrhunderte verändert oder waren sie immer gleich? Und wie kam es überhaupt dazu, dass nun flächendeckend „gemainstreamed“ werden muß, wo doch die Gleichbehandlung aller Bürger zu den Grundprinzipien liberaler Demokratien gehört?

Die Politik der Neuzeit und das moderne politische Denken waren von Anbeginn gekennzeichnet durch ein im Wortsinn merkwürdiges Zusammenspiel von universalistischen, wenn nicht unbedingt alle Menschen der Erde, so doch alle Bürger eines Staates betreffenden Überlegungen und Proklamationen einerseits und exklusiven, segregierenden und hierarchisierenden Praktiken andererseits. Nicht zuletzt Frauen waren im Rahmen von Überlegungen und Maßnahmen, die das öffentliche Leben betrafen, trotz universalistischer Rhetorik keinesfalls immer mitgemeint.¹ Sie blieben zum Beispiel vom sogenannten „allgemeinen Wahlrecht“ in vielen Staaten noch Jahrzehnte nach dessen Einführung ausgeschlossen. Wenn in historiographischen Nachschlagewerken bis heute behauptet wird, in Deutschland sei das allgemeine Wahlrecht mit dem Inkrafttreten der Verfassung des Deutschen Reiches von 1871 eingeführt worden, und nicht erst 1919, als durch die Weimarer Verfassung auch Frauen das Wahlrecht zugesprochen wurde, so reproduzieren jene Organe der Geschichtswissenschaft überkommene androzentrische Denkmuster.² Sie tragen und verlängern die Auffassung, man könne statthalt von der Allgemeinheit eines Personenkreises sprechen, während man tatsächlich bloß eine (privilegierte) Subgruppe dieses Kreises meint, in die Gegenwart.

Geschlecht war mithin schon lange vor der Einführung des Gender Mainstreaming eine wichtige Kategorie der Politik – und der politischen Theorie sowie weiterer Wissenschaften ebenfalls. Denn um Ungleichbehandlungen wie ein exklusives Wahlrecht vor dem Hintergrund allgemeiner Aussagen über den Menschen, seine Vernunft und seine Rechte zu legitimieren, mussten die



Ungleichen, in diesem Falle Frauen, als grundsätzliche Abweichlerinnen von dem neuen, allgemeinen Menschenbild beschrieben werden. Dieser Aufgabe widmete sich die im 18. Jahrhundert entstehende weibliche Sonderanthropologie (vgl. Honegger 1991), deren Befunde von Literatur und politischer Theorie und Philosophie sowohl antizipiert als auch rezipiert wurden (vgl. z.B. Schaeffer-Hegel 1988; Rauschenbach 1998).³ Mit naturwissenschaftlichem Anspruch wurden hier weibliche Charaktermerkmale aus den Besonderheiten des weiblichen Körpers abgeleitet. Damit wurden Geschlechterdifferenzen biologisiert. Frauen sprach man dabei diejenigen Eigenschaften ab, die für ein Leben in der Öffentlichkeit als erforderlich betrachtet wurden. Zugeschrieben wurden ihnen Dispositionen, die aufs Beste mit einem privaten, familienzentrierten, der Reproduktion verschriebenen Leben harmonierten. Auf diese Weise konnte bis zur Mitte des 19. Jahrhunderts ein naturalisiertes, dualistisches Modell geschlechtlicher Differenzen etabliert werden. Weiblichkeit wurde dabei mit Reproduktion, Privatheit, Natur und Emotionalität assoziiert, während Männlichkeit die höher bewerteten Aspekte Produktion, Öffentlichkeit, Kultur und Rationalität zugeordnet wurden.⁴

Dieses Modell sowie die politischen und gesellschaftlichen Hierarchien, die mit seiner Hilfe legitimiert wurden, haben seither als Referenz- und Angriffspunkt vielfältiger Anstrengungen gedient, die politisch und/oder theoretisch auf Geschlechtergerechtigkeit abzielen. Im 19. und frühen 20. Jahrhundert haben die Aktivistinnen der *ersten Frauenbewegung* vor allem für die rechtliche Gleichstellung und die Ausweitung der grundlegenden Bürgerrechte auf Frauen gekämpft; dabei ging es um das Wahlrecht, aber auch um gleichen Lohn für gleiche Arbeit, die Verbesserung von Arbeitsbedingungen und um gleiche Bildungschancen, beispielsweise das Immatrikulationsrecht.⁵ In den späten 1960er Jahren entstand im Zusammenhang studentischer Proteste und anderer linker Aufbruchsaktivitäten die *zweite Frauenbewegung*. Denn die bis dahin erfolgte rechtliche Gleichstellung von Männern und Frauen konnte keinesfalls als abgeschlossen bezeichnet werden; und von Geschlechtergerechtigkeit in einem umfassenden gesellschaftlichen Sinne konnte sowieso kaum die Rede sein. Wie schon die erste, so war auch die zweite Frauenbewegung heterogen und reklamierte im Verlauf der folgenden Jahre und Jahrzehnte die unterschiedlichsten Belange als genuin feministische Anliegen: Kinderbetreuung und das

Recht auf Schwangerschaftsabbrüche, Lohngleichheit und die Entlohnung von Hausarbeit, Pornographieverbote und sexuelle Befreiung, Frauenbildung, häusliche Gewalt, Weltfrieden etc.

In der Frauen- und Geschlechterforschung, die sich als akademischer Zweig der zweiten Bewegung etablierte, wurden sowohl inhaltliche als auch formale Aspekte dominanter Geschlechterarrangements zum Thema. Das waren vor allem Weiblichkeits- und Männlichkeitsnormen und ihr Verhältnis sowie die wichtige Frage, wie sie entstanden sind, wie sie reproduziert werden und auf welche Weisen sie verändert werden können. Hält man sich die Heterogenität der Bewegung sowie die Komplexität der behandelten Fragen vor Augen, wird nicht weiter überraschen, dass die Geschlechterforschung alles andere als ein einmütiges Unterfangen darstellt. Vielmehr konkurrieren die unterschiedlichsten theoretischen Prämissen, und stehen die verschiedensten Forschungsprioritäten nebeneinander. Allein schon die Frage, wie „Geschlecht“ bestimmt werden sollte, ist höchst umstritten – in den verschiedenen Varianten der Geschlechterforschung nicht weniger als im umsetzungsorientierten Gender Mainstreaming. Wichtige theoretische Auseinandersetzungen in jüngerer Zeit haben sich hier vor allem an zwei Fragen kristallisiert.

Zum einen geht es darum, wie tiefgreifend Geschlechtsmerkmale überhaupt naturalisiert worden sind und wie weitreichend folglich die theoretische Operation einer Entnaturalisierung angelegt werden sollte. Mit anderen Worten: Was genau meinen wir, wenn wir von problematischen und zu verändernden Männlichkeits- und Weiblichkeitsnormen sprechen? Meinen wir in erster Linie Assoziationen wie diejenige von Männlichkeit mit Rationalität und von Weiblichkeit mit Emotionalität und Fürsorglichkeit? Meinen wir also vor allem inhaltliche Zuschreibungen, die nicht nur all jenen Frauen und Männern das Leben schwer machen, auf die diese Attribute nicht maßgeblich zutreffen, sondern die vor allem auch überkommene hierarchisierende institutionelle Arrangements stützen wie die traditionelle Kleinfamilie mit einem männlichen Ernährer und der von ihm abhängigen Hausfrau – eventuell mit Zuverdienst – und Mutter? Oder haben wir, wenn wir wirkmächtige Männlichkeits- und Weiblichkeitsnormen kritisieren, zusätzlich im Blick, dass diese meist heteronormativ fundiert sind, also unterstellen, „normales“ Begehren richte sich auf Angehörige der jeweils anderen Genusgruppe? Und



gehen wir zudem davon aus, dass Geschlechternormen nicht nur unsere Welt strukturieren und unser Verhalten beeinflussen, sondern außerdem unsere Körper und unser Körperempfinden affizieren? Und nicht zuletzt dazu beitragen, dass wir überhaupt bloß zwei Geschlechter unterscheiden?

Zum anderen wird diskutiert – und dies betrifft die zweite der angesprochenen Fragen –, ob ein affirmativer Rekurs auf Geschlechterdifferenzen politisch geboten ist, und zwar u.a. weil dem nach wie vor herrschenden Androzentrismus nur mit Gynozentrismus schlagkräftig begegnet werden kann, oder ob derartige Affirmationen nicht im Gegenteil wegen ihrer Vereinnahmungsgefährdung und der möglichen kontraproduktiven Folgen vermieden werden sollten.

Beide Fragenkomplexe mit den um sie rankenden Debatten werden im Folgenden aufgegriffen. Vordergründig soll zunächst vor allem eine Theoriegeschichte aus den letzten Jahrzehnten erzählt werden: Die Geschichte nämlich von der schrittweisen – wenn auch nicht unbedingt linearen – Entnaturalisierung der Kategorie Geschlecht im Kontext der akademischen feministischen Theorieproduktion in Nordamerika und Westeuropa. Die zentralen Stationen dieser Geschichte markieren zugleich die wichtigsten feministischen Grundpositionen der westlichen Denktradition, wie sie auch heute noch vertreten werden.⁶ Als Nebeneffekt der Entnaturalisierungsgeschichte soll so ein Tableau entstehen, das die Vielfältigkeit aktueller geschlechtertheoretischer und -politischer Möglichkeiten illustriert und deren jeweilige Vorzüge und Nachteile kenntlich macht. Dabei soll sich zudem zeigen, auf welche Weisen die Konstruktion und die Dekonstruktion von Geschlecht, die Konstruktion und die Dekonstruktion des Kollektivsubjekts „Frauen“ den Feminismus mit all seinen Facetten beschäftigt und in Atem gehalten hat. Denn wen die feministische Bezugsgruppe umfasst und wen sie ausschließt, das verstand sich nie von selbst und war immer umkämpft. Daher erklärt sich auch, dass die zentrale Grundidee feministischer Theorie und Politik, die besagt, dass Geschlecht nicht als Produkt der Natur sondern als soziale Konstruktion aufgefasst werden sollte, keinen hinreichenden binnenfeministischen Konsens gewährleisten konnte, keinen jedenfalls, der ein Ende der Diskussion um die zentralen Kategorien „Frauen“ und „Geschlecht“ angezeigt hätte. Vielmehr wurden und werden vorgelegte Konzeptionen immer wieder kritisch hinsichtlich

ihrer Schließungen und Totalisierungen befragt und reformuliert – und damit dekonstruiert.⁷

Um auf diese offenbar konstitutive Umkämpftheit der zentralen Begriffe feministischer Theorie und Politik zu reagieren, sollen in einem abschließenden Schritt dieses Textes Perspektiven für einen „neuen“ Feminismus aufgezeigt werden, der sich weder affirmativ auf Frauen und Weiblichkeitsattribute beziehen muss, noch antifeministischer Rhetorik bedarf.

II. Die Trennung von Sex und Gender

Angesichts verbreiteter geschlechteranthropologischer Denkmuster, nach denen sich psychische Merkmale aus physischen Merkmalen ergeben und diese Ableitung zur Proklamation kategorialer, hierarchisch geordneter Geschlechterdifferenzen überhöht worden war, lag es nahe, in einem ersten Schritt feministischer theoretischer Arbeit die Verknüpfung von weiblichem Körper, der zudem auf sein Reproduktionspotenzial reduziert war, und weiblicher gesellschaftlicher Rolle zu hinterfragen. Denn diese Rolle, die zumindest in ihrer traditionellen westlichen, bürgerlichen Variante auf ein Dasein als Ehefrau und Mutter hinauslief, wurde von vielen Frauen als einengend betrachtet und entsprechend hinterfragt. Wegbereiterin für die Entkoppelung von Körper, Charakter und Schicksal in der Geschlechtertheorie des 20. Jahrhunderts war die französische Philosophin Simone de Beauvoir.⁸ In ihrem einflussreichen Werk *Das andere Geschlecht* von 1949 erklärte sie mit Vehemenz und bis heute anhaltendem theoretischem Widerhall:

„Man kommt nicht als Frau zur Welt, man wird es. Keine biologische, psychische oder ökonomische Bestimmung legt die Gestalt fest, die der weibliche Mensch in der Gesellschaft annimmt.“ (Beauvoir 1992: 334)

In Abgrenzung nicht nur gegen Weiblichkeitskonzeptionen aus der Biologie, sondern auch aus der Psychoanalyse und dem historischen Materialismus vertrat Beauvoir die These, dass „die gesamte Zivilisation“, vor allem Erziehung und Sitten, die Gestalt der Frau hervorbringe. Frausein sei etwas Erlerntes. Beauvoir betonte gleichzeitig, dass „die Wörter ‚Frau‘ oder ‚weiblich‘ (...) selbstverständlich (...) kein unveränderliches Wesen“ bezeichnen (ebd. 333). Das Entscheidende an Beauvoirs Konzeption von Weiblichkeit war somit, dass sie diese



als sozial konstruiert und veränderbar beschrieb anstatt als biologisch fundiert und starr. Damit legte sie den Grundstein für ein Verständnis von Geschlecht, das auf der internen Unterscheidung basiert zwischen dem biologischen oder körperlichen Geschlecht einerseits und dem sozialen Geschlecht, der gesellschaftlichen Rolle bzw. Normen andererseits, wobei zwischen beiden kein ursächlicher, notwendiger Zusammenhang unterstellt wird, und vor allem das soziale Geschlecht nicht aus dem biologischen abgeleitet wird. Dieses Verständnis, nach dem die Biologie eben *nicht* das Schicksal einer Person bestimmt, prägt feministische Theorien und Geschlechterpolitik bis heute.

Heute sprechen wir von diesem Zusammenhang allerdings meist mit Hilfe der ursprünglich englischen Begriffe *Sex* (biologisches Geschlecht), und *Gender* (soziales Geschlecht). Der Begriff *Gender* stammt aus der Grammatik und beschreibt dort das grammatische Geschlecht. Da sich die Übersetzung von *Gender* durch *Genus* in der deutschsprachigen Geschlechterforschung trotz mehrerer entsprechender Versuche (vgl. z.B. Ilich 1995) nie durchgesetzt hat, haben sich „Sex“ und „Gender“ mittlerweile auch hierzulande als Fachtermini etabliert. Eingeführt in die feministischen Geistes- und Sozialwissenschaften wurden die beiden Begriffe samt ihrer Unterscheidung von der Soziologin Ann Oakley, die 1972 ein Buch mit dem Titel *Sex, Gender and Society* veröffentlichte, in dem sie Sex und Gender klar differenziert. Sex ist ihrer Definition nach „ein Begriff, der sich auf die biologischen Differenzen zwischen männlich und weiblich bezieht: den sichtbaren Unterschied der Genitalien, den damit verbundenen Unterschied hinsichtlich der Fortpflanzungsfunktionen.“ Gender hingegen fasst sie als „kulturelle Angelegenheit: es bezieht sich auf die soziale Klassifikation als ‚maskulin‘ oder ‚feminin‘“ (Oakley 1972: 16, Übers. IK). Wie schon Beauvoir ging es Oakley darum, entgegen traditionellen Psycho-Physiologien die Veränderbarkeit von Gender zu betonen und zu begründen; die Konstanz von Sex setzte sie dabei voraus. Ihre zentralen Argumente bezog sie sowohl aus der Ethnologie als auch aus der damals boomenden Intersexualitätsforschung. Unter Rückgriff auf ethnologische Untersuchungen argumentierte sie, dass zwar jede Kultur das biologische Geschlecht als Basis für kulturelle Geschlechtsaskriptionen verwende, dass diese jedoch sehr deutlich variierten. Ein ursächlicher Zusammenhang zwischen einem spezifischen Körper und einer spezifischen Geschlechtsidentität sei daher

unplausibel (vgl. ebd.: 158). Und mit Bezug auf Befunde aus der psychoanalytischen und endokrinologischen Intersexualitätsforschung, die in den 50er und 60er Jahren an US-amerikanischen Universitäten aufgeblüht war, argumentierte Oakley:

„Ein Mann oder eine Frau zu sein, ein Junge oder ein Mädchen, ist ebenso eine Funktion von Kleidung, Gebärden, Beschäftigung, sozialen Beziehungen und Persönlichkeit wie des Besitzes spezifischer Genitalien.“ (ebd.: 158, Übers. IK)

Und weiter:

„Das maskuline Kind ohne Penis, die feminine Person im männlichen Körper, die geht, ‘ihre’ Beine übereinander schlägt und ‘ihre’ Nase putzt wie eine Frau, die einfach chromosomale geschlechtslose Person, die unablässig vom Kinderkriegen träumt (...) – sie alle zeigen, dass Geschlechtsidentität eine unabhängige kulturelle Variable ist.“ (ebd.: 165, Übers. IK)

John Money und John und Joan Hampson, auf die Oakley sich u.a. bezog, hatten in ihren Studien mit Intersexuellen, das heißt Menschen, deren Geschlecht bei der Geburt nicht eindeutig als männlich oder weiblich bestimmbar ist, festgestellt, dass in 95 Prozent aller Fälle diejenige Geschlechtsidentität ausgeprägt wird, die durch die Erziehung nahegelegt wird – selbst in Fällen, in denen sie nicht mit der Chromosomenkonstellation oder anderen biologischen Faktoren korrespondierte. Die Studien basierten auf deutlich dualisierten – ja man könnte sagen quasi-naturalisierten – Vorstellungen „normaler“ männlicher und weiblicher Geschlechtsidentitäten und sind deshalb nicht unproblematisch. Und insbesondere die mit ihnen einhergehenden sozialen Experimente, die letztlich auf die geschlechtliche Normalisierung intersexuell geborener Kinder⁹ als *entweder* männlich *oder* weiblich hinausliefen, sind kritikabel und entsprechend beanstandet worden (vgl. z.B. Dietze 2006; Klöppel 2005).

Oakley immerhin ist zugute zu halten, dass sie sich auf diese Arbeiten vor allem deshalb bezog, weil sie ihr – auf dem Forschungsstand jener Zeit – Argumente für die Vorrangigkeit der Geschlechtssozialisation im Verhältnis zur Biologie an die Hand gaben, Argumente also für die Vorrangigkeit von *nurture* vor *nature*. Damit konnte sie die Ableitung der Geschlechtsidentität aus



der geschlechtlichen Konstitution spezifischer Körper zurückweisen – und Gender von Sex entkoppeln.

Eine zweite wichtige Quelle für die Durchsetzung der Sex/Gender-Terminologie in der Geschlechterforschung war der erstmals 1975 erschienene Aufsatz *Frauentausch. Zur ‚politischen Ökonomie‘ von Geschlecht* der Anthropologin Gayle Rubin. In kritischer Auseinandersetzung mit zentralen Referenzautoren aus strukturaler Anthropologie (Claude Lévi-Strauss) und Psychoanalyse (Sigmund Freud), Autoren also, die Fragen der Verwandtschaft – und damit der Organisation von Sexualität und Lebensformen – sowie der geschlechtlichen Persönlichkeitsentwicklung thematisieren, ging Rubin hier der Frage nach, wie die Verhältnisse zu beschreiben seien, unter denen „Frauen zu unterdrückten Frauen werden“ (Rubin 2006: 70). Zur Bezeichnung jener Verhältnisse führte Rubin den Begriff „Sex/Gender-System“ ein – „einen Satz von Ordnungen, nach denen das biologische Rohmaterial von Sex und Fortpflanzung durch soziale Intervention zu Gender geformt und nach bestimmten Regeln befriedigt wird, unabhängig davon, wie bizarr manche dieser Regeln sein mögen“ (ebd.: 76). Zu den zentralen Elementen dieses Systems gehören Regeln über legitime sexuelle Beziehungen, Regeln über Wohn- und Wirtschaftsformen sowie über Familienorganisation, Versorgung und Vererbung.

Rubin war wichtig, dass es sich bei dem „Sex/Gender-System“ – anders als beispielsweise bei dem Konzept „Patriarchat“ – um ein nichtnormatives, ein neutrales Konstrukt handelt, ein Konstrukt, bei dem Unterdrückung bzw. Geschlechterhierarchien nicht als unausweichlich veranschlagt, sondern als Produkt spezifischer gesellschaftlicher Verhältnisse verstanden werden können, und damit als veränderbar (vgl. ebd.: 78; 109). Richtungsweisend an ihrem Ansatz war außerdem, dass sie Heterosexismus bereits als integralen Bestandteil von Sexismus verstand, Heteronormativität also als Bestandteil eines um Reproduktionsfunktionen organisierten Geschlechterdualismus begriff, oder, ihrer eigenen Terminologie folgend, die „politische Unterdrückung von Homosexuellen“ als „Produkt desselben Systems“ beschrieb, „dessen Regeln und Verhältnisse Frauen unterdrücken“ (vgl. ebd.: 89). Denn auf einer allgemeinen Ebene, so Rubin im Anschluss an die Verwandtschaftsanalysen von Lévi-Strauss, basiere die soziale Organisation von Sex auf „Gender, obligatorischer Heterosexualität und den Beschränkungen weiblicher Sexualität“ (ebd. 88).

Hinsichtlich der empirischen Diagnosekraft ihrer Konzeption unterstrich Rubin, dass das Sex/Gender-System, das einst der sozialen Organisation von Gesellschaften in einem weiten Sinne gedient hatte, in der posttraditionalen Gegenwart bloß noch sich selbst organisierte und reproduzierte. Habe Verwandtschaft einst politische, ökonomische, erzieherische und organisatorische Funktionen gehabt, sei sie nun „auf ihre Knochen reduziert: Sex und Gender“ (ebd. 106). Aufgabe des Feminismus sei vor diesem Hintergrund eine Revolution von Verwandtschaft bzw. eine politische Reorganisation des Sex/Gender-Systems (vgl. ebd. 105; 109). Folgt man Rubin, hätte eine solche feministische Revolution äußerst weitreichende Folgen. Denn sie würde längst nicht „nur“ Frauen befreien. Sie würde zudem „alle sexuellen Ausdrucksformen befreien, und die menschliche Persönlichkeit aus der Zwangsjacke von Gender lösen“ (ebd. 106).

III. Die Debatte um Gleichheit oder Differenz

Spätestens Mitte der 1970er Jahre gehörte es zum geschlechtertheoretischen Grundwissen, Weiblichkeit und Männlichkeit als soziale Kategorien zu begreifen. Feministinnen lehnten die Frauen zugeschriebenen Gendernormen oft ab; zumindest kritisierten sie einheitlich den hierarchischen Dualismus, der das Verhältnis gängiger Bestimmungen von Femininität und Maskulinität charakterisierte. Hinsichtlich alles Weiteren jedoch konkurrierten und konkurrieren die unterschiedlichsten theoretischen und politischen Positionen. Strittig ist z.B. bis heute die an die Kritik gängiger Geschlechternormen anschließende Frage geblieben, ob das männlich kodierte Modell Frauen eine gangbare und überdies attraktive Alternative zu bieten vermag und Feministinnen sich daher für die lang verzögerte Vollendung seiner Universalisierung einsetzen sollten. Damit steht gleichzeitig in Frage, ob gängige Weiblichkeitsattribute inhaltlich abzulehnen sind oder nicht vielmehr affirmiert und hinsichtlich ihrer gesellschaftspolitischen Relevanz soweit wie möglich aufgewertet werden sollten.

Neben dem Streitpunkt, wie die bestgeeignete feministische Haltung zu gängigen Geschlechts- und vor allem Weiblichkeitszuschreibungen aussehen sollte, hat die Trennung von Sex und Gender außerdem eine analytisch-theoretische Frage provoziert: Die Frage



nämlich, wie die Herausbildung und Aufrechterhaltung der nicht nur differenten, sondern zudem dualen und hierarchisch angeordneten herrschenden Gendernormen erklärt werden kann, bzw. welche Faktoren und welche Mechanismen es sind, die bei der Konstruktion des sozialen Geschlechts eine Rolle spielen. Auch hinsichtlich dieser Frage konkurrieren bis heute die unterschiedlichsten Ansätze; Gayle Rubins Vorschlag, in diesem Zusammenhang von einem Sex/Gender-System zu sprechen, ist weder der einzige noch der letzte Antwortversuch geblieben. Die Unterschiede der hier konkurrierenden Positionen spiegeln nicht nur die jeweilige Verortung der an der Debatte beteiligten Theoretiker/innen in verschiedenen akademischen und theoretischen Traditionen wider. Zudem lassen sie sich in den meisten Fällen einer der beiden Grundpositionen zuordnen, die auch hinsichtlich der Fragen nach dem adäquaten Umgang mit gegebenen Gendernormen die Debatte dominieren: Dem Gleichheitsfeminismus und dem Differenzfeminismus.¹⁰ Im Folgenden sollen zentrale Merkmale dieser beiden Positionen samt ihrer internen Ausdifferenzierungen sowie ihrer wichtigsten Unterschiede überblicksartig skizziert werden. Dass dabei Vereinfachungen nicht ausbleiben können, und das einzelne Theoretikerinnen und Praktikerinnen Ansätze ausgearbeitet haben, die quer liegen zur Unterscheidung von Gleichheit und Differenz oder auch ihrer Unterkategorien, liegt in der Natur von heuristischen Einteilungsvorschlägen, zu denen auch die Unterscheidung von Gleichheits- und Differenzansätzen gehört; dass der Nutzen solcher Unterscheidungen also immer bloß begrenzt sein kann, sollten sie jedoch nicht generell in Frage stellen.

Gleichheitsfeminismus

Vertreter/innen der Gleichheitsposition treten unter Rekurs auf universalistische Prinzipien für Chancengleichheit und Gleichberechtigung ein. Vor diesem Hintergrund kritisieren sie die Strukturierung von Gesellschaften anhand dualistischer Vorstellungen von Männlichkeit und Weiblichkeit. Denn derartige Strukturierungen führten dazu, dass nach wie vor und trotz weitgehender rechtlicher Gleichstellung die Öffentlichkeit sowie der Arbeitsmarkt überwiegend von Männern geprägte Sphären sind, in denen Frauen numerisch unterrepräsentiert und tendenziell benachteiligt sind. In der staatlich weit weniger regulierten Sphäre des Privaten

hingegen obliege Frauen die Hauptlast der Reproduktion, was ebenfalls eine Benachteiligung darstellt. Institutionelle Arrangements, die diese Problemsicht stützen, sind Lohnungleichheiten, die Zuweisung nicht oder bloß schlecht bezahlter Haushaltsarbeit an Frauen, das am männlichen Familienernährer orientierte Normalarbeitsverhältnis sowie steuerliche Bestimmungen wie das Ehegattensplitting. Außerdem untermauern u.a. männerbündische Strukturen und eine unzureichende öffentliche Bereitstellung von Betreuungseinrichtungen diese Diagnose.

Unterschiede zwischen männlichen und weiblichen Geschlechternormen und empirische Unterschiede hinsichtlich der geschlechtlichen Identitäten von Männern und Frauen werden von Gleichheitstheoretiker/innen problematisiert und auf das gesellschaftliche Organisationsmodell und seine subjektivierenden Wirkungen zurückgeführt. Hier konkurrieren unterschiedliche Erklärungsansätze, die sich grob auf drei Richtungen verteilen lassen. *Liberale* Feministinnen führen als Ursache der Reproduktion unterschiedlicher Geschlechternormen vor allem die institutionell geronnene Geschlechterdichotomie an; ihr zentrales Anliegen ist jedoch viel eher die von universalistischen Gerechtigkeitsprinzipien geleitete Kritik und Bekämpfung geschlechtlicher Diskriminierungen als Ursachenforschung in Sachen Geschlechternormierung, weshalb sich zu dieser Frage in ihren Texten auch vergleichsweise wenig findet. Die weiter gehenden *marxistischen*, *materialistischen* bzw. *sozialistischen* Feministinnen führen unterschiedliche Genderpositionen auf die sozioökonomische Struktur, insbesondere die geschlechtliche Arbeitsteilung in marktwirtschaftlich organisierten Gesellschaften zurück (vgl. z.B. Haug 2004). *Radikale* Feministinnen schließlich führen meist die Ausbeutung von Sexualität an, genauer die patriarchale Kontrolle des weiblichen Körpers als Reproduktionsmittel und Lustobjekt sowie eine Sozialisation, die den Erfordernissen dieser Ausbeutung und Kontrolle gerecht wird (vgl. z.B. MacKinnon 1989).¹¹

Differenzfeminismus

Differenztheoretikerinnen hingegen beziehen sich affirmativ auf weiblich konnotierte Eigenschaften, die sie entweder als den männlichen gleichwertig oder aber als ihnen überlegen betrachten. Weiblichkeit wird



entweder als eindeutige Bereicherung für alle Sphären einer feministisch restrukturierten Gesellschaft angesehen, oder aber, in einer anderen Variante, als Grundlage einer autonomen weiblichen Subjektivität, die in separaten Fraueninstitutionen ihre Wirkungen entfalten soll. Auch die strikte Quotierung legislativer Ämter wird z.T. unter Hinweis auf Geschlechterdifferenzen und die Notwendigkeit einer hinreichenden Repräsentation von Männern und Frauen befürwortet (vgl. z.B. Agacinski 1998). Der Differenzfeminismus setzt also Geschlechterdifferenzen auf einer anthropologischen oder zumindest identitären Ebene voraus. Die Gleichberechtigung, für die Differenzfeministinnen streiten, ist daher eine „Gleichheit in der Differenz“ bzw. Gleichheit *durch Anerkennung* von Differenzen. Von gleichheitsfeministischen Gleichberechtigungsforderungen unterscheiden sich jene der Differenzfeministinnen dadurch, dass erstere Geschlechterdifferenzen durch politische Maßnahmen zu entpolitisieren, d.h. in politischer Hinsicht zu minimieren hoffen, während letztere institutionelle Arrangements fordern, welche die als grundlegend erachtete Geschlechterdifferenz in gerechte Bahnen zu lenken vermögen.¹²

Auch unter den Differenztheoretikerinnen konkurrieren unterschiedliche Erklärungsmuster für die Herausbildung der verschiedenen Geschlechtsidentitäten. Fürsorge-Ethikerinnen führen unterschiedliche Erfahrungen von Jungen und Mädchen an, um eine spezifisch weibliche Moralentwicklung von der männlichen zu unterscheiden (vgl. Gilligan 1984). Anhängerinnen der Psychoanalyse konzentrieren sich insbesondere auf die frühkindliche Entwicklung; wobei es Objektbeziehungstheoretikerinnen vor allem darauf ankommt, wie die Erziehung von Kleinkindern organisiert wird und wer deren Bezugspersonen sind (vgl. Chodorow 1985), während lacanianische Strukturalistinnen in Sprache und symbolischer Ordnung einen zentralen Faktor für die Entwicklung von Geschlechtsidentitäten ausmachen. Gynozentrische Differenztheoretikerinnen schließlich identifizieren im weiblichen Körper, insbesondere der Gebärfähigkeit, und in mütterlichen Tätigkeiten die Grundlage einer spezifisch weiblichen Kultur bzw. Identität (vgl. Daly 1991).¹³

Differenzfeministinnen geht es also weniger darum, gesellschaftlich wirksame Weiblichkeitsbestimmungen abzuschütteln, als darum, Weiblichkeit autonom zu reformulieren und diesem neuen Konzept zu gesellschaft-

licher Relevanz zu verhelfen. Teilweise werden im Zuge dieses Unterfangens Eigenschaften als originär weiblich reklamiert, deren weibliche Kodierung von Gleichheitsfeministinnen bewusst abgelehnt und bekämpft wird – beispielsweise eine besondere Affinität von Frauen zur Natur. Und in einigen Fällen begründen Differenzfeministinnen ihre Normen von Weiblichkeit nicht lediglich kulturell, sondern biologisch. Gleichheitstheoretikerinnen werfen ihnen aus diesem Grund Essentialismus und biologischen Determinismus vor. Sie befürchten, dass Differenzfeminismus hinter die Errungenschaft der Sex-Gender-Trennung zurückfällt; und in der Tat sind die Differenzansätze unter den feministischen Positionen diejenigen, die am wenigsten gefeiert sind vor Vereinahmung durch konservative Kräfte.

Differenztheoretikerinnen wiederum kritisieren Gleichheitsfeministinnen – vor allem die liberalen unter ihnen – dafür, dem männlichen Modell nachzueifern. Diese Kritik wird in verschiedenen Varianten formuliert. Zum einen lehnen Differenzfeministinnen allgemeine, universalistische Denk- und Lebensmodelle, denen sie zumeist eine androzentrische Struktur, eine Orientierung an männlich kodierten Eigenschaften und Normalbiographien nachweisen können, wegen ihrer Einseitigkeit ab, die der menschlichen Zweigeschlechtlichkeit nicht gerecht werde. Auf einer anderen Ebene angesiedelt ist das eher politik-strategische Argument, dass die Hierarchisierung männlich und weiblich konnotierter Merkmale lediglich durch eine zumindest temporäre Weiblichkeitsaffirmation aufgebrochen werden könne, nicht jedoch durch eine Geschlechtlichkeitsnegation; und dass daher Differenzansätze das politische Gebot der Stunde seien. Schließlich argumentieren friedensaktivistische und ökofeministische Vertreterinnen von Differenzansätzen, dass uns gerade Attribute traditioneller Weiblichkeit – wie Fürsorge, Naturverbundenheit, Friedfertigkeit und Übung in Kooperation statt Konkurrenz –, die Chance böten, unsere Welt vor kriegsgerischer Zerstörung und dem ökologischen Kollaps zu bewahren.¹⁴

IV. Intersektionalität und die Pluralisierung von Gender

Differenz- und Gleichheitsansätze ähneln sich darin, dass sie von der Vorstellung einer weitgehend einheitlichen weiblichen Geschlechtsidentität beziehungsweise



von großteils einheitlichen weiblichen Gendernormen ausgehen. Bereits Ende der 1970er, Anfang der 80er Jahre regte sich gegen diese Verallgemeinerungen Protest. Neben lesbischen Feministinnen, die an gängigen Genderkonzeptionen deren Heteronormativität beanstandeten (vgl. z.B. Hark 1987; Wittig 1992), kritisierten Aktivistinnen und Theoretikerinnen aus minorisierten „rassischen“ und ethnischen Gruppen – v.a. Afro-Amerikanerinnen und Latinas in den USA, sowie Afro-Deutsche und Migrantinnen in Deutschland – die „allgemeinen“ Gendertheorien als Reflexionen einer weißen und/oder inländischen Mittelschichtsposition, in denen sie ihre eigenen Lebensbedingungen nicht miterfasst sahen.¹⁵ In diesem Zusammenhang kritisierten sie auch das exklusive Interesse vieler feministischer Theoretikerinnen an der Kategorie Geschlecht. Die Isolation des geschlechtlichen Aspekts von Normen und Identität blende aus – so die Kritik –, dass Geschlechternormen und Geschlechtsidentität mit anderen Aspekten wie der ethnischen Zugehörigkeit und der sozialen Position eng verwoben sind – eine Einsicht, die seit ein paar Jahren zunehmend unter dem Label „Intersektionalität“ verhandelt wird. Da bezogen auf diese Aspekte auch *zwischen* Frauen beträchtliche Unterschiede bestehen, müsse man männliche und weibliche Genderpositionen intern differenzieren. Die Historikerin Elsa Barkley Brown erklärte dazu programmatisch:

„Wir müssen anerkennen, dass Frausein sich nicht vom Kontext, in dem man eine Frau ist, isolieren lässt – und dieser Kontext ist bestimmt durch ‚Rasse‘, Klasse, Zeit und Ort. Wir müssen anerkennen, dass nicht alle Frauen dasselbe Geschlecht – Gender – haben.“ (Barkley Brown 1995: 43, Übers. IK)

Afro-amerikanische Feministinnen machten darüber hinaus deutlich, dass ihnen ihre weißen feministischen ‚Schwestern‘ nicht notwendig näher stünden als ihre schwarzen ‚Brüder‘. In diesem Zusammenhang wurde der *Sisterhood*-Begriff, der für grenzüberschreitende weibliche Solidarität steht, einer Revision unterzogen und als problematische Vereinnahmungsstrategie angeprangert. Den machtdurchwirkten Differenzen zwischen Frauen – so die Kritik – werde eine einheitliche, auf alle Frauen bezogene und höchstens graduelle Unterschiede vorsehende weibliche Genderkategorie nicht gerecht.¹⁶

Und auch in der Bundesrepublik gibt es seit geraumer Zeit Diskussionen um die Einsicht, dass eine feministische Gesellschaftstheorie die unterschiedlichsten Subgruppen von Frauen mit ihren je spezifischen Problemen in den Blick nehmen sollte – auch hier ist die Pluralisierung der Geschlechterkategorien seit längerem Thema.¹⁷ Zu den ersten Positionen, die hinsichtlich von Fragen der Staatsbürgerschaft und Ethnizität mit Resonanz veröffentlicht wurden, gehört das Manifest *Wir Seiltänzerinnen* (FeMigra 1994) der Anfang der 1990er Jahre gegründeten Gruppe FeMigra (Feministische Migrantinnen, Frankfurt). Der Text ist eine scharfe Kritik am westdeutschen Mainstream-Feminismus; inhaltlich läuft die zentrale Forderung darauf hinaus, dass die deutsche Einwanderungsgeschichte und -politik zu einem zentralen Aspekt linker feministischer Politik werden müsse. In diesem Zusammenhang thematisieren die Autorinnen diverse Aspekte. Zunächst diagnostizieren und kritisieren sie eine Kulturalisierung sozialer Unterschiede. Migrantinnen würde der Status der Anderen, der Fremden zugeschrieben, der wiederum Entindividualisierung, gesellschaftliche Ausgrenzung sowie Diskriminierungen auf dem Arbeitsmarkt nach sich zöge bzw. bestärke. Gesellschaftliche Probleme würden ethnisiert; außerdem sei eine Ökonomisierung des Multikulturalismus zu beobachten. Ein weiterer Aspekt ist die enge Verbindung zwischen deutschem Nachkriegsrasismus und Nationalismus; in diesem Zusammenhang verweisen die Autorinnen insbesondere auf die Niederschläge dieser Verbindung im restriktiven, damals noch vollständig dem *ius sanguinis* verpflichteten Staatsbürgerschaftsrecht. Explizit an die Adresse der Frauenbewegung gerichtet fordern die FeMigra-Autorinnen einen Feminismus, der sich nicht damit begnügt, männliche Vorherrschaft zu bekämpfen. Über diese selbstgesteckte Aufgabe hinausgehend und im Eingeständnis bestehender Differenzen und Hierarchien zwischen Frauen solle er zudem Migrantinnen einen Raum für das Ansprechen ihrer Betroffenheit zuerkennen und gleichzeitig die Privilegien deutscher Frauen hinterfragen (vgl. FeMigra 1994).

Ein anderes, noch früheres Beispiel für die Pluralisierung weiblicher Subjektpositionen im Zusammenhang von Fragen der Herkunft ist das erstmals im Jahre 1986 veröffentlichte Buch *Farbe bekennen. Afro-deutsche Frauen auf den Spuren ihrer Geschichte* (Oguntoye/Opitz/Schultz 1992). Mit diesem Band wurde nicht nur der Begriff „afro-deutsch“ geprägt und eine afrodeutsche



Geschichtsschreibung in Angriff genommen. Er versammelt zudem eine Vielzahl persönlicher Berichte afrodeutscher Frauen. Diese Sammlung legt nahe, dass die permanente Sichtbarkeit, die Unmöglichkeit, untertauchen zu können, dass *im Regelfall* als *Ausnahme* wahrgenommen zu werden eine der zentralen Erfahrungen afro-deutscher Frauen darstellt (vgl. u.a. 157, 170, 173). Zum Problem wird dieser Status den Berichten zufolge insbesondere aufgrund der auch von FeMigra thematisierten völkischen Tradition im bundesdeutschen Nationalverständnis, das die Existenz schwarzer Deutscher nicht vorsieht. In persönlichen Interaktionen wurde den Autorinnen wiederholt das Deutsch-Sein abgesprochen, sie wurden exotisiert und zu Ausländerinnen erklärt.

Obwohl in dem Buch ausschließlich Frauen zu Wort kommen, hat in der überwiegenden Zahl der Beiträge die Thematisierung von Erfahrungen des Schwarz-Seins einen weitaus gewichtigeren Stellenwert als die Thematisierung von Erfahrungen des Frau-Seins. *Farbe bekennen* ist eher ein Buch über Alltagsrassismus – so auch der Klappentext – denn ein dezidiert feministisches Buch. Wie auch der Text von FeMigra trägt es dadurch jedoch zu einer Rezentrierung feministischer Anliegen bei. Denn wenn Feminismus verstanden wird als ein Projekt, das sich gegen Diskriminierungen und Benachteiligungen wendet, denen Frauen ausgesetzt sind, hieße das für einen deutschen Feminismus, dass er die spezifischen Probleme von Migrantinnen und afrodeutschen Frauen nicht außer acht lassen darf, und zwar auch dann nicht, wenn sie *nicht* als explizite „Frauen-Probleme“ formuliert sind; und es hieße, dass er aus diesem Grund u.a. das exklusive Staatsbürgerrecht sowie Alltagsrassismen im Blick haben muss.

Mit diesen Einwänden ist „Gender“ als potentiell jeweils alle Frauen bzw. Männer einende Kategorie stark in Frage gestellt. Da aber lediglich Gender und nicht auch Sex pluralisiert wird, verbleiben diese Ansätze im Modell der Zweigeschlechtlichkeit – den beiden konstanten biologischen Positionen (Sex) werden nun lediglich unterschiedlichste soziale Positionen (Gender) zugeordnet. Die Revision der Kategorie Geschlecht, die diese Pluralisierung von Gender bedeutet, ist daher in ihrer Reichweite begrenzt. Probleme, die aus dem feministischen Rekurs auf „Sex“ als Kategorie der biologischen, natürlichen Zweigeschlechtlichkeit resultieren, das Problem z.B. des Ausschlusses von Intersexualität, aber auch das Problem der biologischen Fundierung

(vgl. Nicholson 1994: 188) gängiger Auffassungen von Gender, sind durch diese Revision nicht zu lösen. Eine in dieser Hinsicht noch weitergehende Kritik und die Suche nach geschlechtertheoretischen Alternativen zur Sex/Gender-Unterscheidung drängten sich daher geradezu auf.

V. Die Entnaturalisierung von Sex

Judith Butler hat sich wie keine andere Theoretikerin einen Namen dafür gemacht, die feministische Kritik an der Normierung von Geschlecht auf Zweigeschlechtlichkeit und Heteronormativität auszudehnen. Pluralisierte Gender-Konzeptionen und die Idee der Intersektionalität, der Verwobenheit unterschiedlicher Differenzkategorien, macht sie dabei zum *Ausgangspunkt* ihrer Ausführungen.¹⁸ So erklärte sie beispielsweise in einem für das deutschsprachige Publikum verfassten Text Anfang der 1990er Jahre:

„Die Frauen, die der Feminismus erreichen will, identifizieren sich möglicherweise nicht in erster Linie als Frauen oder sie unterhalten vielfältige und widerstreitende Identifikationen – als Türkinnen oder Deutsche oder Jüdinnen. Wenn der Feminismus bei den Erfahrungen der Frauen Allgemeinheit unterstellen und vom fundierenden Status ‚der Frauen‘ ausgehen würde, wenn er eine Körpererfahrung geltend machen würde – als wäre diese nicht kulturell spezifisch –, falls er darauf beharren sollte, dass das Geschlecht wichtiger sei als ethnische oder religiöse Zugehörigkeiten, dann wäre das ein Fehler. Es ist wichtig, für eine Bewegung zu kämpfen, die sich aus der kulturellen Vielfalt der Frauen speist und sich über Kulturgrenzen hinweg offen hält, ganz besonders jetzt, wo der Staat zugleich gegen Frauen (in der jüngsten Entscheidung des Bundesverfassungsgerichts gegen Abtreibung) und gegen Flüchtlinge (durch die Schließung der Grenzen und das Wegsehen bei rassistischen Gewalttaten) aktiv wird.“ (Butler 1993)

Auf dieser Grundlage nun erweitert Butler den bis dato etablierten geschlechterkritischen und -politischen Gegenstandsbereich auf entscheidende Weise. Denn zusätzlich zu Normen der Weiblichkeit und der Männlichkeit kritisiert Butler dreierlei. Erstens jene Mechanismen, die das Begehren regulieren – indem sie Heterosexualität als Norm ausweisen, als solche na-



turalisieren und damit privilegieren. Zweitens wendet sie sich mit ihrer Kritik der Zweigeschlechtlichkeit eindeutig gegen die in den meisten Gesellschaften kompromisslos gehandhabte Einteilung von Menschen in Männer und Frauen.¹⁹ Drittens schließlich lehnt sie damit gängige Naturalisierungsweisen von Sex entschieden ab – und damit auch jene, die der feministischen Sex/Gender-Unterscheidung inhärent ist. Dass sie aus diesem Grund die Sex/Gender-Unterscheidung als analytisches Instrumentarium grundsätzlich problematisieren und zurückweisen muss, liegt auf der Hand – und dass sie sich damit nicht nur Freundinnen gemacht hat, wohl ebenso.²⁰

In ihrem 1990 erschienenen Buch *Gender Trouble* vertritt Butler nun die These, zwischen der Naturalisierung der Zweigeschlechtlichkeit, einheitlichen und gleichzeitig binär konstellierten Konzepten von Männlichkeit und Weiblichkeit sowie Heteronormativität bzw. „Zwangsheterosexualität“²¹ bestehe ein Zusammenhang: eine „Zwangsordnung von Sex, Gender und Begehren“ (vgl. Butler 1990: 6). Damit legt sie die *Verkettung* verschiedener Aspekte normalisierter Geschlechtlichkeit nahe. Als „normal“, da als natürlich, der Reproduktion dienlich erachtet werde die Verbindung zwischen einem „eindeutigen“ weiblichen bzw. männlichen Körper (Sex) mit damit harmonisierenden weiblichen bzw. männlichen Persönlichkeitsmerkmalen und Verhaltensmustern (Gender) sowie mit heterosexuellem, auf das „komplementäre“ Geschlecht gerichtetem Begehren. Alle Abweichungen von dieser Kette erschienen hingegen als anormal, als widernatürlich (vgl. ebd.: 17, 151).

Wenn sie auf diese Weise eine *Zwangsordnung* von Sex, Gender und Begehren unterstellt, wendet sich Butler gegen die Vorstellung, bei dieser Trias hätte man es mit etwas Natürlichem zu tun. Wie schon der Feminismus seit Beauvoir geht sie davon aus, dass Geschlechternormen im Zusammenhang diskursiver und institutioneller Praktiken herausgebildet werden – nur dass sie sich hierbei nicht auf die Kategorien Männlichkeit und Weiblichkeit beschränkt, sondern zudem erstens deren duale Anordnung, und zweitens Heteronormativität mit einbezieht. Heteronormativität erscheint nach Butlers Lesart dann nicht als Ausdruck des ursprünglichen, natürlichen menschlichen sexuellen Begehrens, sondern als Aspekt und Effekt institutioneller Arrangements, die eine heterosexuelle Lebensweise privilegieren. Und

auch die Annahme, bei der Einteilung der Menschen in Geschlechtsgruppen dränge sich Zweigeschlechtlichkeit natürlicherweise auf, beschreibt Butler als Effekt von Machtwirkungen.

Während also die Sex-Gender-Unterscheidung der Entbiologisierung von Gender diene, geht Butler einen Schritt weiter und entbiologisiert bzw. entnaturalisiert auch Sex. Dabei ist sie weit davon entfernt, anatomische Unterschiede oder die Materialität von Körpern leugnen zu wollen. Sie verfißt vielmehr die These, dass neben Gender auch Aspekte von Körperlichkeit und Begehren, die gemeinhin der Biologie zugeschrieben werden und die daher als natürlich gelten, soziale Ursachen haben. Darunter fallen in erster Linie die uns natürlich erscheinende Einteilung der Menschen in zwei Kategorien, in Männer und Frauen, sowie die Privilegierung von Heterosexualität als „normales“ – da potentiell der Reproduktion dienliches – sexuelles Verhalten und die Diskriminierung von Homo-, Bi-, und Transsexualität als abnormal und widernatürlich. Indem sie also auch zentrale Komponenten von Sex, dem vermeintlich biologischen, vorsozialen Aspekt von Geschlecht, als sozial konstruiert beschreibt, weist Butler die gängige Sex-Gender-Unterscheidung zurück. Stattdessen verschiebt sie die Kategorie Gender und erweitert sie um jene Machtwirkungen, die der Vorstellung biologisch bedingter Geschlechtlichkeit überhaupt erst zur Dominanz verhelfen. Auch die Konstruktion von Sex als vorsozialer Kategorie kann dann als Effekt von Gender beschrieben werden. Mitnichten herrscht nämlich Einstimmigkeit darüber, wie „Sex“ bestimmt werden soll – ob beispielsweise anatomische, chromosomale oder hormonale Aspekte im Vordergrund stehen (vgl. ebd.: 23).²²

Der erweiterte Begriff von Gender, den Butler durch ihre Argumentation erhält, umfasst eine psychische und eine morphologische Dimension, die nicht klar zu trennen sind.²³ Butler beschreibt Geschlecht als „zwingende, ständige Wiederholung kultureller Konventionen am Körper und durch den Körper, die man *niemals* gewählt hat“ (Butler 1993). Wie diese Wiederholung vor sich geht, sei jedoch teilweise offen. Geschlecht ist diesem Verständnis nach performativ. Das heißt unter anderem, dass die geschlechtlichen Normierungen, denen jeder Mensch ausgesetzt ist, niemals enden. Anders als die Sozialisationstheorie beruht die Performativitätstheorie von Geschlecht auf der Annahme, dass



Vergeschlechtlichung ein unabschließbarer Prozess ist, ein Prozess, der daher keinesfalls mit Erreichen eines bestimmten Lebensabschnitts als abgeschlossen gelten kann. Vielmehr sei jeder Mensch ständig gezwungen, sich zu den Geschlechternormen, die ihn betreffen, zu verhalten, als vergeschlechtlichte Person zu agieren.²⁴ Butlers Perspektive unterstützt damit nicht nur die Revision oder Destabilisierung der gegenwärtig hegemonialen Geschlechterkategorien – und damit auch von Heteronormativität und Zweigeschlechtlichkeit –, sondern eine Destabilisierung geschlechtlicher Kategorisierungen überhaupt.

Zusammengenommen ergeben sich aus dieser Position mindestens drei Implikationen – und zwar Implikationen, die vormalig dominante Ansätze der Frauen- und Geschlechterpolitik nachdrücklich in Frage stellen.

Erstens verweist die Entnormalisierung von Zweigeschlechtlichkeit und Heterosexualität darauf, dass es auch andere Einteilungen geben könnte als die heute vorherrschenden. Möglich wäre z.B. eine Ordnung, die mehr als zwei fixierte Geschlechter vorsieht. Beispiele für Geschlechterordnungen mit drei Genusgruppen gibt es viele; in Indien z.B. existiert als drittes Geschlecht die Kategorie der *Hijras*, im süd mexikanischen Juchitán kennt man als drittes Geschlecht die *Muxes*, und in der Bundesrepublik kämpfen Intersexuelle für ihre juristische Anerkennung, also gegen den Zwang, nicht nur gesellschaftlich, sondern auch rechtlich als Männer oder Frauen kategorisiert sein zu müssen. Außerdem sind verschiedene Ordnungen bekannt, die Geschlechtswechsel im Laufe des Lebens erlauben – zum Beispiel die *Berdache* im indigenen Nordamerika und weibliche Ehemänner in Afrika (vgl. Schröter 2002). Und auch bezüglich sexueller Präferenzen wären andere Unterscheidungen als die zwischen Hetero- und Homosexualität möglich. Einem Vorschlag von Gesa Lindemann folgend könnte man alternativ Frauen- und Männerliebende differenzieren (1993: 41), also u.a. gynosexuelles und androsexuelles Begehren unterscheiden. Butler selbst formuliert als Zielperspektive eher die Überwindung oder zumindest die sinkende Relevanz geschlechtlicher Kategorisierungen als die Etablierung alternativer Kategoriensysteme. Dass auch andere Einteilungen als die derzeit dominanten denkbar – und empirisch nachweisbar – sind, ist jedoch zumindest ein Indiz dafür, dass Wandel möglich ist.

Die *zweite* Implikation der neueren Geschlechterkonzeptionen besteht darin, dass sich das Aktionsfeld von Geschlechterpolitik erweitert. Nimmt man die These von der Zwangsordnung von Sex, Gender und Begehren ernst, bedeutet dies, dass Geschlechterpolitik nicht „nur“ männliche Privilegien und systematische Diskriminierungen von Frauen fokussieren sollte bzw. müsste. Vielmehr geraten zusätzlich die Geschlechterkategorien selbst, die Kategorisierungssysteme menschlicher Körper – die unsere Möglichkeiten der Vergeschlechtlichung bestimmen und somit auf unsere Subjektkonstitution Einfluss haben – ins Zentrum möglicher geschlechterpolitischer Bestrebungen. Außerdem rückt neben Sexismus auch Heterosexismus ins Zentrum des geschlechterpolitischen Blickfeldes – und zwar als integraler Bestandteil des zentralen Problems. Der Hinweis auf die Intersektionalität, die Verschränkungen unterschiedlichster Identitätsmerkmale, stellt zudem eine isolierende Bezugnahme auf „Geschlecht“ ganz generell in Frage.

Die *dritte* Implikation ist vermutlich ausschlaggebend für die heftigen Debatten²⁵ und sogar Rezeptionssperren²⁶, die die Dekonstruktion der Kategorie Geschlecht provoziert hat. Sie besteht darin, dass herkömmliche Frauenpolitik und eine auf kategoriale Destabilisierungen zielende Geschlechterpolitik potentiell in Konflikt geraten. Denn herkömmliche Frauenpolitik gründet in der Bezugnahme auf eine qua Sex und meist auch qua Gender eindeutig definierte Gruppe von Frauen. Damit affirmiert sie die Geschlechterkategorie „Frauen“ – und nimmt die Gefahr in Kauf, sie zu homogenisieren oder sogar zu essentialisieren. Auf kategoriale Destabilisierungen zielende Geschlechterpolitik hingegen trachtet klare Geschlechterkategorisierungen durch unterschiedliche Irritationsstrategien gerade zu veruneindeutigen²⁷ und kann deren Affirmation – mit welcher Absicht auch immer – daher keinesfalls uneingeschränkt gutheißen.

VI. Perspektiven für einen neuen Feminismus

Ist damit das Ende des Feminismus eingeläutet, wie wir ihn kannten? Jein. Ja, wenn damit ein Feminismus gemeint ist, der unterstellt, eine Politik im Namen „der Frauen“ sei machbar, ohne dass dabei Ausschlüsse produziert würden und ohne dass zudem der vermeintlich alle Frauen übergreifende Feminismus unterm Strich trotz allgemeinem Anspruch letztlich doch einer spezi-



fischen und im Zweifelsfalle privilegierten Gruppe von Frauen besonders zugute kommt: Müttern mit hohem Familieneinkommen etwa oder Frauen, die Erfahrungen rassistischer Diskriminierung oder einen unsicheren Aufenthaltsstatus *nicht* zu ihren dringlichsten Problemen und Anliegen zählen. Nein jedoch, wenn damit ein Feminismus gemeint ist, der sich der konstitutiven Probleme geschlechtlicher Kategorisierungen bewusst ist und sich nicht scheut, trotz dieser Probleme zu handeln – oder vielmehr ihrer eingedenk. In den letzten Jahren haben sich hier in verschiedenen Arenen neue Ansätze etabliert, von denen im Folgenden zwei sehr unterschiedliche Varianten beispielhaft vorgestellt werden sollen. Es handelt sich dabei um Ansätze, die die einschlägigen Lösungen der *Issue-Politics* und des „strategischen Essentialismus“ zwar partiell einbeziehen, jedoch auch deutlich über sie hinausgehen.

Um es kurz ins Gedächtnis zu rufen: *Issue-Politics* bezeichnen eine themen- oder sachorientierte, und damit eben *issue-politische*, anstelle einer identitätspolitischen, z.B. frauenpolitischen Orientierung. Dieser Ansatz ist vor allem mit Bezug auf Bewegungspolitik diskutiert worden. Er läuft darauf hinaus, dass sich eine Gruppe um politische Ziele herum bildet anstatt aufgrund gemeinsamer Identitätsmerkmale; die persönliche Betroffenheit der Akteurinnen und Akteure hinsichtlich des zu verhandelnden Problems ist dabei zweitrangig. Einend ist also eher das politische Ziel als eine unterstellte gemeinsame Identität; und dieser Umstand spiegelt sich im öffentlichen Auftritt der Bewegung bzw. Gruppe wieder. Um ein Beispiel zu nennen: Mit einer sach- statt identitätspolitischen Orientierung würde man etwa das Engagement für Kinderbetreuungseinrichtungen am Arbeitsplatz als Elternpolitik, oder besser noch als Betreuungspolitik darstellen anstatt als Frauenpolitik; denn letzteres würde überkommene Assoziationen von Weiblichkeit, Mutterschaft und Sorgeverantwortung reifizieren. „Strategischer Essentialismus“ hingegen ist ein Ausdruck, den die postkoloniale Theoretikerin Gayatri Chakravorty Spivak geprägt hat (vgl. Spivak 1988: 197ff.). Er steht für den strategischen, vorsichtigen Einsatz der problematischen Kategorien, ein Einsatz, der von ständiger Wachsamkeit bezüglich potentieller Ausschließungen und Fehlrepräsentationen geleitet ist und daher fortwährend selbstreflexiv und -kritisch verfährt. Ein Feminismus, der sich des strategischen Essentialismus bedient, würde also weiterhin frauenpolitisch argumentieren – dies jedoch

im Bewusstsein tun, dass es sich dabei um alles andere als eine saubere Lösung handelt. Binnenfeministische Kritik am eingesetzten Frauenbild und den politischen Prioritätensetzungen wären dann als notwendiges Korrektiv grundsätzlich willkommen – und würden nicht wegen ihrer vermeintlichen Kontraproduktivität abgewehrt.

Unter den beiden Ansätzen, die intern pluralisierte und instabile Geschlechterkategorien zu den Voraussetzungen ihrer politischen Arbeit machen, sei zunächst der *Third Wave Feminism* vorgestellt. Hierbei handelt es sich um ein in sympathisierender Kritik gegenüber dem *Second Wave Feminism*, also dem Feminismus der zweiten Frauenbewegung heraus entwickeltes feministisches Erneuerungsprojekt, der vor allem von jüngeren Frauen in den USA, der Töchtergeneration der *Second Wave* Aktivistinnen getragen wird.²⁸ Charakteristisch für den neuen Feminismus der dritten Welle ist sein Selbstverständnis als Element einer inklusiven Bewegung für soziale Gerechtigkeit, in der unterschiedliche Belange als potentiell miteinander verzahnt betrachtet werden und „reine“ Geschlechterfragen nicht notwendig als höchste Priorität betrachtet werden müssen. Damit unterscheidet sich der *Third Wave* Feminismus deutlich von denjenigen (nicht ganz uneinflussreichen) Strömungen der zweiten Frauenbewegung oder *Second Wave*, die – meist ohne bösen Willen, im Effekt aber dennoch exkludierend – vor allem Probleme und Interessen weißer bzw. inländischer heterosexueller Frauen der Mittelschicht zu allgemeinen Fraueninteressen und damit zu den relevanten feministischen Zielen erklärt hatten: Fragen der Kinderbetreuung etwa, des geschlechtergerechten Hochschulzugangs oder des Rechts auf Schwangerschaftsabbrüche, und nicht etwa vergeschlechtlichter Alltagsrassismus, das Staatsbürgerschaftsrecht oder die heteronormative Fundierung der Familienpolitik. Interessant ist nun, dass sich die Akteurinnen der dritten Welle von jenen der „älteren“ zweiten Welle kaum öffentlich distanzieren, und eher ihre eigenen Schwerpunkte und Ansätze stark machen als diejenigen der feministischen Müttergeneration einer expliziten Kritik zu unterziehen – trotz ihrer im Vergleich zur zweiten Welle deutlich verschobenen und erweiterten Agenda. Das heißt jedoch nicht, dass der neue Feminismus der dritten Welle auf politische Abgrenzungsmanöver verzichten würde. Er unternimmt sie durchaus – allerdings sind sie in erster Linie gegen den sogenannten Postfeminismus gerichtet. Der Begriff



Postfeminismus bezeichnet in diesem Zusammenhang Positionen junger Feministinnen – hinsichtlich der aktuellen Diskussion im deutschsprachigen Raum wäre das zum Beispiel Thea Dorn mit ihrer F-Klasse –, die politisch vor allem auf individuelle Erfolgskämpfe setzen und sich im Zusammenhang dieses Programms ihrerseits sehr wohl explizit von der zweiten Welle distanzieren; unter anderem, indem sie diese als „Opfer-Feminismus“ brandmarken.²⁹ Leslie Heywood und Jennifer Drake, als Herausgeberinnen des Bandes *Third Wave Agenda* (Heywood/Drake 1997) explizite Verfechterinnen der dritten Welle, bemerken dazu:

„Während konservatives postfeministisches Denken auf einen Gegensatz zwischen ‘Opferfeminismus’ (zweite Welle) und *Power Feminism*, ‘Feminismus der Stärke’ (dritte Welle) baut und nahe legt, der ‘Feminismus der Stärke’ diene als Korrektiv für einen hoffnungslos veralteten ‘Opferfeminismus’, halten wir die zweite und die dritte Welle weder für unvereinbar noch für gegensätzlich. Wir definieren die dritte Welle des Feminismus vielmehr als Bewegung, die Elemente der zweiten Welle – wie die Kritik von Schönheitskultur, sexuellem Missbrauch und Machtstrukturen – aufnimmt, während sie gleichzeitig die Lust, die Gefahr und die Definitionsmacht dieser Strukturen anerkennt und für sich verwendet.“ (ebd.: 2f., Übers. IK)

Mit dieser Definition der dritten Welle positionieren sich Heywood und Drake eindeutig in der Tradition der Frauenbewegung. Gleichzeitig melden sie eigene Gestaltungsansprüche an. Sie machen klar, dass sie sich nicht als Teil der zweiten Welle verstehen, dass sie sich nicht in einen Feminismus einordnen wollen, den die Generation ihrer Mütter geprägt hat – wäre eine solche Einordnung ihr Ansinnen, müssten sie sich nicht in der *dritten* Welle verorten. Gleichzeitig verteidigen sie jedoch die zweite Welle gegen Pauschalkritik. Durch diese Argumentation können die *Third Wave* Autorinnen die feministischen Traditionsbestände beerben, ohne sie öffentlich ablehnen zu müssen. Sie vermeiden dadurch jene Diskursstrategie, die sie im Postfeminismus diagnostizieren und die uns auch in der eingangs kurz skizzierten aktuellen deutschen Mediendebatte zum „neuen Feminismus“ wieder und wieder begegnet.

Wie nun konkretisiert sich der Feminismus der dritten Welle? Zunächst ist festzuhalten, dass er sich in erster Linie als Bewegungspolitik versteht und sich vor

allem durch Publikationen und Öffentlichkeitsarbeit, in der Arbeit von Nichtregierungsorganisationen und in zivilgesellschaftlichem, teilweise punktuell politischem Engagement äußert. Die personale und thematische Inklusivität der dritten Welle führt dazu, dass Themen, die als „reine“ Frauen- bzw. Geschlechterthemen gelten könnten und die zentral waren für den Feminismus der zweiten Welle – wie sexuelle Gewalt, reproduktive Rechte oder Lohnungleichheit zwischen Männern und Frauen – zwar nicht verschwinden, jedoch dezentriert werden und zuweilen neben andere Belange treten. Vivian Labaton und Dawn Lundy Martin, die Herausgeberinnen des Bandes *The Fire this Time*, beschreiben den Feminismus der dritten Welle vor diesem Hintergrund in einem sehr weiten Sinne als „young women and men doing social justice work while using a gender lens“ (Labaton/Martin 2004: xxiii), als politische Arbeit für soziale Gerechtigkeit also, die junge Frauen und Männer mit Geschlechterbrille leisten. Thematisch umfasse solches Engagement den Protest gegen Handelsliberalisierungen ebenso wie gegen die zunehmende Kluft zwischen Arm und Reich, und motiviert sei sie durch aktuelle Formen des Kolonialismus ebenso wie durch Tendenzen der Entdemokratisierung (vgl. ebd.: xxif.). Als zentrale Lektion aus den Unzulänglichkeiten der zweiten Welle leiten die Autorinnen die Einsicht ab, dass eine feministische Bewegung, die ökonomisch bedingte Machtstrukturen und die verschiedenen Formen des Rassismus nicht thematisiert und bekämpft, zum Scheitern verurteilt sei; denn gerade die ärmsten Frauen gerieten dadurch aus dem feministischen Blickfeld. Allerdings halten sie einen bewegungsinternen Dialog über Feminismus und „Rasse“ – sowie, sollte man hinzufügen, Ethnizität, Religion und Staatsbürgerschaft – noch *nicht* für eine zufriedenstellende Zielperspektive. Potentially schreiben sie eher einer feministischen Bewegung zu, die „Rasse“, Geschlecht und Globalisierung von vornherein zu ihren wichtigsten Bezugsgrößen macht (vgl. ebd.: xxix).

Wie so etwas aussehen könnte, zeigt die Künstlerin und Aktivistin Kathryn Temple in Labatons und Martins Band – und zwar am eigenen Beispiel. In ihrem Beitrag *Exporting Violence: The School of the Americas, U.S. Intervention in Latin America, and Resistance* erzählt sie nicht nur von der Verwobenheit ihrer künstlerischen und politischen Arbeit, sondern sie zieht außerdem Verbindungslinien zwischen ihrer Tätigkeit in einem Frauenhaus, einem Zufluchtsort für von häuslicher Gewalt



betroffene Flüchtlinge und Migrantinnen, und ihren Akten zivilen Ungehorsams gegen die *School of Americas*, einer Ausbildungsstätte für lateinamerikanische Militärs im US-amerikanischen Bundesstaat Georgia. Die Verknüpfung stellt sie her durch eine Analogisierung jener Machtdynamiken, die in Paaren mit gewalttätigen Partnern statthaben, und jenen, die im Zusammenhang von Strukturanpassungsmaßnahmen und staatlich organisierten Menschenrechtsverletzungen insbesondere in Mittelamerika eine Rolle spielen. In beiden Fällen dienen die Gewalttaten Temple zufolge der Einschüchterung und dadurch der Aufrechterhaltung von Dominanz: Im einen Falle der männlichen Dominanz im Rahmen der Familie, im anderen Falle der politischen und ökonomischen Dominanz der USA und US-amerikanischer Unternehmen (vgl. Temple 2004). Aus einer strengen sozialwissenschaftlichen Perspektive mögen Temples Vergleiche vorschnell und gewagt erscheinen. Doch um eine solche Perspektive geht es ihr gar nicht – genauso wenig wie den Herausgeberinnen des Bandes, in dem ihr Text erschienen ist. Vielmehr geht es ihr darum, ihre unterschiedlichsten Arbeiten und Aktivitäten auf einen gemeinsamen Nenner zu bringen; und zwar auf einen feministischen Nenner. Auf diese Weise wird eine Selbstverortung als Feministin möglich, ohne politische Interessen an Fragen, die keine exklusiven Frauenfragen sind, vernachlässigen oder gar verleugnen zu müssen. Der Feminismus verliert damit zwar gegenüber den Ansätzen der zweiten Frauenbewegung an Kontur. In einer Situation, in der jedoch gerade seine vormalige Konturierung auf nicht wenige eigentlich sympathisierende Frauen – und Männer sowie transgeschlechtlich verortete Personen – eher abschreckend als anziehend wirkt, und in der dem Feminismus als sozialer Bewegung die Basis zu entwinden droht, könnte sich diese neue Offenheit, für die die dritte Welle steht, als große Chance erweisen. Wohin das potentiell führen wird, ist derzeit noch ungewiss – wie so oft, wenn es um kollektives politisches Handeln geht.

Offenheit steht auch im Mittelpunkt des zweiten Ansatzes, der sich für einen neuen Feminismus als richtungsweisend entpuppen könnte; anders als der bewegungsbezogene Ansatz des *Third Wave Feminism*, der vor allem der Diagnose einer großen Diversität möglicher vergeschlechtlichter Positionierungen und Problemlagen und daran gekoppelter feministischer Zielsetzungen gerecht zu werden trachtet, beziehen sich die folgenden Überlegungen auf den Kontext des Gender

Mainstreaming und die Frage, wie dort die Reproduktion traditioneller Mann-Frau-Polarisierungen vermieden werden könnte. Denn im Kontext von Gender Mainstreaming Maßnahmen ist die Reifizierung überkommener Gendernormen, die „Reaktivierung tradierter zweigeschlechtlicher Denk- und Deutungsmuster“ (Wetterer 2002: 129), vor der mehrfach gewarnt worden ist, zwar verbreitete Praxis, doch keineswegs unumgänglich. Nicht nur dass, sondern auch wie es anders gehen könnte, ist z.B. im 2006 gemeinsam vom *genderbüro Berlin* und dem *GenderForum Berlin* verantworteten *Gender-Manifest*³⁰ nachzulesen. Das Papier, verfasst von Praktiker/innen im Arbeitsfeld Gender Mainstreaming, versteht sich als „Plädoyer für eine kritisch reflektierende Praxis in der genderorientierten Bildung und Beratung“ (Gender-Manifest: 1) und legt zu diesem Zweck sowohl theoretisch-methodische Prämissen als auch Standards für die professionelle Praxis vor. Ziel sind dabei Gender-Trainings und -Beratungen, die Prämissen zweigeschlechtlichen Denkens nicht reproduzieren, sondern stattdessen hinsichtlich ihrer Ursachen, Funktionsweisen und Auswirkungen befragen. Hinterfragt werden sollen zudem geschlechtstypische Zuschreibungen (vgl. ebd.: 6). Entgegen der skeptischen These, eine „dekonstruktivistische Gleichstellungspolitik [stelle] so etwas wie eine *contradictio in adjecto*“ dar, da eine dekonstruktivistische Geschlechterperspektive den Rahmen angreife, in dem „verallgemeinernde Aussagen über geschlechtstypische Problemlagen und Konfliktkonstellationen“ überhaupt gemacht werden können (Wetterer 2002: 142; vgl. auch Knapp 1997), sind die Autor/innen des *Gender-Manifests* nicht der Überzeugung, das radikale In-Frage-Stellen überkommener Gendernormen und der Blick auf „die gesellschaftlich wirkende hierarchische Geschlechterordnung“ (vgl. Gender-Manifest: 6) würden sich ausschließen. Man habe es hier zwar durchaus mit einer „Gender-Paradoxie“ (ebd.: 4) zu tun, dem Umstand nämlich, dass zum Zweck der Überwindung von Geschlechternormen und -hierarchien die affirmative Bezugnahme auf die Kategorie Geschlecht unumgänglich ist. Dieses Paradox sei jedoch kein Hinderungsgrund, genau diese Arbeit in Angriff zu nehmen; sondern eher eine Herausforderung. „Wir sehen die Herausforderung darin“, schreiben die Erstunterzeichner/innen des Manifests entsprechend, „einen paradoxen Umgang mit Gender zum Ausgangspunkt des professionellen Handelns zu machen, d.h. Gender als Analysekategorie zu gebrauchen, um Gender als Ordnungskategorie zu überwinden“ (ebd.: 2). Und in der Tat ist zu



vermuten, dass ein Zusammenspiel von Strategien, die Geschlechtskategorien (vielleicht notgedrungen) affirmieren auf der einen Seite, und Strategien der Destabilisierung dieser Kategorien auf der anderen Seite, dass ein solches Zusammenspiel eher positive als negative Effekte haben wird. Zumindest würde es die Ambivalenzen, die das geschlechtertheoretische und -politische Feld bis ins Innerste prägen, zum Vorschein bringen. Und auch in dieser Hinsicht könnte sich Offenheit als Vorteil erweisen. Und zwar insofern, als dass sie dazu beitragen könnte, Feminismus als notwendig vielfältiges und brüchiges Projekt darzustellen.

Der auch im deutschen Sprachraum immer stärker werdende Postfeminismus, der auf individuelle Stärke und die v.a. beruflichen Erfolge durchsetzungsstarker Vorzeigefrauen setzt und dieses Programm gegen einen angeblich gänzlich unbrauchbar gewordenen „Opferfeminismus“ der zweiten Frauenbewegung ausspielt, gleicht seinem selbstkonstruierten Abgrenzungsobjekt auf interessante und bezeichnende Weise. Denn die Verfechterinnen des Postfeminismus präsentieren sowohl den „Feminismus alter Schule“ als auch ihr eigenes Projekt als weitgehend einheitliche Angelegenheiten. Damit reproduziert der Postfeminismus jedoch just das, was er als Kernproblem des Feminismus der zweiten Frauenbewegung diagnostiziert: Hinter den selbst-erklärten Gemeinvertretungsanspruch zurückzufallen, und zwar wegen eines letztlich zu engen Programms, das auf eine bloß kleine Zielgruppe zugeschnitten ist – eine Zielgruppe zudem, die längst nicht allen aktuellen und potentiellen Feminist/innen attraktiv erscheint. Gerade weil dieser Kritik eine zumindest partielle Berechtigung kaum abgesprochen werden kann, empfiehlt sich der Postfeminismus dann jedoch bloß schwerlich als richtungsweisende Alternative. Dass der Feminismus ganz allgemein in den letzten Jahren in Sachen Mitgliederwerbung und Jugendarbeit suboptimal dastand – zumindest in der Bundesrepublik –, das ist wohl weitgehend Konsens. Umstritten ist jedoch, woran das liegen könnte. Denn dass seine Planziele längst erfüllt sind, kann – trotz maßgeblicher politischer Erfolge – als Ursache ausgeschlossen werden. Nimmt man die ablehnende Kritik der Postfeministinnen und die freundliche Kritik der Vertreter/innen der dritten Welle ernst, so verhärtet sich hingegen der Verdacht, dass die Probleme, mit denen der Feminismus in den letzten Jahren zu kämpfen hatte, vor allem an dem Umstand hängen, dass er als Projekt eines geschlossenen, homo-

genen Zirkels wahrgenommen wurde – und nicht genug getan hat, diese Wahrnehmung erfolgreich zu bekämpfen. In dieselbe Falle scheint nun auch der Postfeminismus zu laufen, wenn er sich als Spartenfeminismus (vgl. auch Hark/Kerner 2007b) für leistungsbereite Gewinnerinnen präsentiert. Denn ein Feminismus, der sich *nicht* als offenes und heterogenes Projekt darstellt, wird fast *zwangsläufig* der einen zu betulich erscheinen, der anderen zu karrieristisch oder etabliert, der einen zu weiß, dem anderen zu zweigeschlechtlich, einigen zu lesbisch, anderen zu heterosexuell, manchen zu alt, weiteren wiederum altbacken, oder aber im Gegenteil auf schlechte Weise neu reklamiert.

Ein neuer Feminismus, der sowohl die Erfolge als auch die Erfahrungen der zweiten Frauenbewegung zum Ausgangspunkt der eigenen Aktivitäten nimmt, kommt vor diesem Hintergrund vielleicht gar nicht umhin, offen mit den eigenen Ambivalenzen umzugehen und seine Diversität und Paradoxien nicht nur grundsätzlich anzuerkennen und auszustellen, sondern auch immer wieder neu zu verhandeln. Das mag manchen zwar zu anstrengend sein. Für andere wiederum wird es nach Befreiung klingen, und vielleicht sogar nach Spaß. Einen Versuch zumindest ist es wert. Zu tun ist viel, und die antifeministische Seite schläft auch schon länger nicht mehr.

VII. Fragen zum Text

1. Welche binnenfeministischen Kontroversen werden in diesem Text angesprochen? Was ist Ihre eigene Position? Warum?
2. Wogegen richtete bzw. richtet sich die Unterscheidung von *Sex* und *Gender*? Was sind die Vorzüge, was die Probleme dieser Unterscheidung?
3. Worin unterscheiden sich feministische Gleichheits- und Differenzansätze? Was sind ihre Gemeinsamkeiten? Wie gewichtig schätzen Sie die jeweiligen Stärken und Schwächen dieser Ansätze ein?
4. Aus welchen Gründen werden einheitliche Weiblichkeits- und Männlichkeitskonzepte kritisiert? Was halten Sie von dieser Kritik, insbesondere wenn Sie über ihre eigene Geschlechtsposition im Vergleich zu den geschlechtlichen Positionierungen der Menschen in



ihrem Umfeld nachdenken?

5. Was haben nach Judith Butler Geschlechterdualismus, Zweigeschlechtlichkeit und Heteronormativität gemein? Vergleichen Sie Butlers Ausführungen mit denjenigen von Gayle Rubin. Worin gleichen, worin unterscheiden sie sich? Können Sie einer dieser beiden Autorinnen – oder gar beiden – zustimmen? Warum bzw. warum nicht?

6. Was ist unter „Dekonstruktion von Geschlecht“ zu verstehen? Welche politischen Implikationen dekonstruktivistischer geschlechtertheoretischer Positionen werden in dem Text genannt? Fallen Ihnen weitere Implikationen ein? Wie beurteilen Sie diese Implikationen?

7. Was ist die erste, was die zweite und was die dritte Welle des Feminismus? In welchem Verhältnis stehen diese Wellen zueinander?

8. Wie ist das Verhältnis zwischen *Third Wave* Feminismus und Postfeminismus bestellt? Erscheint Ihnen eine dieser Positionen attraktiv? Inwiefern tut sie das bzw. aus welchen Gründen tut sie es nicht?

9. Was ist Gender Mainstreaming? Was sind die in diesem Text formulierten Gefahren dieser Strategie? Welchen Lösungsvorschlag präsentieren die Autor/innen des Gender-Manifests? Was halten Sie davon?

10. Brauchen wir einen neuen Feminismus? Falls ja, wie sollte der Ihrer Meinung nach aussehen?

VIII. Links zum Text

Portale mit vielfältigen Links zu diversen Aspekten der Geschlechtertheorie- und politik:

<http://www.genderinn.uni-koeln.de>
<http://buecherei.philo.at/gender.htm>
<http://www.glow-boell.de>

Zum Gender Mainstreaming:

<http://www.gender-mainstreaming.net>
<http://www.gender-mainstreaming.org>

Zu dritter Welle und neuem Feminismus:

<http://www.thirdwavefoundation.org>

<http://www.nextgeneration.net>
<http://www.europeanfeministforum.org>

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X. Endnoten

¹ Aufschlussreich hinsichtlich gruppenbezogener Rechtsungleichheiten und Hierarchisierungen sind neben geschlechterpolitisch wirksamen Differenzierungen insbesondere koloniale Formen von Staatlichkeit und Staatsbürgerschaft. In den deutschen Kolonien beispielsweise erhielten die „Eingeborenen“, wie die Ur-einwohner der Kolonialgebiete laut einer Kaiserlichen Verordnung von 1900 genannt wurden, keine deutschen Staatsbürgerrechte; gleichwohl waren sie als Untertanen der deutschen Souveränität unterworfen (vgl. Speitkamp 2005: 44f.).

² Im populären *dtv-Atlas zur Weltgeschichte* beispielsweise werden die beiden Verfassungen graphisch dargestellt. Bezogen auf das Wahlrecht in der Verfassung von 1871 ist dort vermerkt, dass es sich auf „Wahlberechtigte Staatsbürger über 25 J. (Allgemeines, gleiches und geheimes Wahlrecht)“ bezieht (Kinder/Hilgemann ²⁴1990: 76); die Verfassung von 1919 betreffend, die auch Frauen das Wahlrecht zuschrieb, lautet der entsprechende Eintrag in die Graphik: „Wahlberechtigte Staatsbürger (über 20 Jahre) (Allgemeines, gleiches, mittelbares und geheimes Wahlrecht)“ (ebd.: 148). Auch in Helmut Müllers 1987 bei der Bundeszentrale für politische Bildung erschienenen Abriss *Schlaglichter der deutschen Geschichte* wird um das Frauenwahlrecht nicht viel Federlesen gemacht, ist das Wahlrecht auch schon vorher, als es alle Männer einschließt, allgemein genug um als allgemein bezeichnet zu werden. Im Abschnitt über die Reichsverfassung von 1919 kann man dort nachlesen: „... ihm [dem Bundesrat] gegenüber stand der aus allgemeinen und gleichen Wahlen hervorgegangene Reichstag als echte Vertretung der Gesamtheit des Volkes“ (Müller 1987: 184). Im Abschnitt über die Weimarer Verfassung (ebd.: 232) wird die beachtliche Erweiterung des Kreises der Wahlberechtigten um

Frauen nicht einmal erwähnt.

³ Frauen konstituieren nicht die einzige Gruppe, die ab dem 18. Jahrhundert im Rahmen verschiedener Wissenschaften als kategorial different im Vergleich zu männlichen Europäern konstruiert wurde, und mithin nicht die einzige Gruppe, der damit zentrale Charakteristika dessen abgesprochen wurde, was als vollwertiges Menschsein galt. „Rassenforschung“ und physische Anthropologie klassifizierten und hierarchisierten menschliche Großgruppen nach somatischen Merkmalen wie Hautfarbe oder Kopfform, und leiteten aus gruppentypischen körperlichen Merkmalen vermeintlich entsprechende charakterliche Gruppenmerkmale ab. Für einen Überblick, der auch das Verhältnis zwischen „Rassen“- und Geschlechteranthropologie explizit macht, vgl. Schiebinger (1995) und Stepan (1990).

⁴ Vgl. zur „Polarisierung der Geschlechtscharaktere“ ab dem späten 18. Jahrhundert und zu deren Zusammenhängen mit der in jener Zeit einsetzenden „Dissoziation von Erwerbs- und Familienleben“ auch Hausen (1976).

⁵ Vgl. bezogen auf Deutschland Nave-Herz (1987) und für einen Überblick über zentrale theoretische Positionen in dieser Zeit Holland-Cunz (2003).

⁶ Dass der akademische Feminismus und die Geschlechterforschung i.d.R. in Nordamerika und Westeuropa früher institutionalisiert werden konnten als anderswo, bedeutet nicht, dass sie einen legitimen Vertretungsanspruch für „den“ Feminismus und „die“ Geschlechterforschung beanspruchen könnten. Wenn die Darstellung, die dieser Text zu leisten beansprucht, auf nordamerikanische und westeuropäische Positionen konzentriert ist, bedeutet das mithin nicht, dass Positionen aus anderen geographischen und politischen Kontexten grundsätzlich weniger interessant oder relevant wären. Die Konzentration auf nordamerikanische und westeuropäische Positionen stellt mithin eine Selbstbeschränkung dar.

⁷ Für eine gut lesbare Kurzeinführung in die Grundzüge der Dekonstruktion im Sinne ihres „Urhebers“ Jacques Derrida vgl. die von Peter Engelmann verfasste Einführung in seinen Reader zur französischen Philosophie der Gegenwart (Engelmann 1997).

⁸ Naheliegenderweise wurde die Naturalisierung von Geschlechterdifferenzen bereits im Umfeld der ersten Frauenbewegung kritisiert, z.B. in dem von dem liberalen Theoretiker John Stuart Mill gemeinsam mit Ehefrau Harriet Taylor Mill und Tochter Helen Taylor verfassten und erstmals 1869 veröffentlichten Essay *Die Hörigkeit*



der Frau (Mill/Taylor Mill/Taylor 1976). Für die feministische Theorieentwicklung im Umfeld der zweiten Frauenbewegung spielten die älteren Texte allerdings keine bedeutende Rolle.

⁹ Für eine Diskussion verschiedener Repräsentationsstrategien von Intersexualität, und zwar entweder als „natürlich“ oder als konstruiert wie alle anderen Geschlechtspositionen auch, vgl. Palm (2005).

¹⁰ Für die Spezifika der Debatte um Gleichheit und Differenz im deutschsprachigen Raum vgl. Gerhard et al. (1990) sowie Maihofer (1997).

¹¹ Die Unterscheidung von liberalen, sozialistischen und radikalen feministischen Ansätzen geht auf eine 1983 erschienene, umfassende Studie von Alison Jaggar zurück – und ist die erste Taxonomie geschlechtertheoretischer Ansätze, die weite Verbreitung gefunden hat (vgl. Jaggar 1983).

¹² Illustrieren lassen sich diese Unterschiede zwischen Gleichheits- und Differenzpositionen an den Implikationen ihrer jeweiligen Forderungen für Quotierungen. Gleichheitsfeministinnen fordern Frauenquoten in der Regel unter Rekurs auf Gerechtigkeitsargumente; gleiche Anteile von Frauen und Männern z.B. in Parlamenten sind kein Mittel zum Zweck, sondern gleichstellungspolitisches Ziel. Die differenzfeministische Forderung solcher Quotierungen hingegen ist in der Regel durch die Annahme oder Hoffnung geleitet, durch eine gleichberechtigte Partizipation von Frauen und Männern z.B. in einem Parlament könne sich Inhalt und Stil der Politik verändern – denn erst in einer solchen Situation sei es Frauen möglich, ihre geschlechtsspezifischen Interessen und ihren eigenen Zugang zum Amt in angemessener Form umzusetzen.

¹³ Die Grenze zwischen radikalen Positionen und kulturellen Positionen wie derjenigen Dalys ist fließend und unterläuft damit die typologische Unterscheidung von Differenz- und Gleichheitsansätzen.

¹⁴ Für eine überblicksartige Darstellung und grundsätzliche Diskussion von Gleichheits- und Differenzansätzen vgl. auch Young (1989) und Fraser (2001: 251ff.).

¹⁵ In den USA schlug sich derartige Kritik über lange Zeit stärker in der feministischen Theoriebildung nieder als im deutschsprachigen Raum. Besonders pointiert wurde sie dort von afroamerikanischen feministischen Theoretikerinnen vorgebracht; besonders einflussreich waren und sind vor allem bell hooks (vgl. u.a. hooks 1984, 1989) und Patricia Hill Collins (Collins 2000). Nachhaltig und überzeugend kritisiert wird ein ein-

heitliches Genderkonzept außerdem in der von Cherríe Moraga und Gloria Anzaldúa (1981) kompilierten Textsammlung *This Bridge Called My Back* sowie in dem von Anzaldúa (1990) edierten Sammelband *Making Face, Making Soul – Haciendo Caras*. Für entsprechende Diskussionen im deutschsprachigen Raum vgl. neben den unten diskutierten wichtigen Positionen u.a. die Dokumentation des 1. gemeinsamen Kongresses ausländischer und deutscher Frauen (Arbeitsgruppe Frauenkongreß 1984), den Sammelband Fuchs/Habinger (1996) und diverse der Aufsätze in den Sammelbänden von Steyerl/Rodríguez (2003) mit Schwerpunkt postkoloniale Kritik und von Eggers/Kilomba/Piesche/Arndt (2005) sowie von Tißberger/Dietze/Hrzán/Husman-Kastein (2006) mit dem Schwerpunkt Critical Whiteness Studies. Besonders erwähnenswert ist außerdem die Zeitschrift *Beiträge zur feministischen Theorie und Praxis*, die sich mit Regelmäßigkeit den Differenzen zwischen Frauen und daraus entstehenden Problemen gewidmet hat (vgl. v.a. 27/1990 und 42/1996). Hier gab es unter anderem auch ein Heft über Feminismus in Ost- und in Westdeutschland (54/2000) und Ausgaben zu Feminismus und lesbischen Lebensweisen (25, 26/1989 sowie 52/1999).

¹⁶ Für eine pluralisierte Konzeptionen von Männlichkeit vgl. Connell (1999).

¹⁷ Für einen umfassenden Überblick über die Thematisierung von Rassismus in der westdeutschen Frauenbewegung und Geschlechterforschung vgl. Stötzer (2004: 27ff.).

¹⁸ Bereits auf den ersten Seiten von *Gender Trouble* bekräftigt Butler, es sei unmöglich, „Gender“ aus den politischen und kulturellen Intersektionen zu lösen, in denen es hergestellt und aufrechterhalten wird (vgl. Butler 1990: 3).

¹⁹ Für Gesellschaften, die mehr als zwei Geschlechter unterscheiden bzw. über Traditionen verfügen, die soziale Geschlechtswechsel erlauben, ohne dass diese von medizinischen Maßnahmen begleitet sein müssen, die auch einen körperlichen Geschlechtswechsel inszenieren, vgl. Schröter (2002).

²⁰ Butler war – wie wir implizit nicht zuletzt aus der Darstellung des Ansatzes von Gayle Rubin wissen – nicht die erste, die gegen die feministische Entkopplung von Sex und Gender bzw. vor allem gegen deren Implikation, die Reproduktion eines naturalisierten Verständnisses von Sex, kritische Einwände erhob. Für einen Überblick über weitere Ansätze, die Butlers Thesen aus *Gender Trouble* in Teilen vorwegnahmen, vgl.



Hark (2005: 43ff.). Die prominenteste frühe Kritikerin der Zweigeschlechtlichkeit aus dem deutschen Sprachraum ist Carol Hageman-White (vgl. z.B. Hagemann-White 1988).

²¹ Der Begriff *compulsory heterosexuality*, in der deutschen Übersetzung „Zwangsheterosexualität“, wurde von Adrienne Rich geprägt. Ihr im Original 1980 erschienener Aufsatz *Zwangsheterosexualität und lesbische Existenz* (Rich 1989) wurde breit diskutiert und vielfach nachgedruckt. Die deutsche Übersetzung erschien erstmals 1983.

²² Vgl. hierzu auch die Arbeiten von Ann Fausto-Sterling (z.B. 1993; 2000).

²³ Zu diesem Aspekt siehe vor allem das Kapitel *Körper von Gewicht* in dem gleichnamigen Buch (Butler 1997), das diverse Motive aus *Gender Trouble* noch einmal aufnimmt und vertieft.

²⁴ Unter dem Stichwort „Doing Gender“ ist die Idee der performativen Hervorbringung von Gender – allerdings in einer weniger subjektkritischen, interaktionistischen Variante – auch im Kontext der soziologischen Ethnomethodologie entwickelt worden (vgl. West/Zimmerman 1987).

²⁵ Für die Rezeption und Diskussion insbesondere der Thesen von Butler vgl. v.a. die *Feministischen Studien* 11 (1993); allgemeiner angelegt ist Bauhardt/Wahl (1999), eine kritische Rezeptionsgeschichte liefert Hark (2005: 269ff.).

²⁶ Vgl. zu dieser These bezogen auf die feministische Wissenschaft Gildemeister/Wetterer (1992); für die Mainstreaming-Praxis auch Frey (2003).

²⁷ Zu Strategien der Veruneindeutigung vgl. besonders Engel (2002).

²⁸ Die Bezeichnung *First Wave* bezieht sich auf die erste Frauenbewegung, die vom 19. bis ins frühe 20. Jahrhundert aktiv war und u.a. das Frauenwahlrecht erkämpfte; die zweite Welle des Feminismus, die *Second Wave*, bezieht sich auf die zweite Frauenbewegung, die um die 1970er Jahre entstand. Von einer dritten Welle wird seit den 1990er Jahren gesprochen. Die Aktivitäten der *Third Wave* Aktivistinnen schlagen sich dabei nicht zuletzt in regen publizistischen Tätigkeiten nieder. Im Laufe weniger Jahre sind diverse Werke erschienen, die der dritten Welle zugerechnet werden bzw. die sich selbst dort situieren. In vielen Fällen handelt es sich um Sammelbände, die z.T. autobiographisch orientiert sind. Nicht zuletzt dadurch, dass sie häufig auf den Leselisten von College-Seminaren zu finden sind, haben diese Bücher einen breiten Leser/innen-Kreis er-

reichen können. Zu den am stärksten verbreiteten Bänden gehören die Anthologien *Listen Up. Voices from the Next Feminist Generation* (Findlen 1995), *To Be Real: Telling the Truth and Changing the Face of Feminism* (Walker 1995), *Third Wave Agenda: Being Feminist, Doing Feminism* (Heywood/Drake 1997) und *The Fire this Time. Young Activists and the New Feminism* (Labaton/Martin 2004); sowie die dem Aktivismus gewidmete Abhandlung *Manifesta: Young Women, Feminisms, and the Future* (Baumgardner/Richards 2000). Zum Verhältnis der dritten Welle zur zweiten vgl. Henry (2004). Für deutschsprachige Publikationen mit einer ähnlichen Perspektive vgl. die Textsammlung von *Das F-Wort* (Stöcker 2007) sowie den aus dem Norwegischen übersetzten „Ratgeber“ *Die Badgirl Feministin* (Nestor 2006).

²⁹ Weitere Beispiele für postfeministische Positionen aus dem deutschen Sprachraum sind die populärwissenschaftliche Abhandlung *Entmannt. Wider den Trivialfeminismus* von Signe Zerrahn (1995), die Textsammlung *Die widerspenstigen Töchter* von Susanne Weingarten und Marianne Wellershoff (1999) sowie Katja Kullmanns autobiographischer Essay *Generation Ally* (Kullmann 2003). Für eine Kritik solcher Ansätze vgl. u.a. Hark/Kerner (2007b; 2007c; 2007a).

³⁰ Das Manifest ist in verschiedenen Sprachen im Internet erhältlich unter <http://www.gender-mainstreaming.org/>.

XI. Über die Autorin

Ina Kerner, Dr. phil., ist Diplompolitologin und arbeitet als Wissenschaftliche Mitarbeiterin am Zentrum für Interdisziplinäre Frauen- und Geschlechterforschung der Technischen Universität Berlin. Sie hat in Berkeley, Bonn, Quetzaltenango, Chapel Hill und an der Freien Universität Berlin studiert und war von 1999 bis 2005 Wissenschaftliche Mitarbeiterin für politische Theorie am Otto-Suhr-Institut für Politikwissenschaft der FU Berlin. Im Wintersemester 2001 war sie *Visiting Scholar*, im Sommersemester 2006 *Visiting Assistant Professor* an der New School für Social Research in New York. Anfang 2006 hat sie mit einer Arbeit über „Differenzen und Macht. Zum Verhältnis von Rassismus und Sexismus“ promoviert. Ihre Arbeitsschwerpunkte umfassen politische Theorie, feministische Theorien, Postkolonialismus und Fragen von Diversität und Intersektionalität.



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XII. Andere Veröffentlichungen der Autorin:

Feminismus, Entwicklungszusammenarbeit und Postkoloniale Kritik. Eine Analyse von Grundkonzepten des Gender-and-Development Ansatzes. Hamburg 1999: LIT.

Empowerment durch Geschlechterplanung? Postkoloniale Kritik am Genderansatz. In: ASA, iz3w: Malstreaming gender? Geschlechterverhältnisse in der Entwicklungspolitik. Sonderheft Gender, iz3w, März 2000, S.10-14.

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Flucht, Migration und die bundesdeutsche Entwicklungszusammenarbeit. In: Alfredo Märker, Stephan Schlothfeldt (Hg.): Was schulden wir Flüchtlingen und Migranten? Grundlagen einer gerechten Zuwanderungspolitik. Opladen 2002: Westdeutscher Verlag, S. 45-67.

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Forschung jenseits von Schwesternschaft. Zu Feminismus, postkolonialen Theorien und *Critical Whiteness Studies*. In: Cilja Harders, Heike Kahlert, Delia Schindler (Hg.): Forschungsfeld Politik. Geschlechtskategoriale Einführung in die Sozialwissenschaften. Wiesbaden 2005: VS Verlag für Sozialwissenschaften, S. 217-238.

Kollektive Identität. Überlegungen zum Gebrauch eines umstrittenen Konzepts. In: Hubertus Buchstein, Rainer Schmalz-Bruns (Hg.): Politik der Integration. Symbole, Repräsentation, Institution. Festschrift für Gerhard Göhler zum 65. Geburtstag. Baden-Baden 2006: Nomos, S. 157-173.

Stereotype – Was ist gemeint?

Wenn uns eine unbekannte Person begegnet, haben wir nicht die Möglichkeit, uns ein umfassendes Bild von ihr zu machen. Unser Gehirn wendet daher Mechanismen an, um die Fülle an Informationen zu filtern, zu vereinfachen und einzuordnen.

Welche Gedanken kommen Ihnen in den Sinn, wenn Sie diese Bilder sehen?



Häufig fallen uns auf den ersten Blick Merkmale auf, die uns bekannt erscheinen und die wir rasch bewerten. Auf diese Weise können wir unser Gegenüber schnell einschätzen.

Diese vom Gehirn angewandten Mechanismen sind nützlich und notwendig, damit wir uns zurechtfinden. Es ist wichtig, sich dieser Arbeitsweise des Gehirns bewusst zu sein und sie kritisch zu hinterfragen.

Im Alltag passiert es häufig, dass Menschen aufgrund von Merkmalen bestimmten Gruppen zugeordnet werden, die mit gewissen Eigenschaften verknüpft sind. Diese Eigenschaften werden dann allen Gruppenmitgliedern zugeschrieben: ein **Stereotyp** entsteht.

Beispiele für stereotype Gruppen sind: «Ausländer», «Menschen dunkler Hautfarbe», «Frauen», «Rentner» oder «Akademiker».

Stereotyp, Vorurteil, Diskriminierung – Was ist der Unterschied?

Stereotyp

Beispiele

Frauen interessieren sich nicht für Technik.

Männer interessieren sich nicht für die Belange anderer Menschen.

Die Überzeugung, dass bestimmte Eigenschaften charakteristisch für eine Gruppe von Personen sind. Diese können positiv oder negativ, wahr oder falsch, begründet oder unbegründet sein. Sie beziehen sich auf eine Person als Mitglied einer Gruppe. Individuelle Unterschiede verschwinden.

Stereotype sind kulturell geprägt und münden nicht zwingend in einem bestimmten Verhalten.

Vorurteil

Beispiele

Frauen eignen sich nicht für technische Berufe, da sie sich nicht dafür interessieren und deshalb schlechtere Arbeit liefern als Männer.

Männer interessieren sich nicht für die Belange anderer und sind deshalb für soziale Berufe weniger geeignet.

Negative Einstellung gegenüber Mitgliedern bestimmter Personengruppen, aufgrund vorangehender Verurteilung dieser Gruppe. Auch Vorurteile äussern sich nicht zwingend in einem bestimmten Verhalten gegenüber Personen.

Diskriminierung

Beispiele

Eine ausgeschriebene Stelle im technischen Bereich wird eher mit einem Mann als mit einer Frau besetzt, weil Frauen für ungeeignet gehalten werden.

Eine ausgeschriebene Stelle im sozialen Bereich wird eher mit einer Frau als mit einem Mann besetzt, weil Männer für ungeeignet gehalten werden.

Negatives/schädigendes Verhalten gegenüber Personen aufgrund ihrer Gruppenzugehörigkeit.

Grundsätzlich gilt: Stereotype, Vorurteile und Diskriminierung **können** gemeinsam auftreten, müssen aber nicht.

Gilovich, T., Keltner, D. & Nisbett, R.E. (2006). Stereotyping, Prejudice, and Discrimination. In T. Gilovich, D. Keltner & R.E. Nisbett (Hrsg.), *Social Psychology*. New York: Norton.



Ursachen für Erfolg und Misserfolg – Alles eine Frage der Wahrnehmung?



Ursachenzuschreibung von Erfolg und Misserfolg im Leistungskontext.^{1,2}

Ursache \ Erfolg/Misserfolg	Erfolg/Misserfolg	
	Von uns selbst abhängig	Von äusseren Umständen abhängig
Dauerhafte Ursachen	Fähigkeit	Einfachheit / Schwierigkeit
Vorübergehende Ursachen	Anstrengung	Glück / Pech

¹ Weiner, B. [1986]. An attributional theory of motivation and emotion. New York: Springer-Verlag.

² Weiner, B. [1985]. An attributional theory of achievement motivation and emotion. *Psychological Review*, 92(4), 548-573.

Erfolg – Bewerten Männer und Frauen die Ursachen unterschiedlich?

	Erfolg	Misserfolg
Männer 	Fähigkeit	Mangelnde Anstrengung / Pech
Frauen 	Anstrengung / Glück / Einfachheit	Mangel an Fähigkeit

Männer sehen als Grund für ihren Erfolg eher ihre eigenen Leistungen (selbstwertdienlich), während Frauen ihren Erfolg eher mit Glück oder der Einfachheit der Aufgabe (selbstwertabträglich) begründen.^{1,2}

Diese Einschätzungen werden meist nicht nur für die eigene Person gemacht, sondern auch auf andere Personen bezogen.³

¹ Heller, K.A. & Ziegler, A. [1996]. Gender differences in mathematics and sciences: Can attributional retraining improve the performance of gifted females? *Gifted Child Quarterly*, 40, 200-210.

² Rosenthal, P., Guest, D. & Peccei, R. [1996]. Gender differences in managers' causal explanations for their work performance: A study in two organizations. *Journal of Occupational and Organizational Psychology*, 69, 145-151.

³ Beyer, S. [1999]. Gender differences in causal attributions by college students of performance on course examinations. *Current Psychology: Developmental Learning Personality Social*, 17(4), 346-358.

Stereotype Threat – Was bedeutet das?

Stereotype Threat

Die Angst, ein bekanntes Stereotyp zu erfüllen, das einer Gruppe zugeschrieben wird, der man selbst angehört. Diese Angst bindet Ressourcen und kann zu Leistungseinbussen führen.¹

Beispiele

Eine Frau wird in einem technischen Beruf eingestellt. Sie hat Angst das Stereotyp zu erfüllen, dass Frauen und Technik nicht zusammen passen. Diese Angst kann als Blockade wirken, so dass ihre Leistungen tatsächlich schlechter ausfallen als ohne diese «Bedrohung».

Männern wird nicht zugetraut, sich um Kinder zu kümmern. Dies verursacht Druck, der dazu führen kann, dass Männer weniger selbstsicher mit Kindern umgehen als Frauen.



¹ Steele, C.M. & Aronson, J. (1995). Stereotype threat and the intellectual test performance of african americans. Journal of Personality and Social Psychology, 69(5), 797-811.

Stereotypisierung im interkulturellen Kontext

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Abstract

“Stereotype” means the starch, generalized, incomplete and untrue reflection of other collectives with other cultures. It is not easy to be changed in case it comes into being. Stereotypes have the character of pertinacity, generalization, ignoring the individuality, simplification etc. How does stereotype come into being? The reasons are that the people try to lessen complicity and to find their recognition and identity. The sources of the forming of stereotypes are our society, family and education, the media and the individual experience. Stereotypes represent a risk for the communication across cultures. They can prevent the communication from taking place, affect the quality of communication and form discrimination. Therefore, we should recognize and clear up stereotypes, by building up the consciousness of individuality, interaction, activity and communication, in order to eliminate the negative influence of stereotypes, and to realize effective intercultural communication.

1. Einleitung

Im Prozess der Globalisierung ist interkulturelle Kommunikation zur unentbehrlichen Notwendigkeit geworden. Bei interkultureller Kommunikation ist es eine Voraussetzung für die Kommunikationspartner aus unterschiedlichen Kulturen, die Kultur vom anderen kennen zu lernen und zu verstehen. Aber nicht jeder Mensch hat die Zeit und die Chance, sich persönlich mit anderen Kulturen und Nationalcharakteren auseinander zu setzen. Viele Menschen erwerben sich Kenntnisse über andere Nationen und Kultur hauptsächlich durch Massenmedien und Erziehung und bilden allmählich bestimmte Einstellungen zu anderen ethnischen Kulturgruppen. Solche Einstellungen stimmen manchmal mit der Realität überein, manchmal haben sie aber auch gar keinen Realitätsbezug. Die Informationsquellen, zum Beispiel Zeitungen, Zeitschriften, Fernsehen, Internet und Bücher werden durch den Charakter der Zeit geprägt. Die Aufnahme der Informationen ist darüber hinaus abhängig von dem aktuellen Kulturkontext und eng verbunden mit der vorhandenen kulturellen Erfahrung des Informationsempfängers.

Im interkulturellen Kontext übt Stereotypisierung in Bezug auf die Nationen und Völker mit anderen Kulturen negative Wirkungen auf die Interkulturelle Kommunikation aus. Deswegen ist es notwendig, die Charakteristika, Funktionen und Auswirkungen der Stereotype zu erforschen. In diesem Aufsatz wird versucht, Stereotype bzw. Stereotypisierung zu thematisieren. Zuerst wird der Begriff „Stereotyp“ erläutert, dann werden die Charakteristika des Stereotyps sowie die Beziehungen zwischen Stereotyp und Wahrnehmung dargestellt. Anschließend werden

die Funktionen des Stereotyps und Ursachen der Stereotypisierung analysiert. Mit Hilfe empirischer Studien werden die Quellen von Stereotypen untersucht. Danach werden zwei Beispiele in Bezug auf Stereotypisierung aus chinesischen Zeitschriften angeführt und es wird dann auf die Auswirkungen der Stereotype auf die interkulturelle Kommunikation hingewiesen. Abschließend werden einige Vorschläge zur Behandlung der Stereotypisierung gegeben, damit nicht nur Fragen gestellt, sondern auch Lösungsmöglichkeiten gefunden werden.

2. Was ist ein Stereotyp?

Der Begriff „Stereotyp“ wurde 1922 zu erst von Walter Lippmann in die Debatte eingeführt, bald von der Politikwissenschaft aufgegriffen und zur Erklärung internationaler Missverständnisse eingesetzt (vgl. Hansen 2000:321). Danach wurde er durch G.W. Allport (1955) weiterentwickelt (vgl. Rösch 1998:55). Im Duden wird der Begriff „Stereotyp“ so erklärt: „([Sozial]psych.) vereinfachendes, verallgemeinerndes, stereotypisches Urteil, [ungerechtfertigtes] Vorurteil über sich oder andere oder eine Sache; festes, klischeehaftes Bild.“ (Duden: Deutsches Universalwörterbuch:1516)

„In der Sozialpsychologie unterscheidet man u. a. zwischen Autostereotyp und Heterostereotyp. Ein Autostereotyp ist ein Urteil, das eine Gruppe – in unserem Falle eine ethnische Gruppe – über sich selbst fällt. In der Regel handelt es sich hierbei um eine Auflistung von identitätsstiftenden Eigenschaften, die sich eine Rasse bzw. Nation zuschreibt. Beim Heterostereotyp handelt es sich um eine Vorstellung, um ein (Vor)Urteil, das viele Angehörige einer ethnischen Gruppe von denen einer anderen besitzen. Im Heterotyp finden sich Charakteristiken, die einer fremden Rasse bzw. Nation zugeschrieben werden.“ (Rösch 1998:54)

„Der Begriff Stereotyp beschreibt (somit) eine Erkenntnisbarriere und zwar keine individuelle, sondern eine kollektive. Stereotype, so könnte man sagen, sind standardisierte Urteile eines Kollektivs über sich selbst oder über andere, die, das schwingt immer mit, der Wirklichkeit nicht oder nicht ganz entsprechen.“ (Hansen 2000:321-322).

Das heißt, dass sich ein Stereotyp meistens auf ein Kollektiv bezieht. So geht es oft um Nationalstereotype.

„Die Wirkung von Kollektiven und ihren Standardisierungen bzw. Stereotypen – das ist eine wichtige Erkenntnis nicht nur für die Interkulturalität, sondern die Kulturtheorie insgesamt – besteht in 'Depersonalization', also in einer Entindividualisierung. Nur als Vertreter eines Kollektivs nimmt man sein Gegenüber wahr und ignoriert seine darüber hinaus gehenden individuellen Besonderheiten.“ (Hansen 2000:324)

Es ist üblich, die in nationalstereotypen fixierten menschlichen Eigenschaften in positive und negative zu unterscheiden (vgl. Rösch 1998:54). Zum Beispiel, die Aussage, „die Deutschen sind pünktlich“ ist eher ein positives Stereotyp, während die Aussage, „die Deutschen sind arrogant“ eher ein negatives Stereotyp ist. „In Bezug auf die negativen Generalisierungen im Heteroste-

reotyp reden wir gemeinhin von Vorurteilen; genaugenommen sind aber die positiven Verallgemeinerungen im Heterotyp auch Vorurteile"(vgl. ebd.). „Der Begriff des Vorurteils ist mit dem des Stereotyps verwandt"(Hansen 2000:322).

3. Charakteristika des Stereotyps

Shijie Guan (1995) hat in seinem Buch „Interkulturelle Kommunikation" die Charakteristika der Stereotype zusammengefasst (Guan 1995:181-182):

- „Zu sehr vereinfacht". Er meint damit, dass man eine Charaktervorstellung zu einer Gruppe gestaltet, um Zeit und Mühe zu sparen, und dann alle Mitglieder der Gruppe in das Vorstellungssystem einbezieht, und vermeintlich glaubt, dass alle Mitglieder solche Charaktereigenschaften haben.
- „Beurteilen ohne Differenzierung". Man beurteilt Sachen und Personen nur aufgrund vorheriger Erfahrungen und erlernter Kenntnisse.
- „Das Ganze nur mit der Eigenschaft eines Teils verstehen". Stereotype sind zum Teil wahr und zum Teil nicht wahr. Wenn man mit Stereotypen die Sachen erkennt, ist es unvollständig und nicht korrekt.
- „Beeinflussend". Er meint, dass Stereotype „Überzeugungswirkungen" haben und die Urteile der Menschen beeinflussen.
- „Starr". Es ist nicht leicht zu beseitigen, falls es gebildet worden ist.
- „Veränderlich". Obwohl Stereotype nicht leicht zu verändern sind, verändern sie sich doch allmählich mit der Zunahme neuer Informationen und Erfahrungen. Außerdem ändern sie sich auch, wenn sich die Bedürfnisse, Motivationen und Interesse des Individuums verändert haben. Wenn der Kontext der Kommunikation anders ist, werden sich die Stereotype auch verändern (Guan 1995:182).

Rösch hat einige bekannte Charakteristika der Nationalstereotype aufgelistet (Rösch 1998:57-58):

- Stereotype sind „Bilder in unseren Köpfen" (Lippmann 1922). Sie werden als fertige Bilder in der Sozialisation übernommen (vgl. Prokop 1995:186).
- Bei fehlender individueller Erfahrung lassen sich Stereotype (eben als Bilder!) kaum einer Kritik unterziehen, denn es gibt keinen zwingenden Anlass, sich um „die Glaubwürdigkeit der Quelle zu kümmern" (vgl. Prokop 1995:193). Die stereotype Vorstellung wird bereits als Wissen gehandhabt. Stereotype werden also unkritisch übernommen.

- Stereotype beziehen sich kaum auf Einzelpersonen, meist auf große soziale Gruppen. Die Mitglieder dieser Gruppe bleiben anonym (vgl. Prokop 1995:192). Die eigenen Erfahrungen mit den Vertretern der fremden Rasse führen jedoch kaum zur Korrektur des Stereotyps, falls Abweichungen von der vorhandenen Vorstellung offensichtlich werden. Die fremdkulturellen Bekannten werden dann als Ausnahmefälle interpretiert, die Norm bildet jedoch das existierende Stereotyp (vgl. Prokop 1995:190).
- Das Bild von einem bestimmten Fremden ist eine Art Weltwissen, das die Mitglieder einer Kulturgemeinschaft in ihrem kollektiven Gedächtnis gespeichert haben. Hier spielt also die Sammelerfahrung der Nation eine große Rolle. Das bei einer Rasse vorhandene Bild von einer anderen ist das Ergebnis des Identifikationsprozesses.
- Das (Hetero)Stereotyp sagt über die eigene Identität mehr aus als über die fremde und sogar mehr als das Autostereotyp. Das Heterostereotyp ist eine Aussage über das Eigene, über sich selbst. Stereotype sind also immer ethnozentrische Bilder. So ist z.B. das im angelsächsischen Raum tradierte Bild vom humorlosen Deutschen im russischsprachigen Kulturraum nicht vorhanden. Dabei ist die Trennungslinie zwischen dem Auto- und Heterostereotyp schärfer als dies in der Realität der Fall ist.
- Die Stereotype haben eine wahrnehmungsverzerrende Wirkung. Die Wahrnehmung im fremden Land bzw. des Fremden selbst ist höchst selektiv: Wir suchen meist unbewusst nach Bestätigung des vermeintlich „Typischen“. Und finden es auch: im Positiven wie im Negativen. „Stereotypen beeinflussen nicht nur die Wahrnehmung, vielmehr wird die Wahrnehmung oft genug in den Dienst der Stereotypie gestellt“, schlussfolgert Bausinger (1998:165).
- Stereotype haben emotionalen Charakter. Das betrifft besonders die negativen Charakteristiken im Heterostereotyp, und z. T. die positiven im Autostereotyp. Gerade die emotionale Seite der Vorstellung vom Fremden, die eben die irrationale Komponente des Stereotyps bildet, scheint das Vorhaben mit der Bekämpfung der Vorurteile so aussichtslos zu machen.
- Stereotype haben einen stabilen Charakter: Sie lassen sich als irrationale Wertungen kaum verifizieren und austauschen. Sie sind dauerhafte, oft viele Generationen lang tradierte kulturelle Phänomene. Man kann sagen: Ein Stereotyp ist eine „historisch gewachsene Größe“ (Rösch 1998:57-58).

4. Stereotyp und Wahrnehmung

Wir kennen die Welt vor allem durch unsere Wahrnehmung. Unsere Wahrnehmung ist ein Prozess. In diesem Prozess selektieren wir zu erst die angekommenen Informationen, verbinden die Eigenschaften der Informationen mit dem, was in unserem Gedächtnis gespeichert ist, und haben dann eine Erwartung. Wir nehmen die neue Sache mit solchen Erwartungen wahr und integrieren die wahrgenommenen und die gespeicherten in neue Erfahrungen, damit ein Wahrnehmungsprozess abgeschlossen ist. „Erwartungen werden also durch neue Erfahrungen modifiziert und verändern damit die Qualität der nachfolgenden Erfahrungen. In diesem Sinn spricht man auch von einer Erfahrungs-Erwartungs-Spirale“ (Bolten 2005). Im ganzen Prozess versuchen wir unbewusst, Komplexität zu reduzieren. Deswegen stützen wir uns auf unsere Erfahrungen und gespeicherte Informationen. Wenn häufig identische Erfahrungen gesammelt werden, werden bestimmte Reizkombinationen bzw. Netzwerkknoten eng vernetzt. Und es werden relativ erstarrende Vorstellungen, nämlich Stereotype gebildet. Die Stereotype sind schwer zu verändern, falls sie sich gebildet haben. Wenn man nur mit eigener Erwartung etwas wahrnimmt, wird dann leicht ein Missverständnis hervorgerufen, sodass effektive Wahrnehmung nicht gewährleistet werden kann.

5. Funktionen des Stereotyps und Ursachen der Stereotypisierung

Bausinger nimmt im Kontext der interkulturellen Kommunikation zur Forschung der Funktionen der Stereotype die Dreiteilung nach den kognitiven Funktionen als Ausgang: (1) der relative Wahrheitsgehalt, (2) die Orientierungsfunktion und (3) die realitätsstiftende Wirkung der Stereotype (vgl. Rösch 1998:56). Der relative Wahrheitsgehalt der Stereotype ergibt sich aus der „Überverallgemeinerung tatsächlicher Merkmale“ (vgl. ebd.) bei der Entstehung der Stereotype. Die Realität ist vereinfacht und verallgemeinert, „wenn das Fremde bezeichnet werden soll.“ (vgl. ebd.) Die Orientierungsfunktion der Stereotype dient der Komplexitätsreduktion. „Der unverständliche Fremde wird in einem Heterostereotyp entsprechend unserem eigenen Wertesystem verständlich strukturiert, d.h. in unsere begriffliche Welt übersetzt“ (Rösch 1998:57).

Shijie Guan meint, dass der mit der Tatsache unstimmige Teil im Stereotyp ein Vorurteil ist. Und „die Diskriminierung ist die Handlungstendenz der Vorurteile. Die negativen Vorurteile und Handlungen gegen andere Gruppen, Kulturen, Nationen und Ethnien sind die Diskriminierung der Gruppe, Kultur, Nation und Ethnie“ (Guan 1995:181).

Aber aus welchem Grund entstehen Stereotype? Meiner Meinung nach liegen die Gründe für Stereotypisierung in folgenden Punkten:

(1) Komplexitätsreduktion. Hinsichtlich der Wahrnehmung hat man das Bedürfnis der Komplexitätsreduktion. Wie oben genannt sind Energie und Möglichkeiten eines Menschen begrenzt, während die wahrzunehmenden Sachen unbegrenzt sind. Man kann mittels Stereotypen die Komplexität der Wahrnehmung reduzieren, und zwar dadurch, dass man zuerst die Sachen vereinfacht einordnet und kategorisiert, und dann die Eigenschaft der Kategorie als die Eigenschaft jedes Einzelnen betrachtet. Stereotype bewirken eine Übergeneralisierung. Insofern zeigt ein Stereotyp mindestens einen Teil der Tatsache. Deshalb hat ein Stereotyp bei der Komplexitätsreduktion die Funktion der Orientierung. Man rekonstruiert fremde Sachverhalte in seinem eigenen System und macht sie „verständlich“, oder übersetzt sie in verstehbare Sachverhalte.

(2) „Selbstdefinition und Selbstverankerung“ (vgl. Husemann 1990:90f, zitiert nach Rösch 1998). „Im Verlauf der Kategorisierung des sozialen Umfeldes in Gruppen identifizieren sich Individuen mit bestimmten Gruppen. Das Bewusstsein der Gruppenzugehörigkeit und die damit verbundene emotionale Bedeutung für das Individuum stellt einen Teil seiner sozialen Identität dar.“(vgl. ebd.) Man hat die Tendenz, die positive Selbsteinschätzung zu wahren. So maximieren Mitglieder einer Gruppe den Unterschied zwischen ihrer eigenen Gruppe und anderen Gruppen.

„Das Gruppenbewusstsein schafft ein 'Wir'-Gefühl in der eigenen Gruppe und ein davon begleitetes Gefühl der Andersartigkeit anderer Gruppen. Dabei besteht die Tendenz, sich selbst eher positiv zu bewerten und dem weniger positive Züge der 'out-group' gegenüberzustellen. Selbst gleiche Merkmale beider Gruppen können dann jeweils für die eigene Gruppe positiv und für die anderen negativ beschrieben werden. Hartes Arbeiten beispielsweise würde für die eigene Gruppe mit dem Attribut 'fleißig', für die andere Gruppe dagegen mit 'arbeitsgeil' o.ä. bedacht“ (vgl. Husemann 1990:91, zitiert nach Rösch 1998).

6. Quellen des Stereotyps

Stereotype sind nicht angeboren, sondern erlernt. Sie sind das Ergebnis des Zusammenwirkens von Lebenswelt, sozialer Umgebung und Kultur. Man ist aufgewachsen in seiner Familie, in der Schule und in der Gesellschaft. Man wird beeinflusst von seinen Eltern, Lehrern, Schulkollegen, Freunden und anderen in der Gesellschaft. Man erwirbt die Kultur, Sitten und Gebräuche, Wertvorstellung und Lebensweise und entwickelt seine eigene Einstellung zu anderen Rassen und Nationen. Solche Einstellungen sind nicht überprüft und erprobt. Aus diesem Grund sind sie oft Stereotype auf der Basis der Erfahrungen der anderen.

Außerdem spielen die Massenmedien eine immer bedeutendere Rolle bei der Stereotypisierung. In der heutigen Gesellschaft sind Massenmedien überall da. Fernsehen, Radio, Zeitungen, Zeitschriften, Internet und Bücher sind alle Informationsträger. Sie übergeben eine große Menge von Informationen über unsere vielfältige Welt.

Jin Zhao hat in ihrem Aufsatz „Das Deutschlandbild in einem Deutsch-Chinesischen Jointventure“ die Ergebnisse der empirischen Untersuchung in einem deutsch-chinesischen Joint Venture Ende 2003 dargestellt und analysiert. Nach ihr spielen Zeitungen zur Vermittlung von Informationen über Deutschland die wichtigste Rolle. „Immerhin haben sich 24,6% der Befragten ihre Fakten über Deutschland beinahe ausschließlich daraus angeeignet“ (Zhao 2005:53).

1 = nicht zutreffend	2 = eingeschränkt zutreffend	3 = etwa zur Hälfte	4 = zum Großteil	5 = beinahe ausschließlich		
	Ohne Angabe	1	2	3	4	5
aus der Zeitung	3,5	10,5	31,6	10,5	19,3	24,6
aus Textbüchern der Grund- und Mittelschule	1,8	29,7	50,9	5,3	12,3	0
aus Büchern	3,5	8,8	28,1	17,5	38,6	10,5
aus dem Fernsehen	1,8	8,8	24,5	17,5	38,6	8,8
aus dem Internet	5,2	28,1	15,8	15,8	22,8	12,3
vom Hörensagen	1,8	12,3	49,1	15,8	14	7

Abb. 1: Wissensquelle (Frage 17) (in Prozent) (Zhao 2005:53)

Daraus kann man die Schlussfolgerung ziehen, dass Fernsehen, Zeitungen, Internet und Bücher wichtige Quellen der Stereotypisierung sind. Aber jeder Staat hat verschiedene wichtige Quellen der Stereotypisierung. Zum Beispiel sind bei der Stereotypisierung in Bezug auf die USA neben den oben genannten Massenmedien die Filme aus Hollywood, die die amerikanische Lebensanschauung, Wertvorstellung wie zum Beispiel Individualismus und Streben nach dem Erfolg aus eigener Kraft weitergeben, auch eine wichtige Quelle für die Stereotypisierung.

7. Beispiele in Bezug auf Deutschlandsbilder in chinesischen Zeitschriften

In der Zeitschrift „*Du Zhe*“ („Der Leser“) (2002 (19):7) steht ein Artikel namens „Starre Deutsche“. Darin wurde eine kleine Ge-

schichte erzählt: "Eine Nacht regnete es sehr stark. Ein Vater und sein Sohn gingen eilig zum Arzt. Sie kamen in eine ruhige und abgelegene Straße und es schien an der kleinen Kreuzung Rot. Obwohl es keine anderen Menschen und keine Autos gab, warteten sie sehr lange an der Ampel. Nach einer langen Zeit verlor der Sohn die Geduld und wollte die Straße überqueren. Aber er wurde sofort von seinem Vater gehalten und kritisiert. Am Ende erkannten sie, dass die Ampel kaputt war. Nur das rote Licht schien, und das grüne Licht schien nicht."

Welche Eindrücke von Deutschen haben Sie nach dem Lesen dieser Geschichte? Vielleicht werden wir einerseits den Eindruck haben, dass die Deutschen unflexibel sind. Andererseits finden wir aber, dass die Deutschen Regeln streng einhalten, was zu bewundern ist. Solche Eindrücke bleiben vielleicht lange Zeit in unserem Kopf. Und wir glauben vermeintlich, dass alle Deutschen solche Eigenschaften haben. Aber tatsächlich hat jeder Deutsche seine eigene Eigenschaft. Viele Deutschen sind flexibel und haben nicht solche Eigenschaften. Trotzdem beeinflussen die gebildeten Eindrücke unsere späteren Urteile.

Außerdem spielen die individuellen Erfahrungen bei der Stereotypisierung auch eine Rolle. Nachdem wir mit einigen Menschen aus anderen Ländern Kontakt aufgenommen haben, suchen wir oft die gemeinsamen Eigenschaften von ihnen. Manchmal halten wir solche Eigenschaften in ihrem Land für üblich und bilden somit Stereotype.

In der Zeitschrift „*Du Zhe*“ („Der Leser“) (2005 (3):48-49) ist ein Artikel von Yu, Lu mit der Überschrift „Großartiger Deutscher Geist“. Der Autor hat den deutschen Geist am Beispiel einiger Sachen und Erlebnisse in Deutschland dargestellt. Darunter sind zum Beispiel Gleichberechtigung, Selbstdisziplin, Einhaltung der Regeln usw. Er hat zum Beispiel gehört, dass der damalige Kanzler am Wochenende nur sein eigenes Auto benutzen durfte, um zum Urlaub zu fahren. Und die meisten Deutschen kaufen Fahrkarten, obwohl es keine ständige Kontrolle gibt. Für die Einhaltung der Regel hat er eine Geschichte erzählt: Eine Gruppe von Studenten hat eine Untersuchung auf der Straße in einer deutschen Stadt gemacht. Sie klebten jeweils das Zeichen für „Männer“ und „Frauen“ an die Türen von zwei nebeneinander stehenden Telefonzellen. Das Ergebnis ist, dass alle Männer in die Telefonzelle mit dem Zeichen „Männer“ an der Tür gehen, und Frauen in die andere Telefonzelle. Nach ein paar Minuten standen vor der Telefonzelle mit dem Zeichen „Männer“ eine Schlange, obwohl die Telefonzelle „für Frauen“ leer war. Plötzlich kam ein Mann in Eile. Als er sah, dass die Telefonzelle „für Männer“ voll war, ging er ohne Verzögerung in die Telefonzelle „für Frauen“. Die Studenten fragten nachher und erfuhren, dass alle in Schlange stehenden Männer Deutsche waren, und

der Mann, der in die Telefonzelle „für Frauen“ ging, ein Franzose war. Mit oben genannten Beispielen hat der Autor den Geist von Deutschland erläutert.

Hier habe ich nur zwei Beispiele in Bezug auf Deutschlandbilder in chinesischen Zeitschriften gegeben. Daran können wir sehen, dass die Massenmedien doch bestimmte Informationen über andere Länder und Kulturen weitergeben. Und die Informationsempfänger, zum Beispiel die Leser der Zeitschriften, könnten sich nach dem Empfang solcher Informationen bestimmte Einstellungen zu anderen Kulturen bilden. Wenn die Einstellungen starr würden, könnten dann Stereotype entstehen.

8. Die Auswirkungen der Stereotype auf die interkulturelle Kommunikation

Stereotype haben negative Wirkungen auf die Interkulturelle Kommunikation. Wegen der Übergeneralisierung und Unvollständigkeit der Stereotype wird die Individualität nicht berücksichtigt. Man benimmt sich wie „ein Mann mit einer bunten Brille“. Bei der interkulturellen Kommunikation kann es Missverständnisse, Vorurteile und sogar Diskriminierung verursachen, was die Gefühle des Kommunikationspartners verletzen und die effektive Kommunikation hemmen kann.

Shijie Guan meint, dass Stereotype und Vorurteile die interkulturelle Kommunikation folgendermaßen beeinträchtigen:

(1) „das Geschehen der Interkulturellen Kommunikation verhindern“ (Guan 1995:186). Wenn man negative Stereotype gegenüber einem Kulturkollektiv hat, ist man nicht bereit, mit den Mitgliedern der Kulturkollektive umzugehen.

(2) „die Qualität der Kommunikation beeinträchtigen“ (vgl. ebd.). Stereotype und Vorurteile haben Auswirkungen auf unsere psychologischen Tätigkeiten und unser Handeln, sodass wir bei der Wahrnehmung selektives Gedächtnis wählen und stützende Punkte für unsere Stereotype und Vorurteile suchen. Die Folge ist, dass wir uns mehr Zeit für die Bestätigung unserer Stereotype nehmen als für das wirkliche Verstehen des Kommunikationspartners, was zu verdrehender und abwehrender Handlung führen kann und die Stereotype und Vorurteile verstärkt, sodass ein Teufelskreis der negativen Kommunikation entstehen könnte.

(3) „Diskriminierung hervorrufen“ (vgl. ebd.). Wenn man starre Stereotype und Vorurteile beherbergt, wird man beim Handeln und Sprechen aggressiver sein, was zur Diskriminierung führen kann.

9. Wie sollten wir Stereotype behandeln?

Im Folgenden habe ich einige Vorschläge dazu, wie wir bewusst mit Stereotypisierung umgehen können, nachdem wir die Ursachen und Funktionen, Quellen, Charakteristika von Stereotypen sowie ihre Auswirkungen auf die interkulturelle Kommunikation kennen gelernt haben:

(1) Ein Bewusstsein der Individualität bilden.

Wenn man mit Stereotypen einem Kollektiv unvollständige oder unwahre Eigenschaften zuschreibt und sie als Eigenschaften aller Mitglieder dieses Kollektivs betrachtet, ignoriert man die individuellen Besonderheiten. Deswegen sollten wir dementsprechend das Individuum unter verschiedenen Aspekten betrachten. Wir sollten mit aufrichtiger und sachlicher Haltung mit anderen Menschen umgehen, und das Bewusstsein haben, dass jedes Individuum seine eigene Individualität hat. Die Individualität von Menschen ist unterschiedlich. Wir sollten mit diesem Bewusstsein die kulturellen Charakteristika des Kommunikationspartners empfinden und eine freie Kommunikation durchführen.

(2) Ein Bewusstsein der Interaktion bilden.

Interkulturelle Kommunikation ist ein Begriff der Interaktion. Wenn man kommuniziert, hat man eine Erwartung in Bezug auf die Handlungsweise des Kommunikationspartners, gleichzeitig auch eine Erwartung in Bezug auf das, was der Kommunikationspartner von einem erwartet, damit man jederzeit die Reaktion und Handlung reguliert und korrigiert. Deshalb ereignet sich im Kommunikationsprozess immer Interaktion. Jeder Moment ist das Ergebnis der gegenseitigen Regulierung und Wirkung und das Ergebnis der Verhandlung. Wir können nicht nur nach unseren Stereotypen die Handlung des Kommunikationspartners beurteilen, sondern mit dem Bewusstsein der Interaktion rechtzeitig reagieren und den Einfluss der Stereotype beseitigen.

(3) Ein Bewusstsein der Aktivität bilden.

Die Funktion der Stereotypisierung ist die Komplexitätsreduktion. Aus diesem Grund nimmt man passiv eine Einstellung gegenüber anderen Menschen ein. Stereotype sind nicht leicht zu ändern, weil es einerseits an Motiven fehlt, andererseits bedeutet die Beseitigung der Stereotype oft die Umgestaltung der Selbstdefinition. Um die Stereotype zu beseitigen, sollten wir unsere Aktivität motivieren, nicht nur die bisherigen Einstellungen aktiv zu beurteilen, ob sie wahr sind, sondern auch zur Erkenntnis kommen, dass es auch möglich ist, dass die neu gebildeten Einstellungen wahrscheinlich auch nicht der ganzen Tatsache entsprechen, um zu vermeiden, von einem Stereotyp zu

einem anderen Stereotyp zu kommen. Wir sollten jederzeit den Kontext berücksichtigen, in den sich ständig verändernden Situationen aktiv handeln und unsere Tätigkeit und Beurteilung ständig regulieren.

(4) Ein Bewusstsein der Kommunikation bilden.

Bei der interkulturellen Kommunikation hegen wir vielleicht Vorurteile (Stereotype) gegenüber dem Kommunikationspartner. Gleichzeitig hegt der Kommunikationspartner auch Vorurteile gegen uns. Was unsere Vorurteile betrifft, können wir sie nach den oben genannten Vorschlägen beseitigen. Aber wie sollten wir auf die Vorurteile oder Stereotype, die der Kommunikationspartner gegen uns hat, reagieren? Meiner Meinung nach sollten wir notwendigerweise etwas Aktives tun, zum Beispiel mit ihm kommunizieren, damit er zur Erkenntnis kommen kann, dass seine Stereotype und Vorurteile nicht vollständig, nicht immer richtig und gültig sind und dass sie negative Auswirkungen auf die Kommunikation haben könnten. Nur wenn beide Seiten sich der ungünstigen Auswirkungen von Stereotypen bewusst wären, wäre es möglich, auf der Basis der Gerechtigkeit und Gleichberechtigung zu kommunizieren.

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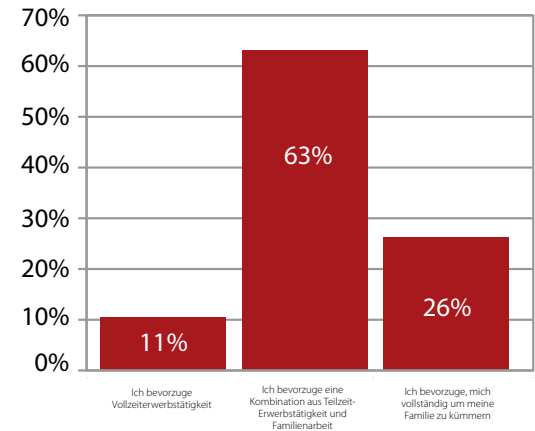
Was Müttern in Europa wichtig ist

Umfrage unter Müttern in Europa
Ergebnisse 2011



AH

Präferenzen der Zeiteinteilung



Von MMM Europe (Mouvement Mondial des Mères-Europe)

Inhaltsverzeichnis

1. Vorwort.....	3
2. Mouvement Mondial des Mères (MMM)	4
3. Einleitung	5
4. Zusammenfassung	6
5. Methodik	8
6. Profile der befragten Mütter.....	10
7. Ergebnisse	11
• Wandel zur Mutterschaft	11
• Zeiteinteilungen und Einstellungen – Einfluss auf das Wohlbefinden.....	13
• Wer hilft den Müttern und wem helfen sie?.....	21
• Ruhestand	24
• Die Botschaften der Mütter an die Politik	26
8. Nächste Schritte und Schlussfolgerungen	30

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Mouvement Mondial des Mères Europe
World Movement of Mothers Europe



Vorwort

Die Umfrage unter Müttern wurde von der europäischen Delegation des Mouvement Mondial des Mères (MMM Europe) durchgeführt. Der sorgsame Umgang mit den Umfrageergebnissen sowie eine strenge Kontrolle derselben versteht sich als selbstverständlich.

Bezüglich Fragen sowie Kommentaren zur Umfrage wenden Sie sich bitte an:

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Weiterführende Informationen in „Facts & Figures: Survey of Mothers in Europe 2011“; kostenloser Download unter www.mmmeurope.org.

“Es gibt keine vergleichbare Erfahrung in der Welt, als diese und keine Errungenschaft, keinen akademischen Grad und keine Karriere, die diese Liebe übertreffen kann”



MMM

Mouvement Mondial des Mères (MMM), gegründet in Paris im Jahr 1947, ist eine internationale, politisch und religiös neutrale Nicht-Regierungs-Organisation (NRO). Sie repräsentiert Mütter und ihre Familien bei nationalen als auch internationalen Institutionen und besitzt Beraterstatus gegenüber den Vereinten Nationen (UN). Darüber hinaus sensibilisiert sie die Politik und öffentliche Meinung im Hinblick auf die bedeutende Rolle von Müttern bei der Friedensförderung und ihrem Beitrag zum sozialen und wirtschaftlichen Fortschritt.

Ihre europäische Delegation (MMM Europe) hat es sich zum Ziel gesetzt, die Stimme der Mütter bei den politischen Entscheidungsträgern sowie Institutionen der EU hören zu lassen und auf die Rolle der Mütter hinsichtlich der pädagogischen, kulturellen und wirtschaftlichen Entwicklung ihrer Länder aufmerksam zu machen.

MMM Europe erkennt die Rolle des Vaters bei der Erziehung der Kinder als wesentlich an und unterstützt Maßnahmen, welche die Väter ermutigen, an der Betreuung und Erziehung ihrer Kinder teilzuhaben.



*"Dort wo Beständigkeit existiert,
übertrifft die Liebe all die Opfer,
die erbracht werden müssen"*



Einleitung

Im Jahr 2009 wurde MMM Europe Partner des Siebten Rahmenprojektes FAMILYPLATFORM (www.familyplatform.eu) der Europäischen Kommission. Im Rahmen dieser Aufgabenstellung erstellte MMM Europe den Bericht "Wirklichkeit der Mütter in Europa*", der sich kritisch mit Forschungsprojekten zum Thema Familie speziell aus der Sicht der Mütter auseinandersetzt.

Um mit Müttern in ganz Europa zu korrespondieren, startete MMM Europe eine Online-Umfrage, die "Survey of Mothers in Europe 2011", um mehr zu erfahren über die Anliegen, Prioritäten und Empfehlungen von Müttern in Europa, insbesondere in Bezug auf die Sozial- und Arbeitsmarktpolitik in Europa. Über 11.000 Mütter haben geantwortet und Informationen zur Verfügung gestellt über ihre Herausforderungen, Prioritäten und Wünsche in Bezug auf ihr Wohlbefinden und das ihrer Familien.

Offensichtlich wirken Mütter nicht alleine in der Gesellschaft. Es gibt keinen Zweifel an der Wichtigkeit der Rolle der Väter im Leben europäischer Familien. Väter, Kinder, Eltern, Großeltern, andere Familienmitglieder und Freunde sind ergänzende Teile des Familienlebens in Europa und spielen alle eine wichtige Rolle. Dennoch sind sie nur teilweise in diesen Bericht mit einbezogen im Zusammenhang mit ihrer Bedeutung für das Wohlbefinden der Mütter.

Es ist außergewöhnlich, dass Mütter als spezifische und eigenständige Befragte wahrgenommen werden mit einer besonderen Rolle und Identität. Dies ist eine einzigartige Gelegenheit für sie, mit einer eigenen Stimme zu sprechen. Nach Auskunft von Eurofound sind 76 Prozent aller Frauen über 18 Jahren in Europa Mütter. Das Ziel dieses Berichtes „Was Müttern in Europa wichtig ist“, ist es offen zu legen, was diese viel zu oft stille Mehrheit zu sagen hat.

*Download erhältlich unter: www.mmmeurope.org/realities_of_mothers_in_Europe.pdf



Zusammenfassung

1. Wenn eine Frau Mutter wird, macht sie die Erfahrung, dass sich ihre Sichtweisen, Prioritäten und Vorlieben grundlegend und unumkehrbar verändern. Müttern sollte es erlaubt sein, für sich selbst zu sprechen. Ihre Sichtweisen sollten von Politikern gesondert in Entscheidungen einbezogen werden.
2. Mütter sind sehr bedacht auf das Wohlergehen ihrer Kinder und ein hoher Prozentsatz (89%) möchte für sie präsent sein und sich in einem bestimmten Lebensabschnitt persönlich um die Kinder kümmern.
3. Mütter (74%) möchten ebenso in einem bestimmten Lebensabschnitt am Erwerbsleben teilnehmen, aber die meisten Mütter verlangen die Möglichkeit, ihre Erwerbstätigkeit an die Bedürfnisse jedes einzelnen Kindes, an deren Alter und deren Anzahl anpassen zu können. Die Schwelle, an der Mütter ihren Zeiteinsatz lieber zu Gunsten der Familie ausrichten, liegt bei drei oder mehr Kindern. Der Grad ihrer Zufriedenheit steigt dabei mit der Zahl ihrer Auswahlmöglichkeiten.
4. Das Aufziehen von Kindern ist eine wichtige Aufgabe und kaum mit einer anderweitigen Vollzeitbeschäftigung zu vereinbaren: Mehr als zwei Drittel der Mütter bevorzugen Teilzeitarbeit, aber nur ein Drittel der Mütter hat dazu überhaupt die Gelegenheit. Mütter wollen ihr Leben nicht einengen lassen durch die Zwänge eines Standardmodells, das auf wirtschaftlichen Kriterien beruht.
5. Mütter möchten mehrere Optionen, aus denen sie wählen können, und sie brauchen Unterstützung bei ihrer Entscheidung:
 - a. Für die Erziehungsarbeit:
 - Einen finanziellen Etat, der elterliche Wahlfreiheit für eigene Erziehungsarbeit erlaubt.
 - Eine Steuerpolitik, die Familien unterstützt: Einkommenssplitting, Steuerabzüge für Angehörige, verringerte Mehrwertsteuersätze für Kinder-Bedarfsartikel.
 - Eine Berücksichtigung der Erziehungszeiten bei den Renten
 - b. Für das Erwerbsleben:

Es existiert eine lebenswichtige Zeitspanne für das Gebären und Erziehen von Kindern, während

der Mütter besondere Anpassungen in ihren Arbeitsverhältnissen benötigen:

- Mehr Möglichkeiten, Teilzeit zu arbeiten
 - Mehr Flexibilität bei den Arbeitszeiten, die Unterrichts- und Ferienzeiten berücksichtigen.
 - Mehr und besser angepasste Betreuungsmöglichkeiten, die auch Betriebskindergärten einschließen.
6. Mit Blick auf sinkende Geburtenraten und die zukünftigen, demographischen Herausforderungen angesichts einer alternden Gesellschaft, muss man Müttern zuhören und ihre Mutterrolle respektieren und wertschätzen.
 7. Mütter berichten, dass sie bei der Erziehungsarbeit und bei der Haushaltsarbeit von ihren Ehemännern/Partnern und anderen Familienmitgliedern unterstützt werden. Sie investieren auch selbst Zeit, um die Großfamilie und die Nachbarschaft zu unterstützen und sind ehrenamtlich tätig.
 8. Je mehr Kinder sie haben, umso mehr sind Mütter abhängig von der aktuellen und zukünftigen finanziellen Unterstützung ihres Ehemanns/Partners (auch von seinen Rentenansprüchen).

9. Mütter verlangen, dass ihr Wiedereinstieg in das Erwerbsleben nach der Gebär- und Erziehungszeit der Kinder erleichtert wird.

10. Mütter im Rentenalter freuen sich darauf, in der Großfamilie und im Ehrenamt zu helfen.

Ohne Zweifel wollen Mütter, dass Familien als eine Quelle sozialen Zusammenhalts und somit als ein Grundpfeiler der ganzen Gesellschaft betrachtet werden. Durch das Aufziehen und Umsorgen ihrer Kinder arbeiten sie für die Zukunft unserer Gesellschaft.





Methodik

„Die Umfrage zu Müttern in Europa“ wurde am 1. Februar 2010 durch MMM Europe gestartet und bis zum 31. August 2010 online durchgeführt. Sie war an Mütter gerichtet, die in Europa leben. Sie sollte dazu genutzt werden, ihre Lebenswirklichkeit festzustellen und ihre Ansichten, Sorgen und Prioritäten im Zusammenhang mit ihren Lebensschwerpunkten und dem Wohlergehen ihrer Familien zu dokumentieren. Der Fragebogen beinhaltete etwa 25 Fragen, (darunter einige mit frei formulierbaren Antworten) deren Beantwortung im Durchschnitt 25 Minuten in Anspruch nahm.

- **Teilnehmerinnen**

Insgesamt erhielten wir 11.887* Antworten. Die antwortenden Teilnehmerinnen sind von uns nicht ausgesucht worden. Sie hatten von der Umfrage über Mund-zu-Mund-Propaganda oder e-Mail erfahren, sowie durch Links auf den Homepages der Mitglieds-Organisationen von MMM sowie anderen Organisationen in Europa, die sich um die Belange von Müttern und Familien einsetzen. Diese Art der Stichproben wird auch als „Schneeball-System“, „Zugehörigkeits-System“ oder auch „Netzwerk-System“ bezeichnet. Die Antwortgruppe bestand demnach aus Personen, die sich gegenseitig für die Teilnahme an der Umfrage rekrutierten.

*70% der Antworten erhielten wir innerhalb der ersten zwei Monate.
Die Rückweisungsquote liegt bei schätzungsweise 14%.

- **Sprachen und Länder**

Die Befragung von Müttern in Europa wurde in zehn verschiedenen Sprachen durchgeführt: Deutsch, Englisch, Französisch, Niederländisch, Spanisch, Italienisch, Ungarisch, Schwedisch, Slowakisch* und Finnisch*. Dabei sprach man Mütter in 16 Ländern an (Deutschland, Österreich, Schweiz, Frankreich, Niederlande, Belgien, Luxemburg, Spanien, Italien, Ungarn, Schweden, Finnland, Großbritannien, Irland, Malta und Slowakei). Dabei sind nicht alle Länder gleichmäßig vertreten. Es sind nicht alle Länder gleichmäßig vertreten. Frankreich, Belgien und Spanien sind statistisch überrepräsentiert.

- **Unterstützung & Analyse**

Die Übersetzung und auch Teile der Analyse (besonders die frei zu beantwortenden Fragen) wurden von Dutzenden von Freiwilligen in ihrer Muttersprache in Kooperation mit den MMM Europe Mitarbeitern in Brüssel erledigt. Wissenschaftlicher Rat wurde uns freundlicherweise von zahlreichen Universitäten und Wissenschaftlern während des gesamten Prozesses gewährleistet (von der Erstellung der Fragebögen bis hin zur analytischen Auswertung).

Das technische Hilfsprogramm für die Online-Befragung wurde uns freundlicherweise von www.qualtrics.com zur Verfügung gestellt, eines der führenden Meinungsforschungs-Programme, das von etwa 500 Unternehmen in den USA und zunehmend auch weltweit genutzt wird.

Die Umfrage wurde nur über das Internet durchgeführt. Dies bedeutet möglicherweise eine Einengung, jedoch besitzen laut aktuellen Zahlen von Eurostat 2010 ca. 70% aller Haushalte in Europa einen Internetzugang, davon 61% als Breitbandzugang.

*Slowakisch wurde im März 2010 und Finnland im April 2010 hinzugefügt.



Profile der befragten Mütter

Die antwortenden Mütter verfügten im Durchschnitt über eher höhere Bildung, waren verheiratet oder lebten als Paar zusammen (87%), hatten 2,6 Kindern, waren gut zur Hälfte erwerbstätig (58%) oder befanden sich in Elternzeit. Außerdem engagierten sie sich zusätzlich ehrenamtlich.

Basierend auf diesem Profil können wir mit Sicherheit davon ausgehen, dass es sich bei den Befragten um aktive, politisch interessierte und gebildete Mütter handelt, wobei französische und spanische Stimmen überdurchschnittlich hoch repräsentiert sind.

Zum Vergleich mit europäischen Daten von Eurofound sehen Sie bitte den detaillierten Report ein: „Facts & Figures: Survey of Mothers in Europe 2011“ (erhältlich unter www.mmm-europe.org).

Ehrenamtliche Tätigkeit	
Nein	45%
Ja	55%
<ul style="list-style-type: none"> • 41% bei gemeinnützigen Organisationen • 21% in Schulen • 16% bei der städt. Gemeinde • 22% Andere, wobei die Hälfte dieser einer ehrenamtlichen Tätigkeit in ihrer Kirchengemeinde nachgeht 	
Wohnstandort	
Stadt	57%
Land	25%
Vorort	18%

Anzahl der Kinder	
1	24%
2	31%
3	22%
4	13%
5 oder mehr	10%

Familienstand	
Verheiratet oder mit Lebenspartner zusammenwohnend	87%
Getrennt oder geschieden	8%
Single (nie verheiratet gewesen und ohne Lebenspartner)	3%
Verwitwet	2%

Arbeitsverhältnis	
Angestellt oder selbständig	50%
Erziehungsurlaub (angestellt)	8%
In Rente	4%
Hausfrau	23%
Arbeitslos	3%
Andere	12%

Migrationshintergrund	
Ja	10%
Nein	90%

Alter der Mütter	
18 oder jünger	0%
19 - 25	1%
26 - 40	52%
41 - 55	36%
56 - 70	10%
71 oder älter	1%

Bildung	
Einfacher Schulabschluss	1%
Weiterführende Schule	13%
Berufsschule, FH etc.	37%
Universitätsabschluss und höher	49%

Sprache, in welcher der Fragebogen ausgefüllt wurde	
Französisch	47%
Spanisch	15%
Deutsch	9%
Ungarisch	8%
Englisch	6%
Italienisch	5%
Niederländisch	4%
Schwedisch	3%
Slowakisch	2%
Finnisch	1%



Wandel zur Mutterschaft

 „Bevor ich Mutter wurde, gab es immer nur ein ICH, jetzt gibt es ein WIR“ (GB)



Mutter zu werden führt zu einer unumkehrbaren Veränderung der Prioritäten und Anliegen.

Als Teil der Untersuchung wurden Mütter gefragt: „Wenn Sie mit einer Schwangeren sprechen würden, die ihr erstes Kind erwartet, wie würden Sie ihr den Übergang zur Mutterschaft beschreiben?“ 8.282 Mütter antworteten sehr emotional auf diese Frage. Die überwältigende Meinung* war:

- Die Geburt des ersten Kindes bewirkt eine große und unumkehrbare Veränderung in Bezug auf Perspektiven, Prioritäten und Lebenslauf. Eine Mutter wird das Leben nie wieder so betrachten, wie es vor ihrer Mutterschaft war.
- Die Verantwortung der Mutterschaft ist in höchstem Maße herausfordernd, viel abverlangend und alle ihre Mühen wert.

Wenn eine Frau zur Mutter wird, entwickelt sie eine ganz eigene Sichtweise und sollte die Erlaubnis erhalten, für sich selbst zu sprechen.

*Um all diesen 8.282 Antworten gerecht zu werden, würde man beträchtliche, zusätzliche Anstrengungen und die Anwendung eines komplexen, analytischen Programms benötigen.

✎ *„Es ist die Errungenschaft eines enormen Projektes! Es verlangt nach großer Verantwortung, nach Verpflichtung und nach Selbstaufgabe. Aber es bringt eine große Freude mit sich.“*

✎ *„Davor gab es nur ein Ich, jetzt gibt es ein Wir.“*


✎ *„Eine totale Veränderung des Lebens. Man lebt nicht mehr für sich selbst, man ist verpflichtet, zuerst an die Kinder zu denken. Zusammen mit dem Ehemann/Partner ist man nicht länger ein Paar, man ist eine Familie.“*

✎ *„Ein großer Schock, alles ändert sich, intensiv und unmöglich mit Worten zu beschreiben... Dort wo Beständigkeit existiert, übertrifft die Liebe all die Opfer, die erbracht werden müssen. Es gibt keine vergleichbare Erfahrung in der Welt, als diese und keine Errungenschaft, keinen akademischen Grad und keine Karriere, die diese Liebe übertreffen kann.“*





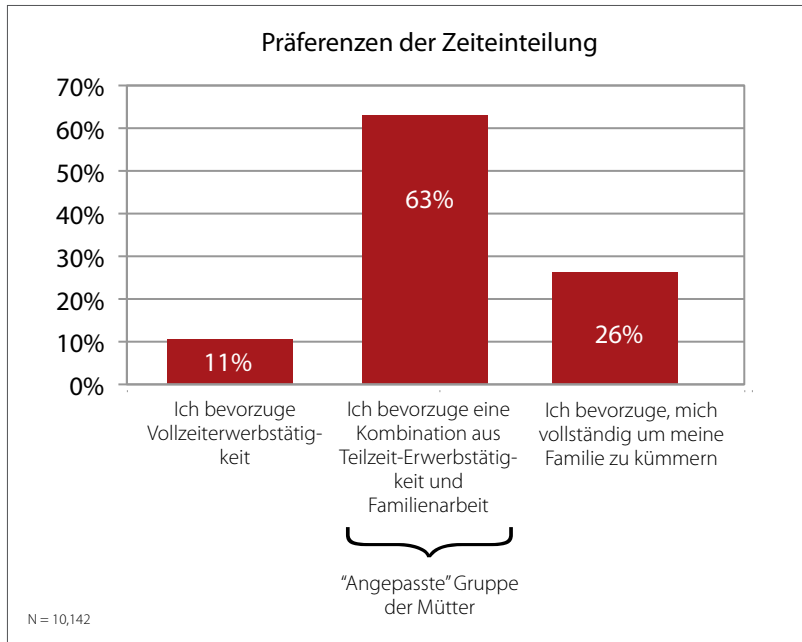
Zeiteinteilung und Einstellungen – Einfluss auf das Wohlbefinden

 „Wir Mütter wollen die Möglichkeit, unsere Kinder selbst großzuziehen und die Flexibilität, unsere Arbeitsstunden im Erwerbsleben einzuteilen, oder eine Karriere-Unterbrechung vorzunehmen je nach Alter unserer Kinder. Bitte vereinfacht unseren Wiedereinstieg in das bezahlte Erwerbsleben, wenn unsere Kinder alt genug sind, um in die Schule zu gehen.“



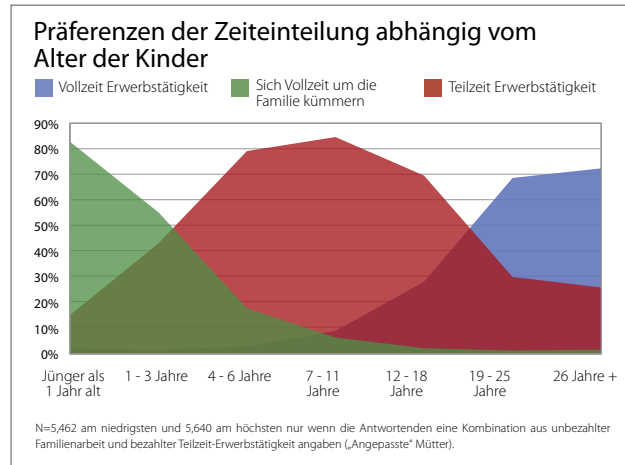
Schlüssel-Ergebnis: **Die Mehrheit der Mütter bevorzugt es, eine Teilzeit-Arbeitsstelle mit der Erziehungsarbeit zu kombinieren.**

- 1 von 10 Müttern bevorzugt es, Vollzeit zu arbeiten.
- 3 von 5 Müttern würden gerne eine Teilzeit-Stelle mit der Erziehungsarbeit kombinieren.
- 1 von 4 Müttern würde sich gerne Vollzeit um ihre Familie kümmern.
- Für 89% der Mütter ist es von großer Wichtigkeit, sich persönlich um ihre Familie zu kümmern (63% + 26%)
- Aber 74% wollen entweder eine Vollzeit- oder eine Teilzeit-Arbeitsstelle (11% + 63%)
- Jüngere Mütter haben eine größere Vorliebe gezeigt, sich Vollzeit um ihre Familien zu kümmern.



Schlüssel-Ergebnis: Bei der Zeiteinteilung der Mütter aus der „Angepassten“ Gruppe sind deren Einstellungen an das Alter der Kinder gekoppelt.

- Der „angepassten“ Muttergruppe (Kombination von Teilzeit-Erwerbstätigkeit mit Kindererziehung) variieren die Vorlieben bezüglich der Zeiteinteilung je nach Alter der Kinder.
- Mit Kindern zwischen 0-1 Jahr wünschen sich 20% der Mütter in der „angepassten“ Gruppe, Teilzeit beschäftigt zu sein, 80% möchten sich gerne Vollzeit um ihre Kinder kümmern.
- Mit Kindern zwischen 1-3 Jahren wünschen sich 50% der Mütter eine Teilzeit-Erwerbstätigkeit, während sich 50% nach wie vor Vollzeit um ihre Kinder kümmern möchten.
- Mit Kindern zwischen 4-6 Jahren bevorzugen 80% der Mütter eine Teilzeit-Erwerbstätigkeit.
- Während der Pubertät bevorzugen 70% der Mütter eine Teilzeit-Erwerbstätigkeit, 30% wünschen sich eine Vollzeit-Erwerbstätigkeit.
- 84% der Mütter sind sich einig, dass Jugendliche während der Pubertät nach der Schule nicht alleine sein sollten.
- Erst wenn das Kind das 18 Lebensjahr erreicht hat, wünschen sich 70% der Mütter eine Vollzeit-Erwerbstätigkeit.



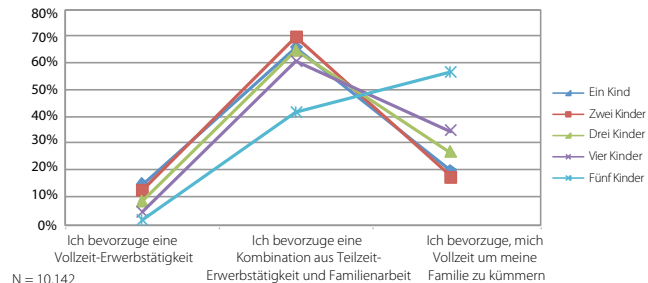
Von allen befragten Müttern wollen sich 78% der Mütter Vollzeit um ihre Kinder kümmern während des Alters zwischen 0-1 Jahren. 61% Prozent wollen dies auch für die Kinder in der Altersgruppe zwischen 1-3 Jahren. Der Prozentsatz fällt auf 37% wenn die Kinder das Schulalter erreichen (4-6 Jahre).*

*Für mehr Informationen über die verwendeten Kalkulationen, sehen Sie bitte den kompletten Bericht ein: "Facts & Figures: Survey of Mothers in Europe 2011", erhältlich unter www.mmm europe.org.

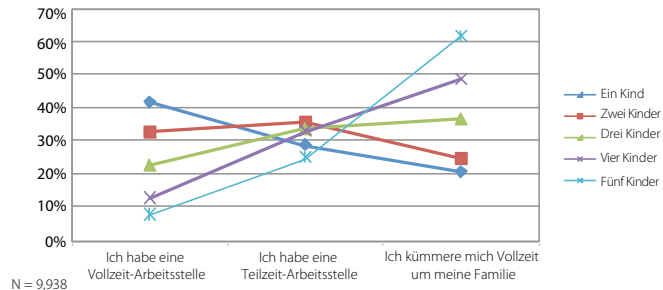
Schlüssel-Ergebnis: **In der Theorie hängt die bevorzugte Wahl der Zeiteinteilung bei Müttern nicht von der Zahl ihrer Kinder ab. In der Praxis unterscheidet sich ihre Wahl jedoch erheblich.**

- Theoretisch befragt zeigen Mütter mit nur 1 oder 2 Kindern mit 15%, bzw. 13% eine leicht erhöhte Vorliebe bezüglich einer Vollzeit-Erwerbstätigkeit. Im Gegenzug bevorzugen Mütter mit 3, 4 oder 5 Kindern mit 27%, bzw. 35% und 56%, sich Vollzeit der Kindererziehung zu widmen.
- In der tatsächlichen Lebensrealität spielt die Anzahl der Kinder jedoch eine große Rolle: Die Wahrscheinlichkeit, dass Mütter mit 3 oder mehr Kindern Vollzeit erwerbstätig sind, ist nur halb so groß wie in der Theorie und sie kümmern sich doppelt so oft Vollzeit um die Familie. **Die magische Grenze scheint zwischen 2 und 3 Kindern zu liegen.**

THEORIE: Präferenzen der Zeiteinteilung abhängig von der Zahl der Kinder



REALITÄT: Präferenzen der Zeiteinteilung abhängig von der Zahl der Kinder

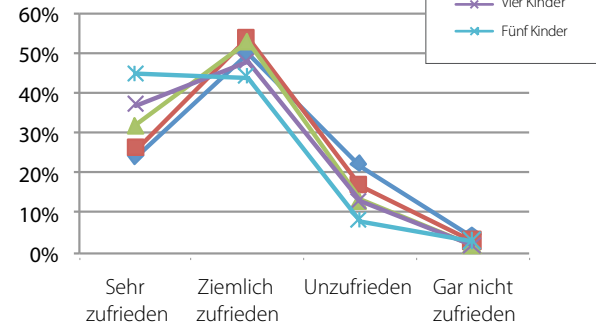


Schlüssel-Ergebnis:

Je mehr Kinder Mütter haben, desto zufriedener sind sie mit ihrer Zeiteinteilung.

- Die Hälfte der befragten Mütter ist mit ihrer gegenwärtigen Zeitznutzung zufrieden und 1/3 sind sehr zufrieden.
- Die zufriedensten Mütter befinden sich im Alter zwischen 56 und 70 (Sie haben die „Rush Hour“ der Mutterschaft bereits hinter sich).
- Bei den sehr jungen Müttern (19-25) existieren große Unterschiede innerhalb der Gruppe. Beinahe 40 % bezeichnen sich als SEHR zufriedene Mütter, gleichzeitig sind jedoch 6 % SEHR unzufrieden.
- Mütter in Mutterschutz, Elternzeit und Mütter die Vollzeit zu Hause sind, zeigen eine höhere Wahrscheinlichkeit, zufrieden zu sein, dicht gefolgt von Müttern mit selbständiger Erwerbstätigkeit. Die Vollzeit-Erwerbstätigen sind weniger zufrieden, als die Teilzeit-Erwerbstätigen.
- Mütter, die in einer Partnerschaft leben, sind mit höherer Wahrscheinlichkeit zufrieden, als Alleinerziehende, geschiedene oder getrennt-lebende Mütter.

Zufriedenheit mit der aktuellen Zeiteinteilung in Verbindung mit Kinderzahl



N=9,882 eine mögliche Antwort

Je mehr Kinder die Befragten haben, umso höher scheint ihre Zufriedenheit bezüglich der Zeiteinteilung. Nehmen Mütter mit drei oder mehr Kindern die einmal getroffene Wahl ihrer Zeiteinteilung besser an?...und gestehen sie sich eventuell leichter ein, keine Super-Frauen zu sein?

Schlüssel-Ergebnis:

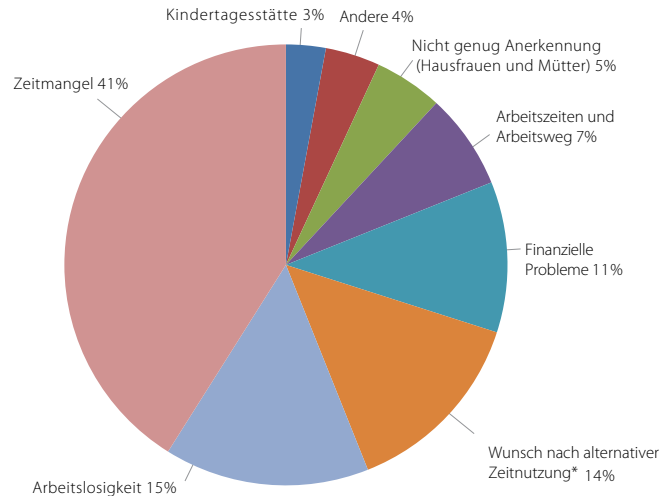
Fehlende Zeit für die Familie ist eines der Hauptprobleme für Mütter.

- Um die Ursachen der Unzufriedenheit zu ergründen, wurden alle 1.857 Mütter, die angaben, unzufrieden zu sein, gebeten mit eigenen Worten mitzuteilen, warum sie mit ihrer Zeiteinteilung unzufrieden sind.
- Die größte Zahl der spontanen Antworten stand in Zusammenhang mit dem Fehlen von Zeit:



„Ich führe zwei Werktage an einem einzigen Tag: Meine Arbeit außer Haus bei meinem Arbeitgeber und die Arbeit, mich um die Kinder zu kümmern, wenn ich nach Hause komme. Essen muss gekocht werden, Hausaufgaben überwacht werden, der Haushalt muss erledigt werden, Einkäufe sind da noch nicht eingerechnet. Ich würde liebend gerne mehr Zeit haben, um mich auf die Kinder zu konzentrieren, ohne ihnen ständig sagen zu müssen `Erzähl es mir später, wir sind in Eile`. Ich habe das Gefühl, ständig zu rennen und niemals Zeit für irgendwas zu haben. Ich brenne aus.“

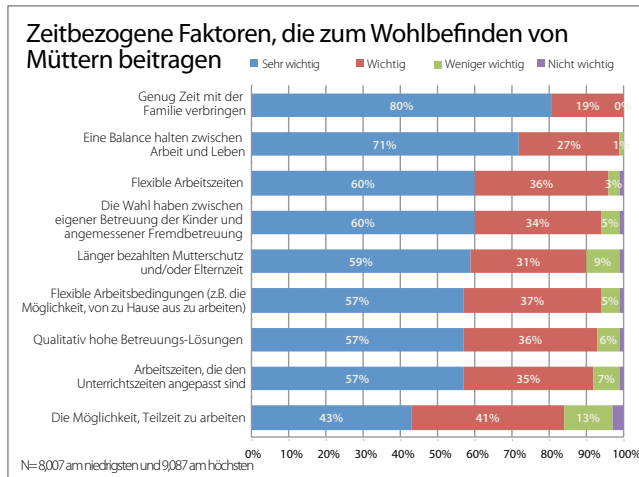
Gründe der Unzufriedenheit (spontane Antworten)



*Über die Hälfte der Mütter, die ihre Wünsche äußerten, würde sich gerne den ganzen Tag über um ihre Familie kümmern.

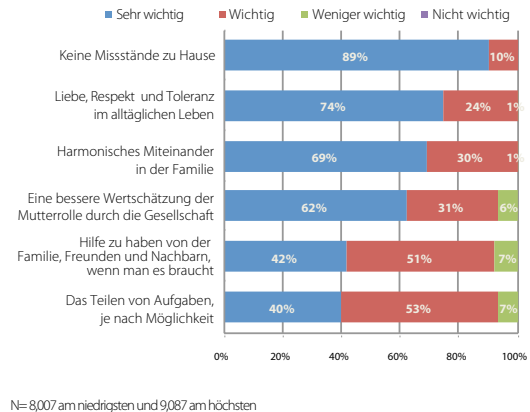
Schlüssel-Ergebnis: **Gesunde Beziehungen und Zeit sind wesentliche Faktoren für die meisten Mütter in Europa.**

- Es gibt eine starke Übereinstimmung unter Müttern mit unterschiedlichstem Hintergrund und in allen Altersklassen über die WICHTIGSTEN Faktoren, die zum Wohlbefinden ihrer Familien beitragen: Keine Missstände zu Hause und gesunde Partnerschaften, genug Zeit für das Familienleben und die Möglichkeit, eine Balance zu finden zwischen Arbeit und Familie.



Beinflussen sich diese wichtigen Faktoren gegenseitig? Bringt mehr Zeit auch gesündere Familienbeziehungen?

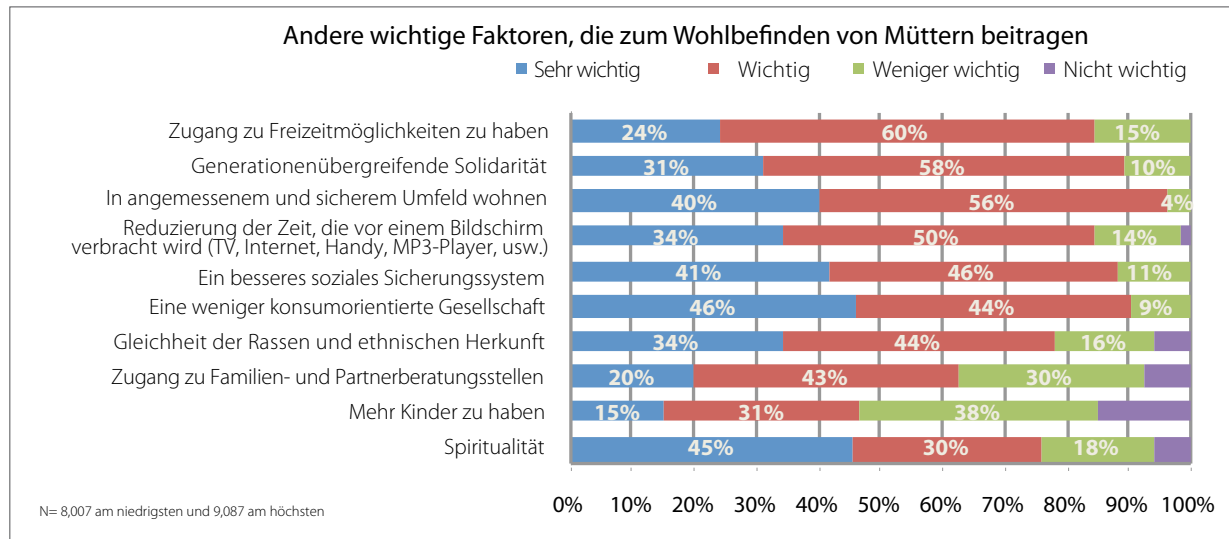
Partnerschaftsbezogene Faktoren, die zum Wohlbefinden von Müttern beitragen



Schlüssel-Ergebnis:


Lebensumstände und Solidarität zwischen den Generationen sind ebenfalls wichtig.

- Weiterhin werden folgende Faktoren als wichtig erachtet: In adäquaten Wohnverhältnissen leben, in einer sicheren Umgebung wohnen, eine weniger konsumorientierte Gesellschaft, mehr Solidarität zwischen den Generationen und ein besseres, soziales Sicherungssystem.
- Es bleibt festzuhalten, dass 46% aller Mütter (das ist nahezu jede Zweite) „mehr Kinder haben“ als einen wichtigen oder sehr wichtigen Faktor wertet, was die tatsächliche demographische Situation verändern könnte.





Wer hilft den Müttern und wem helfen sie?

 „Begreift die Wichtigkeit der Mutter-Rolle für das allgemeine Wohlergehen der Gesellschaft. Durch sie wird der Wert von Frieden, Respekt für andere, Hingabe für den Nächsten und alles, was für ein friedfertiges Miteinander nötig ist, weitergereicht, beginnend mit dem Leben zu Hause.“

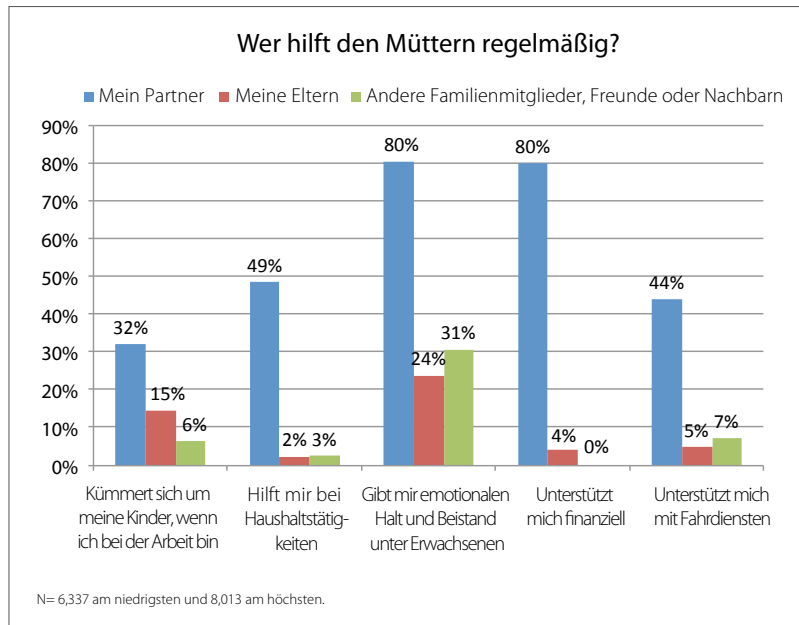


Schlüssel-Ergebnis:

Der Ehemann/Partner ist üblicherweise der vorrangige Helfer in der Familie, vor allem durch emotionale und finanzielle Unterstützung.

- Eine vorrangige Unterstützung durch den Partner steht in Zusammenhang mit emotionaler Gemeinschaft unter Erwachsenen und mit finanzieller Unterstützung.

Die Familie ist ohne Zweifel die größte Unterstützung für Mütter.



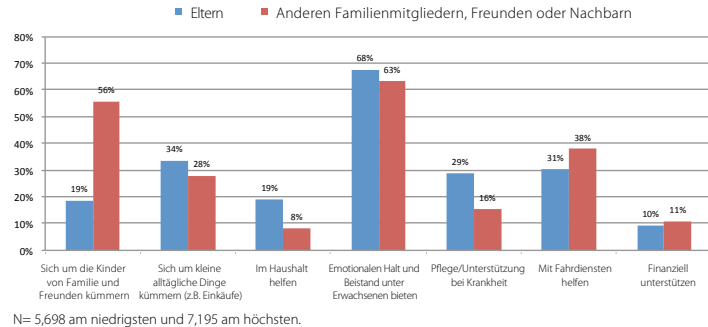
Schlüssel-Ergebnis:

Mütter sind wichtige Akteure für den sozialen Zusammenhalt.

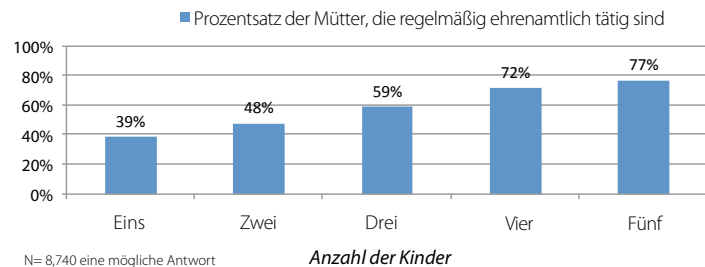
- Mütter helfen ihren Familienmitgliedern, Nachbarn und Freunden bei der Erziehung ihrer Kinder, sie geben emotionale Unterstützung und helfen durch Fahrdienste.
- Sie tendieren außerdem dazu, ihre Eltern in der Pflege zu unterstützen.
- Mütter mit geringerer Kinderzahl tendieren ein wenig eher dazu, ihre Eltern zu unterstützen.
- Je mehr Kinder Mütter haben, umso wahrscheinlicher engagieren sie sich ehrenamtlich.

Da sie aktiv ihre Eltern, andere Familienmitglieder, Nachbarn und auch Freunde unterstützen, und weil sie sich ehrenamtlich engagieren, sind Mütter ein wichtiger Faktor für den sozialen Zusammenhalt der Gesellschaft.

Wem helfen Mütter regelmäßig?



Ehrenamtliches Engagement von Müttern und Kinderzahl



Ruhestand



„Wenn eine Mutter sich entscheidet, ihre Zeit für die Betreuung ihrer Kinder oder für andere Familienmitglieder zu investieren, riskiert sie dabei ihre zukünftige Pension. Können wir uns nicht eine neue Vergütung für Hausfrauen vorstellen mit sozialen Leistungen und einer Anrechnung bei der Rente?“

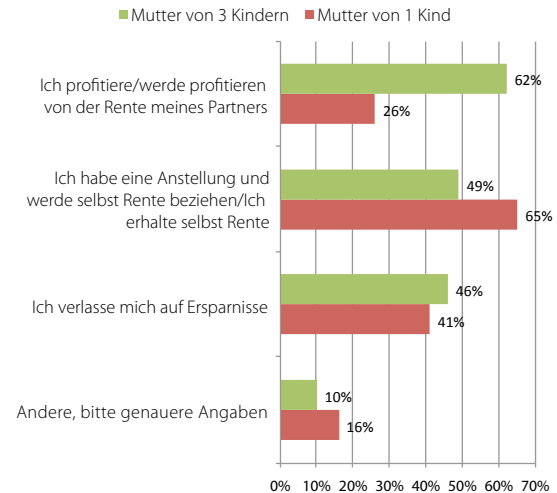


Schlüssel-Ergebnis: **Je mehr Kinder eine Mutter hat, umso mehr hängt sie von dem Rentenanspruch ihres Ehemannes ab.**

Müttern, deren Kinder nicht mehr unter ihrem Dach wohnen, wurden verschiedene Fragen in Zusammenhang mit ihrem Ruhestand gestellt.

- Je mehr Kinder eine Mutter hat, umso abhängiger ist sie hinsichtlich ihrer finanziellen Versorgung von den Rentenansprüchen ihres Ehemannes.
- Gesundheitliche Aspekte beschäftigen 2 von 3 Müttern am meisten im Zusammenhang mit ihrem Ruhestand. Finanzielle Aspekte hingegen beschäftigen nur ein Drittel der Frauen. (In östlichen Ländern stehen die finanziellen Überlegungen jedoch an erster Stelle)
- Bezüglich ihrer Zeiteinteilung gibt die große Mehrheit der Mütter an, sie hätten vor, ihre jeweiligen Familien zu unterstützen (81%) und sich ehrenamtlich zu engagieren (68%). Freizeitbeschäftigungen sind ebenfalls häufige Antwort (Freunde, Hobbys und Reisen). Eine von vier Müttern würde gerne ein Studium beenden.
- In Bezug auf die Wohnumstände, wünscht sich die große Mehrheit der Mütter, ihr Haus oder eine andere unabhängige Wohngelegenheit so lange wie möglich zu behalten. Als zweite Wahl wird das Wohnen in einem Altenheim angegeben, falls die Gesundheit schwierig wird.

Finanzielle Versorgung im Ruhestand



N = 1,030, befragt nur, wenn Kinder bereits außer Haus, mehrere Antworten möglich

Die Botschaften der Mütter an die Politik



„Lasst Müttern eine echte Wahl, ob sie sich Vollzeit um ihre Kinder kümmern wollen, oder nicht. Erhöht das Ansehen der Mutterschaft in unserer Gesellschaft. Nutzt unsere steigende Lebenserwartung, damit wir eine Auszeit vom Erwerbsleben nehmen können, wenn unsere Kinder jung sind, und erlaubt es Frauen, wieder ins Erwerbsleben zurück zu kehren, wenn die Kinder groß geworden sind, ohne ihnen das Gefühl zu geben, sie seien `zu alt`, um noch nützlich zu sein.“



Schlüssel-Forderungen der Mütter: **Zeit, Auswahl und Anerkennung**

Vor dem Beenden der Umfrage konnten Mütter eine spontane Forderung an die Politik formulieren, wie ihr Wohlbefinden und das ihrer Familien verbessert werden könnte. Über 8.000 Mütter nutzen die Gelegenheit, viele sehr ausführlich und offensichtlich sehr emotional. Offenbar waren die Mütter motiviert von der Möglichkeit, eine Botschaft auszusenden, von der sie hofften, dass sie auch gehört wird. Die Gemeinsamkeiten überragen dabei eindeutig die Unterschiede, insbesondere hinsichtlich der drei wichtigsten, sich wiederholenden Leitthemen: **ZEIT für ihre Familien, die AUSWAHL hinsichtlich der Kinderbetreuung und die ANERKENNUNG ihrer Rolle als Mutter.**


- **ZEIT:** Die antwortenden Mütter forderten eindeutig Maßnahmen, die einen konkreten Einfluss auf ihren Alltag haben und ihre Balance zwischen Erwerbsleben und Familie verbessern:
 - Genug Zeit, um für die Kinder zu sorgen und sie zu erziehen (vor allem die jüngeren Mütter, die ihre Kinder noch zu Hause haben)
 - Eine Ausweitung von Mutterschutz und/oder Elternzeit
 - Mehr oder besser angepasste Tagesbetreuungsangebote, inklusive Betriebskindergärten
 - Eine höhere Flexibilität bei der Einteilung der Arbeitszeiten, bei der auch Unterrichts- und Ferienzeiten berücksichtigt werden können
 - Mehr Möglichkeiten und Stellen, um Teilzeit zu arbeiten
 - Mehr familienfreundliche Unternehmen
- **AUSWAHL:** Die befragten Mütter wollen eine bessere Anerkennung der Rolle von Müttern und Vätern, die sich entscheiden, (teilweise oder Vollzeit) sich um ihre Kinder zu kümmern. Sie wünschen sich eine finanziell-realisierbare Möglichkeit, sich zwischen einer Fremdbetreuung oder einer Betreuung in der Familie zu entscheiden, die es den Müttern und Vätern erlaubt, sich selbst um ihre Kinder bis zum Schulalter zu kümmern.
- **ANERKENNUNG:** Die antwortenden Mütter wollen eine höhere Würdigung der Wichtigkeit familiärer Erziehung und der Mutterschaft in der Gesellschaft. Sie verlangen, dass Familien als eine wesentliche Quelle der gesamten Gesellschaft und als eine Quelle des sozialen Zusammenhalts betrachtet werden. Indem sie sich um ihre Kinder kümmern und sie großziehen, arbeiten die Mütter und Väter an der Zukunft unserer Gesellschaft.
- Seltener wiederkehrende Themen waren **Beziehungen, Bildung/Schulen und die Gleichstellung der Geschlechter.**


Botschaften nach Themen	%
1. Balance zwischen Arbeit und Familie*	32%
2. Unterstützung und Wertschätzung der zu Hause erziehenden Eltern	27%
3. Wertschätzung von Familie/Eltern	15%
4. Finanzielle Unterstützung (Familienfreundliche Besteuerung und bessere soziale Sicherheit)	6%
5. Werte/Verantwortlichkeiten	3%
6. Beziehungen	3%
7. Bildung (Schulbildung und Elternbildung)	3%
8. Gleichheit der Geschlechter	2%
9. Verschiedenes **	9%


*schließt die Aussagen ein bezüglich Zeit, Teilzeitarbeit, Anzahl und Qualität der Tagesbetreuung, Mutterschutz/Elternzeit, Flexibilität, Heimarbeit und familienfreundliche Unternehmen. ** schließt zahlreiche unterschiedliche und weniger häufige Themen ein. Für eine Beschreibung der Methodik, die zur Analyse der Antworten verwendet wurde, lesen Sie „Facts & Figures: Survey of Mothers in Europe 2011“ erhältlich unter www.mmmmeurope.org.


Repräsentative Zitate aus 8.000 spontan geschriebenen Botschaften an die Politik


-  „In einer Zeit der demographischen Alterung, in der Kinder unsere Zukunft sein sollten, fühlt sich Kinderkriegen für mich beängstigend an oder wie eine Bestrafung. Heutzutage gebäre ich Kinder, die von anderen großgezogen werden müssen. Die Mutterschutzzeit ist zu kurz, ein Platz in einer Tagesbetreuung ist schwer zu finden, Arbeitszeiten und Unterrichtszeiten sind nicht aufeinander abgestimmt und was soll man mit den Kindern im Sommer machen, wenn die Eltern arbeiten? Gebt Müttern einen verlässlichen Status, damit diejenigen, die sich für die Mutterschaft entscheiden, nicht zwischen Übermüdung (burnout) und Armut wählen müssen (Belgien).“
-  „Betrachtet die Familie als einen Stützpfeiler der ganzen Gesellschaft: Echte Familienpolitik, mehr Krippen, flexible Arbeitszeiten (mehr Teilzeitarbeitsplätze, Heimarbeitsplätze, flexible Arbeitszeiten) und ein familienfreundliches Steuersystem, das Familien als eine Einheit betrachtet (Paare, Kinder und andere abhängige Familienmitglieder).“ (Italien)
-  „Anstatt Sozialleistung zu gewähren, sollte man mehr Arbeitsplätze schaffen, die es Vätern erlauben, eine Familie zu ernähren, sodass die Mütter eventuell nur Teilzeit oder gar nicht arbeiten müssen, solange die Kinder klein sind.“ (Ungarn)
-  „Die Arbeitszeiten von Müttern sollten an ihre Kinder angepasst werden und Mütter sollten die Möglichkeit haben, während der Schulferien frei zu nehmen.“ (Frankreich)
-  „In Spanien haben früher die Großmütter auf die Kinder aufgepasst, wenn die Mütter arbeiten gingen, aber Großmütter arbeiten heute mehr, wer wird sich um die Kinder kümmern? Arbeits-, Schul- und Vorlesungszeiten passen nicht zueinander. Eltern sollten sich an den Zeitplan der Kinder anpassen und Männer könnten eventuell ebenfalls ihre Arbeitszeiten reduzieren, um sich mehr der Verantwortung für die Kinderbetreuung zu stellen.“
-  „Hört auf, die Mütter wieder zurück an ihre Arbeitsplätze zu stoßen. Gebt den Menschen eine Wahl und schafft eine gleichwertige Unterstützung, entweder um zu Hause zu bleiben, um sich um die kleinen Kinder zu kümmern, oder um arbeiten zu gehen.“ (England)
-  „Wir brauchen Unterstützung für die Erziehung zu Hause (ökonomisch und mental). Eine einheitliche Summe pro Kind, so dass eine Mutter oder ein Vater sich für oder gegen die Betreuung zu Hause entscheiden kann bis das Kind 18 Jahre alt ist. Wir brauchen kleinere Gruppen in Kindergärten und Schulen.“ (Finnland)


 „Gebt uns das Recht, uns selbst zu entscheiden. Ich fühle mich gefangen in einem feministischen Kreuzzug, wo ich und mein freier Wille nicht existieren. Die Gesellschaft ist dabei uns umzuprogrammieren, damit wir denken, wir könnten nur arbeiten und unsere Kinder von anderen großziehen lassen. Ich bin jung und ich kann abseits von zu Hause arbeiten, wenn meine Kinder älter werden. Jetzt gerade verpasse ich ihre Kindheit und ihr Bild von Mama ist eine gestresste Frau, die nicht sie an erster Stelle setzt, sondern zur Arbeit geht.“ (Schweden)


 „Arbeitnehmer sollten keine Überstunden machen müssen, was für Familien und auch andere schlecht ist, aber in Dänemark fühlen sich die Menschen gezwungen es zu tun, weil die Zahl der Arbeitslosen so hoch ist, die auf der Suche nach einem Job sind.“

 „Schafft ein familienfreundliches Steuer- und soziales Sicherungssystem, das die erheblichen, zusätzlichen Kosten berücksichtigt, die Familien mit Kindern bewältigen müssen, im Vergleich zu kinderlosen Paaren. Beendet die Ausbeutung von Müttern, die ohne Bezahlung arbeiten und die Kinder bilden und erziehen, die später die Pensionen der Menschen bezahlen, die keine Kinder großgezogen haben.“ (Deutschland)


 „Jede Mutter ist eine arbeitende Frau. Hört auf, Familienfrauen als „Heimchen am Herd“ zu diffamieren. Ein Politiker, der heute derart über Familienfrauen spricht, verunglimpft oft im Rückblick die Leistung seiner eigenen Mutter als Hausfrau.“ (Deutschland)

 „Respektiert Frauen für alles, was sie verkörpern – würdigt ihre lebendige Arbeit zu Hause, ihren unbezahlbaren ehrenamtlichen Einsatz in der Gemeinschaft und ihren gleichberechtigten Platz in der Arbeitswelt.“ (Belgien/franz.)

 „Die soziale Botschaft muss schlüssig sein. Man kann nicht einerseits für eine harmonische Balance zwischen Arbeit und Familienleben plädieren und andererseits an unflexiblen Arbeitsbedingungen festhalten. Wenn mit einem Kind etwas schief läuft, sind die Menschen schnell dabei, den Eltern Vernachlässigung vorzuwerfen, aber wenn die Eltern sich entscheiden, sich mehr Zeit für die Kinder zu nehmen, wird ihnen Faulheit vorgeworfen. Die Gesellschaft muss eine freie Wahl ermöglichen und die Politik muss diese Freiheit verteidigen.“ (Niederlande)

 „Ich habe das Gefühl, dass als Mutter zu Hause zu sein, als eine Art Freizeitbeschäftigung betrachtet wird, aber wenn ich außer Haus arbeiten gehe, muss ich jemanden bezahlen, damit er das tut, was ich getan habe, als ich nicht arbeiten ging.“

Nächste Schritte und Schlussfolgerung

 „Lasst uns Mütter in die Entscheidungsprozesse integrieren, denn sie haben einen hohen Erfahrungsschatz und sie sind motiviert, sich für das Wohl der Gemeinschaft einzusetzen.“



Die Empfehlungen der Mütter an die Politiker

Als Sprachrohr der Mütter* reichen wir als MMM an die Akteure der Politik, an Arbeitgeber und andere engagierte Interessensvertreter ein paar Handlungsempfehlungen weiter, die Mütter gemacht haben:

In Bezug auf eine ARBEIT/FAMILIEN-Balance:

Es gibt einen unentbehrlichen Zeitraum des Kindergebärens und der Kindererziehung, in dem Mütter besondere Anpassungen in Bezug auf ihre Erwerbstätigkeit benötigen:

- Nehmt den Wunsch der Mütter wahr, dass sie mehr Zeit haben wollen, um sich um ihre Kinder zu kümmern und sie zu erziehen.
- Erkennt die unersetzliche Rolle von Müttern und Vätern für die Gesellschaft und die demographische Entwicklung Europas an, indem ihr Maßnahmen ergreift, die ihnen erlauben, ihre Verantwortung und ihre Wünsche als Eltern wahrzunehmen.
- Begreift und würdigt die verschiedenen Bedürfnisse und Anforderungen, die Eltern (Mütter und Väter) zu verschiedenen Zeitpunkten ihres Lebens haben und passt die Arbeitszeiten entsprechend an. Für die zahlreichen Mütter auf dem europäischen Arbeitsmarkt trifft der größte Karrieredruck genau mit dem Zeitraum zusammen, in dem sie Kinder bekommen und in der Familie am meisten

gebraucht werden. Dies wird normalerweise als „rush-hour“ bezeichnet. Es ist wesentlich, anstatt eines linearen Karriereplans, flexible Zeiträume im Arbeitsleben einer Mutter zu ermöglichen.

Begreift und würdigt angesichts der demographischen Entwicklung Europas die verschiedenen Bedürfnisse von Müttern im Zusammenhang mit ihrer Kinderzahl. Ein Erwerbsleben ist leichter zu vereinbaren für eine Mutter mit einem oder zwei Kindern. Drei oder mehr Kinder zu haben, scheint der Scheitelpunkt zu sein. Ermöglicht „Karriere-Unterbrechungen“, um Zeit für Kinder zu schaffen.

Erhöht die Zahl, Form und Qualität der Kinderbetreuungsmöglichkeiten.

- Schafft mehr Betriebskindergärten vor Ort.

Erhöht die Dauer der „Mutterschutzzeit“ und der „Elternzeit“ in manchen Ländern.

Findet vorstellbare Lösungen, um unbezahlte Familienarbeit anzuerkennen.

- Bezieht die unbezahlte Familienarbeit in die Kalkulationen des Bruttoinlandsprodukt (BIP) eines Landes mit ein, um ihre Wichtigkeit sichtbar zu machen.
- Bezieht Karriereunterbrechungen zum Zweck von Familienarbeit in die Pensionsansprüche mit ein.

*Alle Maßnahmen könnten ebenso für Väter eingerichtet werden, MMM unterstützt die aktive Einbeziehung von Vätern in die Kinderbetreuung.

Die Empfehlungen der Mütter an die Politiker (Fortsetzung)

- Schätzt und schafft mehr Teilzeit-Arbeitsplätze sowohl für Frauen als auch für Männer, die an die Unterrichts- und Ferienzeiten ihrer Kinder angepasst sind, ohne die Eltern dafür bei späteren Pensionsansprüchen oder bei zukünftigen Karrierechancen zu bestrafen. Die Verantwortung hierfür sollte zwischen Arbeitgebern UND dem Staat geteilt werden und nicht allein den Arbeitgebern überlassen werden.
- Sichert gleiche Chancen und gleiche Gehälter im Vergleich zwischen Männern und Frauen und im Vergleich zwischen Eltern und Nicht-Eltern.
- Fördert familienfreundliche und flexible Arbeitsumgebungen, darin eingeschlossen die Möglichkeiten zu Telearbeitsplätzen und flexiblen Arbeitszeiten (ebenfalls angepasst an die Unterrichts- und Ferienzeiten der Kinder).
- Fördert „Job-sharing“-Arbeitsplätze, die es einer Gruppe von Arbeitnehmern erlaubt, bestimmte Arbeitsbereiche zu teilen.
- Fördert die Möglichkeit, Heimarbeitsplätze zu schaffen.

In Bezug auf FINANZIELLE Familienunterstützung:

- Fördert und führt ein familienfreundliches Steuersystem in ganz Europa ein (Zum Beispiel: Einkommenssplitting, größere Steuerfreibeträge für Schutzbefohlene, reduzierte Mehrwertsteuersätze für Kinderbedarfsartikel und Betreuungsdienstleistungen).
- Ermöglicht den Zugang zu familienunterstützenden Leistungen ab dem ersten Kind.

In Bezug auf Eltern und Elternschaft

- Führt Maßnahmen ein, die eine Beteiligung von Vätern an der Erziehungsarbeit fördert.
- Würdigt besser den Wert von Bildung und Erziehung, die von Eltern erbracht wird, um ihre Kinder groß zu ziehen, da sie wichtige soziale, ökonomische und kulturelle Werte für die Gesellschaft vermitteln.
- Verstärkt frühe Interventions- und Präventionsleistungen für Familien.
- Stärkt Eltern bei der Erweiterung ihrer elterlichen Fähigkeiten (Fördert ehrenamtliche Organisationen, die Elternarbeit unterstützen).

Mütter haben artikuliert, dass sie gehört werden wollen. Die Mütter Europas sind wichtige Akteure und Entscheidungsträger in zahlreichen grundlegenden Prozessen, die die Tragfähigkeit Europas bedingen und sie müssen gehört werden.

Fazit

Mutter zu sein ist eine Quelle großer Zufriedenheit für nahezu alle Befragten. Dennoch offenbart die „Umfrage unter Müttern in Europa“ ein grundsätzliches und laut artikuliertes Fehlen an Wahlmöglichkeiten, Zeit und Anerkennung, insbesondere für Mütter, die sich in einer prekären Situation befinden, für alleinstehende Mütter, die ihre Kinder allein großziehen und Mütter mit schwierigen Familienverhältnissen.

Diese Umfrage hat gezeigt, dass Mütter wertgeschätzt und gehört werden wollen. Unabhängig von ihrem Hintergrund, Alter und bevölkerungsstatistischem Profil äußerten über 11.000 Mütter ähnliche Meinungen, Wünsche und Sorgen. Die antwortenden Mütter zeigten ein hohes Verantwortungsgefühl für ihre Kinder und Familien. Sie wissen auch, dass Mutter zu sein für sie selbst, ihre Kinder, ihre Familien und die Gesellschaft sehr wichtig ist. Für die meisten europäischen Familien ist Zeit ein großes Problem wegen der Spannung zwischen Erwerbs- und Familienleben, vor allem in der „rush-hour“ ihres Lebens. Arbeitgeber, Politiker und die Öffentlichkeit sollten sich besser der Schwierigkeiten von Müttern bewusst sein, einen kontinuierlichen Karriereweg einzuschlagen, wenn sie sich mehr um die Pflege und Erziehung ihrer Kinder kümmern.

Im Lichte unserer europäischen Demokratien sieht es MMM als seine Aufgabe an, dazu beizutragen, die Gesellschaft besser weiter zu entwickeln, indem wir die Stimmen der Mütter wiedergeben. Wir hoffen, dass die Politiker den Stimmen dieser Mütter zuhören werden und entsprechende politische Maßnahmen ergreifen, um den Bedürfnissen und Wünschen ihrer Wählerinnen gerecht zu werden. Dass sie zusammen mit Arbeitgebern und anderen Entscheidungsträgern neue Wege finden, um die Mütter und Familien Europas zu unterstützen, wissend, dass die Kinder von heute, die europäischen Bürger von morgen sind.



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Fotos wurden freundlicherweise von Armand Hekimian (<http://photography.armandhekimian.com>) und Kim Ledent zur Verfügung gestellt. Ein großer Dank hierfür auch diesen Beiden.

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In partnership with



Zusätzliche Informationen

Für zusätzliche Informationen zu dieser Umfrage lesen Sie bitte „Facts & Figures: Survey of Mothers in Europe 2011“, als Download erhältlich unter www.mmmeurope.org.

Die komplette Liste aller über 8.000 Botschaften der befragten Mütter an die Politiker ist ebenfalls als Download erhältlich (8000+ Messages from European Mothers to Policy Makers) unter www.mmmeurope.org.

Wissenschaftler sind eingeladen, für weiterführende Analysen Daten bei uns anzufragen, erhältlich in den Formatvorlagen CSV, SPSS oder NVIVO. Senden Sie Ihre Anfrage bitte an info@mmmeurope.org.

Zukünftige Projekte

Das Anliegen von MMM ist es, die Stimmen der Mütter bei internationalen aber auch lokalen Institutionen zu repräsentieren, um ihr alltägliches Leben zu verbessern. Unsere zukünftig geplanten Projekte beinhalten:

Den Dialog fortsetzen mit den 5000+ Müttern, die uns ihre e-Mail-Adresse hinterlassen haben und mit uns durch diese Umfrage in Kontakt getreten sind und weitere Erhöhung der Anzahl der Mütter, mit denen wir uns austauschen.

- **Mütter, die auf den Arbeitsmarkt zurück kehren**, nach einer Pause, die meist familien- oder pflegebedingt war, inklusive Pilot-Projekten.
- **Mütter - oder familienfreundliche Umgebungen**, inklusive Pilotprojekten
- Möglicherweise herausfinden **Was Vätern in Europa wichtig ist**

Alle interessierten Partner, Organisationen und Unterstützer können uns unter info@mmmeurope.org kontaktieren. Vielen Dank.



Claire: *„Vielen Dank für diese umfassende Umfrage. Sie gibt vielen Müttern die Möglichkeit, wichtige Fragen anzusprechen über ihre Rolle in der Familie und der Gesellschaft...Ich werde sie an möglichst viele Mütter, die ich kenne, weiter reichen.“*

Frederikke: *„Ich bin sehr erfreut, zu sehen, dass es Initiativen dahingehend gibt, die Bedingungen für Mütter zu verbessern.“*

Veronica: *„Danke an alle Mütter weltweit.“*

Alessandra: *„Danke für die Mühen dieser Umfrage.“*

Marion: *„Auch Mütter im Ruhestand bekommen die Möglichkeit, Fragen aufzuwerfen und ihre Meinung kund zu tun. Vielen Dank für Ihre Initiative.“*

Ede: *„Danke für die großartige Arbeit von MMM für das Wohl von Familien.“*



Von MMM Europe (Mouvement Mondial des Mères-Europe), 2011.



KOMMISSION DER EUROPÄISCHEN GEMEINSCHAFTEN

Brüssel, den 01.3.2006
KOM(2006) 92 endgültig

**MITTEILUNG DER KOMMISSION AN DEN RAT, DAS EUROPÄISCHE
PARLAMENT, DEN EUROPÄISCHEN WIRTSCHAFTS- UND SOZIALAUSSCHUSS
UND DEN AUSSCHUSS DER REGIONEN**

Ein Fahrplan für die Gleichstellung von Frauen und Männern

2006-2010

{SEK(2006) 275}

EINLEITUNG

Dieser Fahrplan legt sechs Schwerpunkte für EU-Maßnahmen zur Gleichstellung für den Zeitraum 2006-2010 vor: gleiche wirtschaftliche Unabhängigkeit für Frauen und Männer; Vereinbarkeit von Beruf und Privatleben; ausgewogene Repräsentanz in Entscheidungsprozessen; Beseitigung aller Formen geschlechterbezogener Gewalt; Beseitigung von Geschlechterstereotypen; Förderung der Gleichstellung in Außen- und Entwicklungspolitik. Für jeden Bereich werden vorrangige Ziele und Aktionen festgelegt. Die Kommission kann diese Ziele nicht allein erreichen, da viele Bereiche in die Zuständigkeit der Mitgliedstaaten fallen. Daher steht der Fahrplan für das Engagement der Kommission, die Gleichstellungsagenda voranzubringen und die Partnerschaft mit den Mitgliedstaaten und anderen AkteurInnen zu intensivieren.

Dieser Fahrplan baut auf den Erfahrungen der Rahmenstrategie für die Gleichstellung von Frauen und Männern¹ für den Zeitraum 2001-2005 auf. Er ist eine Kombination aus neuen Initiativen und der Stärkung bestehender erfolgreicher Tätigkeiten. Er bekräftigt den dualen Ansatz, der auf Gender Mainstreaming (der Förderung der Gleichstellung in Rahmen aller Politikbereiche und Tätigkeiten) und spezifischen Maßnahmen beruht.

Die Gleichstellung der Geschlechter ist ein Grundrecht, ein gemeinsamer Wert der EU und eine Voraussetzung zur Erreichung der EU-Ziele für Wachstum, Beschäftigung und sozialen Zusammenhalt. Dank Rechtsvorschriften zur Gleichstellung, Gender Mainstreaming, spezifischen Maßnahmen zur Frauenförderung, Aktionsprogrammen, dem sozialen Dialog und dem Dialog mit der Zivilgesellschaft hat die EU deutliche Fortschritte im Bereich der Gleichstellung erzielt. Das Europäische Parlament ist dabei ein wichtiger Partner. Viele Frauen verfügen über die höchsten Bildungsabschlüsse, Frauen sind am Arbeitsmarkt stark vertreten und haben wichtige Positionen im öffentlichen Leben erreicht. Trotzdem bestehen nach wie vor Ungleichheiten, die sich noch verstärken könnten, da der globale Wettbewerb flexiblere und mobilere Arbeitskräfte verlangt. Frauen kann das stärker betreffen, da sie häufig gezwungen sind, sich zwischen Kindern und Karriere zu entscheiden, weil flexible Arbeitsregelungen und Betreuungseinrichtungen fehlen, weil Geschlechterstereotype sich hartnäckig halten und weil Männer einen deutlich geringeren Teil der familiären Verpflichtungen übernehmen. Die Position von Frauen am Arbeitsmarkt spiegelt die von ihnen erzielten Fortschritte, einschließlich in den für die Lissabon-Strategie zentralen Feldern wie der Bildung und der Forschung, nicht wider. Diese Verschwendung von Humankapital kann sich die EU nicht leisten. Gleichzeitig gefährden niedrige Geburtenraten und eine geringere Erwerbsbevölkerung die politische und wirtschaftliche Position der EU.

Die EU ist ein wichtiger Partner, wenn es um die weltweite Förderung der Gleichstellung geht. Aus der Globalisierung einen für alle Frauen und Männer positiven Faktor zu machen und der Armut den Kampf anzusagen, sind große Herausforderungen. Kommunikationstechnologien begünstigen Verbrechen wie Menschenhandel und tragen zu ihrer Verbreitung bei.

Wenn die EU diese Herausforderungen bewältigen soll, müssen bei der Gleichstellung rascher Fortschritte erzielt werden, Gender Mainstreaming muss in allen Politikbereichen und vor allem in den im Fahrplan festgelegten Feldern verstärkt werden.

¹ KOM(2000) 335.

TEIL I: AKTIONSSCHWERPUNKTE FÜR DEN BEREICH GLEICHSTELLUNG

1. GLEICHE WIRTSCHAFTLICHE UNABHÄNGIGKEIT FÜR FRAUEN UND MÄNNER

1.1 Beschäftigungsziele der Lissabon-Strategie

Die Lissabon-Strategie gibt eine Frauenbeschäftigungsquote von 60 % bis 2010 vor. Derzeit liegt sie bei 55,7 % und ist für ältere Frauen (55-64 Jahre) deutlich niedriger (31,7 %). Auch die Arbeitslosenquote ist für Frauen höher als für Männer (9,7 % gegenüber 7,8 %). Die Geschlechterdimension der Lissabon-Strategie für Arbeitsplätze und Wachstum muss gestärkt werden. Die Einhaltung der Gleichbehandlungsvorschriften und der wirksame Einsatz der neuen Strukturfonds (z. B. Maßnahmen in den Bereichen Ausbildung und unternehmerische Initiative) kann helfen, die Frauenbeschäftigungsquote zu erhöhen. Mit der Individualisierung der steuer- und sozialrechtlichen Ansprüche kann ebenfalls erreicht werden, dass sich Berufstätigkeit sowohl für Männer als auch für Frauen lohnt.

1.2 Nivellierung der geschlechterspezifischen Einkommensunterschiede

Trotz EU-Rechtsvorschriften zu gleichem Entgelt verdienen Frauen 15 % weniger als Männer² und diese Differenz nimmt sehr viel langsamer ab als die Diskrepanz bei der Beschäftigungsquote. Ursachen für diesen sich hartnäckig haltenden Zustand sind direkte Diskriminierung und strukturelle Ungleichheiten, wie sektor- und berufsbezogene Segregation, unterschiedliche Arbeitsmuster, Zugang zu Aus- und Weiterbildung, Evaluierungs- und Gehaltssysteme, die Frauen benachteiligen, und Stereotype. Diese Problemstellungen erfordern einen mehrdimensionalen Ansatz und die Mobilisierung aller Betroffenen.

1.3 Frauen als Unternehmerinnen

Frauen stellen im Schnitt 30 % der Unternehmer/innen in der EU. Bei der Gründung eines Unternehmens, beim Zugang zu Finanzierungen und Ausbildung haben sie häufig mit größeren Problemen zu kämpfen als Männer. Die Empfehlungen, die der EU-Aktionsplan für unternehmerische Initiative gibt, um die Zahl der Gründerinnen durch besseren Zugang zu Finanzierung und den Aufbau entsprechender Netzwerke zu erhöhen, müssen noch weiter umgesetzt werden.

1.4 Gleichstellung beim Sozialschutz und in der Armutsbekämpfung

Die Sozialsysteme sollten negative Anreize beseitigen, die Frauen und Männer davon abhalten, in den Arbeitsmarkt einzutreten oder dort zu verbleiben, und gleichzeitig die Möglichkeit bieten, individuelle Pensionsansprüche zu akkumulieren. Trotzdem zeigt sich bei Frauen nach wie vor die Tendenz zu einer kürzeren oder unterbrochenen beruflichen Laufbahn, weshalb sie auch weniger Rechte und Ansprüche erwerben als Männer. Dadurch steigt die Gefahr der Verarmung, vor allem für Alleinerzieherinnen, ältere Frauen oder

² Nicht bereinigte Differenz.

Frauen, die in Familienunternehmen arbeiten, z. B. in der Landwirtschaft und der Fischerei. Der neue Europäische Fischereifonds (EFF) und die Politik für die ländliche Entwicklung (ELER) können die Situation der Frauen in diesen Sektoren verbessern. Sozialschutzsysteme müssen unbedingt gewährleisten, dass diese Frauen Zugang zu angemessenen Leistungen haben, vor allem beim Eintritt in den Ruhestand.

1.5 Berücksichtigung der Geschlechterdimension im Gesundheitswesen

Frauen und Männer sind mit jeweils spezifischen Gesundheitsrisiken, Erkrankungen, Fragestellungen und gewohnten Vorgangsweisen konfrontiert, die sich auf ihre Gesundheit auswirken. Dazu zählen Umweltaspekte wie der Einsatz von Chemikalien und Pestiziden, da diese häufig in der Schwangerschaft und beim Stillen weitergegeben werden. Medizinische Forschung sowie zahlreiche Sicherheits- und Gesundheitsstandards sind stärker auf Männer und männlich dominierte Arbeitsbereiche ausgerichtet.

Der Wissensstand in diesem Bereich sollte verbessert und statistische Erhebungen und Indikatoren weiterentwickelt werden. Soziale, Gesundheits- und Pflegedienste sollten mit dem Ziel modernisiert werden, sie leichter zugänglich zu machen, ihre Qualität zu verbessern und die neuen und spezifischen Bedürfnisse von Frauen und Männern stärker zu berücksichtigen.

1.6 Bekämpfung von Mehrfachdiskriminierung vor allem von Immigrantinnen und weiblichen Angehörigen ethnischer Minderheiten

Die EU ist bemüht, alle Formen der Diskriminierung zu beseitigen und eine integrative Gesellschaft zu schaffen. Bei benachteiligten Gruppen ist die Situation für Frauen häufig noch schlechter als für Männer. Die Situation weiblicher Angehöriger von ethnischen Minderheiten und Immigrantinnen ist symptomatisch. Sie leiden häufig unter doppelter Diskriminierung. Daher muss in der Migrations- und Integrationspolitik die Gleichstellung gefördert werden, um die Rechte von Frauen und ihre Teilhabe an der Gesellschaft zu gewährleisten, ihr Beschäftigungspotenzial voll auszuschöpfen und ihren Zugang zu Bildung und lebenslangem Lernen zu verbessern.

Zentrale Aktionen

Die Kommission wird

- das Gender Mainstreaming überwachen und verstärken:
 - im Rahmen der Integrierten Leitlinien für Wachstum und Beschäftigung und der neuen gestrafften offenen Koordinierungsmethode, die in den Bereichen Pensionen, soziale Integration, Gesundheitsversorgung und Langzeitpflege³ zum Tragen kommt – sie wird u. a. 2007 ein Handbuch zur Gleichstellung ausarbeiten, das sich an Personen richtet, die in diese Prozesse eingebunden sind, und sie wird überprüfen, wie die Sozialschutzsysteme die Gleichstellung fördern können;
 - in der Gesundheitspolitik, u. a. durch eine aktualisierte Analyse der Geschlechterdimension im Gesundheitswesen;

³ KOM(2005) 706.

- bei Aktivitäten auf nationaler und europäischer Ebene im Rahmen des Europäischen Jahres der Chancengleichheit für alle (2007) und des Europäischen Jahres gegen Ausgrenzung und Armut (2010);
 - indem sie gemeinsam mit den Mitgliedstaaten Gender Mainstreaming und spezifische Maßnahmen bei der Planung und Umsetzung der neuen Strukturfonds⁴, des EFF und des ELER (2007-2013) fördert, u. a. durch Monitoring und die Bereitstellung angemessener Ressourcen für Gleichstellungsaufgaben;
 - mithilfe des Rahmens für die Integration von Drittstaatsangehörigen in die Europäische Union⁵, dem Follow-up zum Strategischen Plan zur legalen Zuwanderung⁶, dem Europäischen Sozialfonds (ESF) und dem vorgeschlagenen Europäischen Fonds für die Integration von Drittstaatsangehörigen.
- 2007 eine Mitteilung zu geschlechterspezifischen Einkommensunterschieden vorlegen.
 - 2010 einen Bericht zur Umsetzung der Richtlinie zur Gleichbehandlung von Männern und Frauen beim Zugang zu und bei der Versorgung mit Gütern und Dienstleistungen⁷ erstellen.
 - Frauen als Unternehmerinnen und ein Unternehmensumfeld fördern, dass die Gründung und den Aufbau von von Frauen geführten Unternehmen unterstützt; Initiativen zur Gleichstellung im Rahmen der sozialen Verantwortung von Unternehmen fördern.

2. BESSERE VEREINBARKEIT VON BERUF, PRIVAT- UND FAMILIENLEBEN

2.1 Flexible Arbeitsregelungen sowohl für Frauen als auch für Männer

Maßnahmen, die die Vereinbarkeit erhöhen, tragen zur Flexibilisierung der Wirtschaft bei und verbessern die Lebensqualität von Frauen und Männern. Sie unterstützen Menschen beim Zugang zum und Verbleib am Arbeitsmarkt, indem sie das gesamte Potenzial der Erwerbsbevölkerung ausschöpfen, und müssen Frauen und Männern gleichermaßen offen stehen. Flexible Arbeitsregelungen steigern die Produktivität, sorgen für höhere Zufriedenheit bei den ArbeitnehmerInnen und nützen dem guten Ruf des Unternehmens. Trotzdem erzeugt die Tatsache, dass bei weitem mehr Frauen als Männer derartige Regelungen nutzen, ein Ungleichgewicht zwischen den Geschlechtern, das negative Auswirkungen auf die Position der Frauen am Arbeitsplatz und auf ihre wirtschaftliche Unabhängigkeit hat.

2.2 Ausbau der Betreuungsangebote

Europa steht vor einer dreifachen Herausforderung: die sinkende Zahl der Personen im erwerbsfähigen Alter, niedrige Geburtenraten und ein Anstieg in der Gruppe älterer Personen. Bessere Regelungen für eine gelungene Work-Life-Balance sind Teil der Antwort auf die negative demografische Entwicklung, da sie Kinderbetreuungsmöglichkeiten bieten, die – wie

⁴ Vgl. Strategische Leitlinien der Gemeinschaft zur Kohäsionspolitik, KOM(2005) 299.

⁵ KOM(2005) 389.

⁶ KOM(2005) 669.

⁷ Richtlinie 2004/113/EG.

in den Barcelona-Zielen⁸ gefordert – leistbar und zugänglich sind, und weil sie Dienstleistungen anbieten, die den Betreuungsbedürfnissen älterer Menschen und Menschen mit Behinderung entsprechen. Die Qualität dieser Leistungen sollte verbessert und die Qualifikationen des Personals, überwiegend Frauen, stärker entwickelt und mehr wertgeschätzt werden.

2.3 Bessere Vereinbarkeit sowohl für Frauen als auch für Männer

Dienstleistungen und Strukturen passen sich nicht rasch genug der Situation an, in der sowohl Frauen als auch Männer berufstätig sind. Nur wenige Männer nehmen Elternurlaub oder arbeiten Teilzeit (7,4 % im Vergleich zu 32,6 % der Frauen); nach wie vor übernehmen vorwiegend Frauen die Betreuung von Kindern und anderen abhängigen Personen. Männer sollten ermutigt werden, Familienpflichten zu übernehmen, vor allem durch Anreize für Eltern- und Vaterurlaub, und Ansprüche auf Freistellung mit den Frauen zu teilen.

Zentrale Aktionen

Die Kommission wird

- 2006 eine Mitteilung zur demografischen Entwicklung⁹ vorlegen, die sich mit der Vereinbarkeit von Familien- und Berufsleben befasst.
- die Erreichung der Barcelona-Ziele für den Bereich Kinderbetreuung und den Aufbau anderer Betreuungsmöglichkeiten über die Strukturfonds und den Austausch von Good Practice unterstützen.
- Forschung zu Berufen im Gesundheits- und Sozialbereich fördern und mit internationalen Organisationen gemeinsam an einer besseren Klassifizierung dieser Berufe arbeiten.

3. FÖRDERUNG DER GLEICHBERECHTIGTEN TEILHABE VON FRAUEN UND MÄNNERN AN ENTSCHEIDUNGSPROZESSEN

3.1 Frauen in der Politik

Die nach wie vor zu geringe Repräsentation von Frauen in politischen Entscheidungsprozessen ist ein Demokratiedefizit. Die aktive Bürgerschaft von Frauen, ihre Teilhabe an der Politik und am gehobenen Management auf allen Ebenen (lokal, regional, national und europäisch) der öffentlichen Verwaltung sollte weiter gefördert werden. Der Verfügbarkeit EU-weit vergleichbarer und zuverlässiger Daten kommt nach wie vor Priorität zu.

3.2 Frauen in wirtschaftlichen Entscheidungsprozessen

Die ausgewogene Partizipation von Frauen und Männern an ökonomischen Entscheidungsprozessen kann dazu beitragen, das Arbeitsumfeld und die Arbeitskultur

⁸ Bis 2010 ein Kinderbetreuungsangebot für mindestens 90 % der Kinder zwischen drei Jahren und dem Schuleintrittsalter sowie für mindestens 33 % der Kinder unter drei Jahren zu schaffen.

⁹ Follow-up zu KOM(2005) 94.

produktiver und innovativer zu machen und die wirtschaftliche Leistung zu steigern. Voraussetzung dafür sind Transparenz bei Beförderungsverfahren, flexible Arbeitsregelungen und das Angebot von Betreuungsmöglichkeiten.

3.3 Frauen in Wissenschaft und Technik

Die Partizipation von Frauen in Wissenschaft und Technik kann dazu beitragen, Innovation, Qualität und Wettbewerbsfähigkeit wissenschaftlicher und industrieller Forschung zu steigern und sollte daher gefördert werden. Um die Zielvorgabe¹⁰ von 25 % Frauen in Führungspositionen in der öffentlichen Forschung zu erreichen, sollten Maßnahmen gesetzt und die Fortschritte überprüft werden. Weitere Vernetzung und die Verfügbarkeit von EU-Daten sind eine wichtige Voraussetzung.

Zentrale Aktionen

Die Kommission wird

- das Gender Mainstreaming überwachen und fördern:
 - in der europäischen Forschungspolitik und dem 7. Rahmenprogramm, u. a. indem sie für die Umsetzung der Aktionspläne zur Gleichstellung sorgt, geschlechterspezifische Forschung entwickelt, Gender Mainstreaming und die Partizipation von Frauen im angekündigten Europäischen Forschungsrat überwacht;
 - im Rahmen des Programms Allgemeine und berufliche Bildung 2010, indem Sie Frauen – im Einklang mit dem europäischen Ziel, das Ungleichgewicht zwischen den Geschlechtern in diesem Feld zu beseitigen – beim Zugang zu wissenschaftlichen und technischen Karrieren unterstützt; durch die Erstellung eines europäischen Best Practice-Leitfadens zum Thema „IKT und die Geschlechterproblematik“ (2007);
 - im Rahmen der Umsetzung des zukünftigen Programms „Bürger/innen für Europa“ dadurch, dass sie Gleichstellung im Bereich der aktiven Bürgerschaft als ein prioritäres Thema aufgreift und durch die Mobilisierung bestehender Netzwerke;
- 2007 ein EU-Netzwerk von Frauen in wirtschaftlichen und politischen Entscheidungspositionen aufbauen.
- bewusstseinsbildende Aktivitäten, den Austausch von Good Practice und Forschungsergebnissen unterstützen, u. a. mithilfe der europäischen Datenbank über Frauen und Männer in Entscheidungsprozessen, vor allem im Hinblick auf die Wahlen zum Europäischen Parlament 2009.

¹⁰ Schlussfolgerungen des Rates vom 18.04.2005.

4. BEKÄMPFUNG GESCHLECHTERBEZOGENER GEWALT UND GESCHLECHTERBEZOGENEN MENSCHENHANDELS

4.1 Geschlechterbezogene Gewalt

Die EU hat sich verpflichtet, alle Formen der Gewalt zu bekämpfen. Opfer geschlechterbezogener Gewalt sind überwiegend Frauen. Dies ist eine Verletzung der grundlegenden Rechte auf Leben, Sicherheit, Freiheit, Würde sowie körperliche und seelische Unversehrtheit. Die Verletzung dieser Rechte kann weder toleriert, noch mit irgendwelchen Begründungen entschuldigt werden. Es bedarf der Prävention und diese setzt Bildung und Wissen, den Aufbau von Netzwerken und Partnerschaften sowie den Austausch bewährter Verfahren voraus. Es besteht dringender Handlungsbedarf, um auf Gewohnheit oder Tradition beruhende fehlgeleitete Einstellungen und Praktiken zu beseitigen, darunter weibliche Genitalverstümmelung, Früh- oder Zwangsehen und Verbrechen aus Ehre.

4.2 Menschenhandel

Menschenhandel ist ein Verbrechen und eine Verletzung der Grundrechte der/des Einzelnen. Er ist eine Form moderner Sklaverei; besonders gefährdet sind von Armut betroffene Frauen und Kinder, vor allem Mädchen. Für den Kampf gegen Menschenhandel ist eine Kombination aus Präventivmaßnahmen, Kriminalisierung des Handels durch geeignete Gesetze sowie Schutz und Unterstützung der Opfer notwendig.¹¹ Maßnahmen, die die Nachfrage nach Frauen und Kindern zum Zweck der sexuellen Ausbeutung verhindern, müssen weiter ausgebaut werden. Der EU-Plan zur Bekämpfung des Menschenhandels¹² spiegelt diesen Ansatz wider. Die Richtlinie über Aufenthaltstitel für Opfer von Menschenhandel¹³ bietet ein neues Instrument zur Reintegration von Opfern, indem ihnen Zugang zum Arbeitsmarkt und zu (Aus)bildung gewährt wird. Synergien mit dem EFS sollten umfassend genutzt werden. Die EU sollte vergleichbares Datenmaterial erstellen, um jährlich das Ausmaß des Menschenhandels in den einzelnen Ländern zu bewerten.

Zentrale Aktionen

Die Kommission wird

- 2006 eine Mitteilung zur Einrichtung eines Systems für vergleichbare statistische Daten zu Verbrechen, Opfern und Strafjustiz veröffentlichen und die Fortschritte auf EU-Ebene überwachen.
- die Mitgliedstaaten und NGO im Kampf gegen geschlechterbezogene Gewalt – dazu zählen auch auf Gewohnheit oder Tradition beruhende fehlgeleitete Praktiken – unterstützen, indem sie entsprechende bewusstseinsbildende Kampagnen fördert, Vernetzung, Austausch von Good Practice und Forschung unterstützt und indem sie Programme für Opfer wie auch Täter/innen umsetzt und die Mitgliedstaaten ermutigt, nationale Aktionspläne auszuarbeiten.

¹¹ KOM(2005) 514.

¹² ABl. C 311 vom 9.12.2005,p.1.

¹³ Richtlinie 2004/81/EG.

- ein Follow-up zur Mitteilung und zum EU-Aktionsplan gegen Menschenhandel durchführen und den Einsatz aller bestehenden Instrumente, darunter der ESF, fördern, um Opfer von Gewalt und Menschenhandel wieder in die Gesellschaft zu integrieren.

5. ABBAU VON GESCHLECHTERSTEREOTYPEN IN DER GESELLSCHAFT

5.1 Gegen Geschlechterstereotype in Bildung, Ausbildung und Kultur

Geschlechterstereotype werden nach wie vor über (Aus)bildung und Kultur weitergegeben. Frauen und Männer folgen häufig traditionellen Bildungs- und Ausbildungswegen, die Frauen vorwiegend in Berufe mit geringerer Anerkennung und geringerer Bezahlung führen. Die Strategie sollte dahingehen, Geschlechterstereotypen schon in der Kindheit entgegenzutreten, indem Lehrpersonen und Studierende ein entsprechendes Training erhalten und junge Frauen und Männer ermutigt werden, sich für nicht traditionelle Bildungswege zu interessieren. Das Bildungssystem sollte jungen Menschen die entsprechende Qualifikation vermitteln. Daher ist es wichtig, das Phänomen des frühen Abgangs von der Schule zu untersuchen, das mehr Burschen als Mädchen betrifft.

5.2 Gegen Geschlechterstereotype am Arbeitsmarkt

Frauen sind nach wie vor sowohl mit horizontaler als auch vertikaler Segregation konfrontiert. Nach wie vor sind die meisten in traditionellen Frauensektoren beschäftigt, die in der Regel weniger Anerkennung und Wertschätzung genießen. Darüber hinaus finden sie sich im Allgemeinen auf den unteren Stufen in der Unternehmenshierarchie wieder. Es ist genauso wichtig, Frauen den Zugang zu untypischen Sektoren zu erleichtern, wie die Präsenz von Männern in Sektoren zu fördern, in denen traditionell vorwiegend Frauen arbeiten. Antidiskriminierungsgesetze sollten durchgesetzt und Schulungen und Anreize geboten werden.

5.3 Gegen Geschlechterstereotype in den Medien

Den Medien kommt im Kampf gegen Geschlechterstereotype eine besonders wichtige Rolle zu. Ihr spezieller Beitrag kann darin bestehen, dass sie ein realistisches Bild der Fähigkeiten und Potenziale von Frauen und Männern in der modernen Gesellschaft zeichnen und darauf verzichten, Frauen und Männer in abwertender oder verletzender Weise darzustellen. Dialoge mit Interessierten und Kampagnen zur Bewusstseinsbildung sollten auf allen Ebenen gefördert werden.

Zentrale Aktionen

Die Kommission wird

- Maßnahmen gegen Geschlechterstereotype in den Bereichen Bildung, Ausbildung und Kultur sowie am Arbeitsmarkt unterstützen, indem sie Gender Mainstreaming und spezifische Aktionen im Rahmen von ESF, IKT-Programmen und den EU-Programmen für Bildung Ausbildung und Kultur fördert, einschließlich der Strategie des lebenslangen Lernens und des geplanten integrierten Programms für lebenslanges Lernen.
- Kampagnen zur Bewusstseinsbildung und den Austausch von Good Practice zu nicht stereotypen Geschlechterrollen in Schulen und Unternehmen unterstützen und mit den

Medien in einen Dialog zu treten, um die nicht stereotypisierende Darstellung von Frauen und Männern zu fördern.

- im Dialog mit den EU-BürgerInnen – im Rahmen des Plans der Kommission für Demokratie, Dialog und Diskussion¹⁴ – Bewusstsein für die Geschlechtergleichstellung schaffen.

6. FÖRDERUNG DER GESCHLECHTERGLEICHSTELLUNG AUSSERHALB DER EU

6.1 Durchsetzung des EU-Rechts in Beitritts-, Kandidaten- und potenziellen Kandidatenländern¹⁵

Länder, die der EU beitreten, müssen sich zum Grundsatz der Gleichstellung von Frauen und Männern bekennen. Die Überwachung der Umsetzung, Implementierung und Durchsetzung der EU-Rechtsvorschriften zur Gleichstellung wird bei zukünftigen Erweiterungsprozessen eine EU-Priorität sein.

6.2 Förderung der Gleichstellung in der Europäischen Nachbarschaftspolitik (ENP), der Außen- und der Entwicklungspolitik

Gleichstellung an sich ist ein Ziel, ein Menschenrecht, und trägt zur Beseitigung von Armut bei. Die EU ist eine wichtige Akteurin bei internationalen Bemühungen im Entwicklungsbereich und hält sich an international anerkannte Grundsätze wie die Millenniumserklärung zur Entwicklung und die Pekinger Aktionsplattform (PAP). In der Erklärung *Der europäische Konsens über die Entwicklungspolitik*¹⁶ hat sie die Gleichstellung als einen von fünf zentralen Grundsätzen der Entwicklungspolitik bekräftigt. In der neuen EU-Strategie für Afrika¹⁷ ist die Gleichstellung der Geschlechter zentraler Bestandteil aller Partnerschaften und nationalen Entwicklungsstrategien. Die Kommission engagiert sich in den Außenbeziehungen, einschließlich der ENP, für die Förderung der Gleichstellung. Bei humanitären Interventionen trägt die EU den besonderen Bedürfnissen von Frauen eigene Rechnung.

Die EU wird sich weiterhin weltweit für Bildung und eine sichere Umwelt für Mädchen und Frauen, für sexuelle und reproduktive Gesundheit und Rechte, die auch ein Beitrag zum Kampf gegen HIV/AIDS sind, für die Selbstermächtigung von Frauen und für den Kampf gegen weibliche Genitalverstümmelung einsetzen. Die EU und ihre Mitgliedstaaten müssen die gleichberechtigte Einbindung von Frauen ins wirtschaftliche und politische Leben sowie in den Entscheidungsprozess, in Konfliktprävention und -lösung, in Frieden schaffende und Aufbaumaßnahmen fördern.

Zentrale Aktionen

Die Kommission wird

¹⁴ KOM(2005) 494.

¹⁵ Albanien, Bosnien und Herzegowina, Serbien und Montenegro, einschließlich Kosovo. Vgl. Auch KOM(2005) 561.

¹⁶ Ratstagung vom 22.11.2005.

¹⁷ KOM(2005) 489.

- die Umsetzung, Implementierung und Durchsetzung des EU-Rechts zur Gleichstellung in den Beitritts-, Kandidaten- und potenziellen Kandidatenländern ins Bewusstsein rücken und überwachen, u. a. bei der Planung der Finanzhilfe vor dem Beitritt und bei den Beitrittsverhandlungen.
- Gender Mainstreaming und spezifische Maßnahmen in der ENP, der Außen- und der Entwicklungspolitik der EU auf der Ebene des politischen Dialogs und der Planung (Strategiedokumente der Länder und Strategiedokumente zur Armutsbekämpfung) überwachen und fördern. bei der Implementierung bei den neuen Hilfe-Modalitäten (Budgetunterstützungs- und Sektorprogramme) besonders darauf achten, dass die Geschlechterperspektive berücksichtigt wird.
- 2006 eine Mitteilung mit dem Titel „Ein Ideenkonzept zum Thema Gleichstellung in der Entwicklungszusammenarbeit“ vorlegen.
- das Gender Mainstreaming in humanitären Hilfsaktionen der EG fördern, indem sie die Geschlechterdimension zu einem Bestandteil der thematischen und technischen Überprüfungen (auch für den Bereich Capacity Building) und Evaluierungen macht.
- die Gleichstellung in den Ländern des Mittelmeerraums stärken, u. a. durch die Abhaltung einer Euromed Ministerkonferenz zum Thema Gleichstellung im Jahr 2006, nach vorheriger Konsultation der Zivilgesellschaft; bei dieser Konferenz könnte ein Aktionsplan verabschiedet werden.
- die Errungenschaften der PAP und anderer wichtiger internationaler und regionaler Konventionen festigen, indem sie Programme, Capacity Building und die Datenerfassungskapazität in den Entwicklungsländern unterstützt.
- zur Umsetzung der Resolution 1325 (2000) des UN-Sicherheitsrates betreffend Frauen und Frieden und Sicherheit beitragen, u. a. dadurch, dass sie 2006 Leitlinien zum Gender Mainstreaming in Lehrgängen und Trainings für Krisenmanagement ausarbeitet.
- Frauenorganisationen und –netzwerke fördern.

TEIL II: POLITISCHE ENTSCHEIDUNGSSTRUKTUREN UND GLEICHSTELLUNG

Gleichstellung ist nur mit Hilfe eines klaren Bekenntnisses auf höchster politischer Ebene zu erreichen. Die Kommission fördert die Gleichstellung in ihren eigenen Reihen¹⁸ und unterstützt eine Reihe von Strukturen¹⁹, die sich mit Geschlechterfragen befassen und deutliche Fortschritte bewirkt haben.

Trotzdem sind noch große Fortschritte in den im Fahrplan festgelegten Schlüsselbereichen nötig und

das erfordert bessere Entscheidungsstrukturen auf allen Ebenen: EU-Organe, Mitgliedstaaten, Parlamente, Sozialpartner und Zivilgesellschaft. Eine wichtige Voraussetzung ist die Unterstützung der Gleichstellungsminister/innen: Ihre von der Kommission unterstützten regelmäßigen Treffen und Präsidentschaftskonferenzen sind wichtige Gelegenheiten für Dialog und Monitoring. Der Europäische Pakt für Gleichstellung zeigt das Engagement auf höchster politischer Ebene in den Mitgliedstaaten, die Anstrengungen zu erhöhen, um gemeinsam mit der Kommission das Ziel der Gleichstellung der Geschlechter zu erreichen.

Das geplante Europäische Institut für Gleichstellungsfragen²⁰ soll Expertise bereitstellen, den Wissensstand erhöhen und das Thema Gleichstellung stärker ins öffentliche Blickfeld rücken. Die Strukturfonds, die Finanzprogramme in den verschiedenen Politikbereichen und das geplante Programm FORTSCHRITTE soll die Umsetzung dieses Fahrplans unterstützen. Die Umsetzung von Gleichstellungsmethodiken wie der Bewertung geschlechterspezifischer Auswirkungen und dem Gender Budgeting (Einbeziehung der Genderperspektive beim Haushaltsverfahren) werden die Gleichstellung fördern und für mehr Transparenz und höhere Verantwortlichkeit sorgen.

Zentrale Aktionen

Die Kommission wird

- ihre Strukturen stärken.
 - sich 2007 an der Einrichtung des Europäischen Instituts für Gleichstellungsfragen beteiligen.
 - die Fortschritte bei der Gleichstellung in der Personalpolitik in der Kommission überwachen und 2007 eine Mitteilung zur Erreichung der für ihre Ausschüsse und Expertengruppen²¹ festgelegten Ziele vorlegen. Schulungen zum Thema Gleichstellung für ihr Personal anbieten, einschließlich Management und Personal, das in externen Bereichen und in der Entwicklungszusammenarbeit tätig ist.
- die Vernetzung verstärken und den sozialen Dialog unterstützen.

¹⁸ Anhang III.

¹⁹ Anhang II.

²⁰ KOM (2005) 81

²¹ 2000/407/EG.

- 2006 ein EU-Netzwerk der Gleichbehandlungsstellen aufbauen, die gemäß der Richtlinie 2002/73 eingerichtet wurden.
- die Zusammenarbeit mit NGO auf EU-Ebene verstärken, dazu gehört auch der Dialog mit Frauenorganisationen und mit anderen Organisationen der Zivilgesellschaft.
- die Arbeit der Sozialpartner im Bereich Gleichstellung sowohl auf branchenübergreifender als auch sektoraler Ebene anregen und unterstützen.
- die Bewertung geschlechterspezifischer Auswirkungen und Gender Budgeting unterstützen.
 - die Einbeziehung der Genderperspektive in die Folgenabschätzung²² der Maßnahmen und Rechtsvorschriften der Gemeinschaft stärken und Möglichkeiten prüfen, Gender Budgeting auf EU-Ebene zu entwickeln, vor allem bei den Strukturfonds innerhalb der im Rahmen der gemeinsamen Verwaltung gebotenen Möglichkeiten.
 - Gender Budgeting auf lokaler, regionaler und nationaler Ebene fördern, u. a. durch den Austausch von Good Practice.
- die Wirksamkeit der Rechtsvorschriften stärken.
 - die bestehenden, 2005 nicht überarbeiteten²³ EU-Rechtsvorschriften zur Gleichstellung überprüfen, um sie, falls nötig, zu aktualisieren, zu modernisieren und zu überarbeiten.
 - die Umsetzung und Durchsetzung des EU-Gleichstellungsrechts überwachen.
 - die EU-Bürger/innen mithilfe des Portals „Europa für Sie“²⁴ und des Wegweiserdienstes für die Bürger²⁵ über ihre Gleichbehandlungsrechte informieren.

Überwachung der Fortschritte

Funktionierende Entscheidungsstrukturen leben von der Verantwortlichkeit. Die Kommission wird diesen Fahrplan laufend kontrollieren und bewerten. Ihr Jährliches Arbeitsprogramm für die Umsetzung des Gender Mainstreaming ist ein wirksames Instrument, das beibehalten und für das Follow-up dieses Fahrplans angepasst werden soll.

Die Kommission wird

- die Fortschritte bei der Gleichstellung überwachen und über ihren jährlichen Bericht zur Gleichstellung von Frauen und Männern Orientierung bieten sowie die Umsetzung des Fahrplans mithilfe ihres jährlichen Arbeitsprogramms verfolgen.

²² SEK(2005) 791.

²³ KOM(2004) 279.

²⁴ <http://europa.eu.int/youreurope/nav/de/citizens/home.html>

²⁵ http://europa.eu.int/citizensrights/signpost/front_end/index_de.htm

- das politische Follow-up durch Treffen der für Gleichstellung zuständigen Minister/innen und die aus Kommissionsmitgliedern zusammengesetzte Gruppe „Grundrechte, Bekämpfung der Diskriminierung und Chancengleichheit“ sicher stellen. Die dienststellenübergreifende Gruppe „Gleichstellung“ der Kommission wird die Gruppe der KommissarInnen unterstützen, an der Ausarbeitung des jährlichen Arbeitsprogramms mitwirken und die Verbindung zu anderen Gruppen herstellen, die sich mit der Gleichstellungsthematik befassen²⁶.
- wo nötig, zusätzliche Indikatoren ausarbeiten²⁷; 2007 einen neuen zusammengesetzten Gleichstellungsindex festlegen; bis 2010 gemeinsam mit den Mitgliedstaaten neue Indikatoren für die 12 kritischen Bereiche der PAP ausarbeiten; die Erstellung von EU-weit vergleichbaren Daten zur Gleichstellung und nach Geschlecht aufgeschlüsselten statistischen Daten unterstützen.
- 2008 einen Bericht zum Stand der Umsetzung des Fahrplans vorlegen und 2010 eine Evaluierung des Fahrplans vornehmen sowie ein geeignetes Follow-up vorschlagen.

²⁶ Anhang II.

²⁷ Anhang I.

ANHANG I: Indicators for monitoring progress on the Roadmap

The non-exhaustive list below presents indicators that will be used to monitor progress towards gender equality in the policy areas identified in the Roadmap. They have been selected for their relevance to describe the situation of gender equality in the different areas, also taking into account the availability of EU-comparable data.

The majority of these indicators exist already and are used to monitor progress in EU processes, in particular in the Strategy for growth and jobs. They are also used in the annual Report on equality between women and men that the Commission presents to the Spring European Summit.

In some areas, work is in progress either to develop indicators or to develop comparable data at EU level. This work is being done in cooperation with Member States and Eurostat.

Moreover, Member States, in cooperation with the Commission, have developed indicators for the follow-up of the 12 critical areas of concern of the Beijing Platform for Action. In 2005, the 10th anniversary of the Platform, Member States committed themselves to continue to develop indicators in the missing areas.

The 12 critical areas of concern of the Beijing Platform for Action are: Women and Poverty; Education and Training of Women; Women and Health; Violence against Women; Women and Armed Conflict; Women and the Economy; Women in Power and Decision Making; Institutional Mechanisms for the Advancement of Women; Human Rights of Women; Women and the Media; Women and Environment; The Girl Child

1. Achieving equal economic independence for women and men

1.1 Reaching the Lisbon employment targets and promotion of women's employment

- Employment rates (women, men and gap) - Eurostat
- Employment rates of older workers 55-64 (women, men and gap) - Eurostat
- Unemployment rates (women, men and gap) – Eurostat

1.2 Eliminating the gender pay gap

- Gender pay gap: Difference between men's and women's average gross hourly earnings as a percentage of men's average gross hourly earnings Eurostat: to be further developed

(the population consists of all paid employees aged 16-64 that are "at work 15+ hours per week – This is an unadjusted gender pay gap, therefore not adjusted for individual factors/characteristics such as age, education attainment, occupation, years of professional experience, economic sector of employment)

- Gender pay gap by age and economic sector and level of education (public-private and NACE sectors): to be further developed
- Distribution of employed persons by sex, by sector (NACE) – Eurostat
- Distribution of employed persons by sex, by occupation (ISCO) – Eurostat

1.3 Women entrepreneurs

- Share of self-employed persons in employed population (women, men) – Eurostat

To be further developed

1.4 Gender equality in social protection and the fight against poverty

- At-risk-of-poverty rate (men, women, gap) – Eurostat
- At risk of poverty rate among older people - 65 years and over (men, women, gap) - Eurostat
- At risk of poverty rate among single parent with dependent children - Eurostat
- Pensions : to be further developed

1.5 Recognising the gender dimension in health care

- Healthy life years at birth (men, women, gap) – Eurostat

To be further developed

1.6 Combating multiple discrimination, in particular against immigrant women and ethnic minority women

- Employment rates of non-EU nationals (women, men, gap) – Eurostat
- Pay gap by gender and nationality (EU or non-EU nationals): to be further developed

2. Enhancing reconciliation of work, private and family Life

2.1 Flexible working arrangements for both women and men

- Average hours worked per week by women and men (aged 20-49) with or without children (aged 0-6) – Eurostat
- Employment rates and amount of time (full-time or part-time) worked per week for women and men (aged 20-49), depending on whether they have children under 12 – Eurostat
Time-use of women and men : to be further developed
- Share of part-time among employed (women, men and gap) - Eurostat

2.2 Increasing care services

- Percentage of children covered by childcare (for children between 3 years old and the mandatory school age and for children under 3 years of age) - Eurostat
- Share of employees working on a part-time basis because of care of children or other dependents - Eurostat

- Inactive persons willing to work, not searching due to personal or family responsibilities - Eurostat
- Care of elderly persons: to be further developed
- Accessibility, affordability of services, school opening hours and appropriate public transport: to be further developed

2.3 Better reconciliation policies for men

- Parental leave : to be further developed

3. Promoting equal participation of women and men in decision-making

3.1 Women's participation in politics

- Share of women in European institutions (European commission, European Parliament, Agencies of the European Community, Committee of the Regions, Council of the European Union, European Court of Justice, European Court of First Instance, European Court of Auditors, European Ombudsman) – European Commission: Database on women and men in decision-making
- Share of women in national institutions (national parliaments, central administrations –by BEIS type, supreme audit organisations, supreme courts, supreme administrative courts, constitutional courts, general prosecutor) – European Commission: Database on women and men in decision-making

3.2 Women in economic decision-making

- Share of women in European social and economic institutions (European Central Bank, European Investment Bank, European Investment Fund, European Social Partner Organisations, European non-governmental Organisations – by NGO family-) – European Commission: Database on women and men in decision-making
- Share of women in national economic institutions (daily executive bodies in top 50 publicly quoted companies – by NACE sector-, central banks) – European Commission: Database on women and men in decision-making
- Distribution of managers by sex (ISCO 12 and 13) – Eurostat

3.3 Women in science and technology

- Women and men along a typical academic career - European Commission: Women in Science
- Distribution of full professors by sex (Grade A) - European Commission: Women in Science
- Share of women in leading positions in public sector research: to be further developed

4. Eradicating gender-based violence and trafficking

4.1 Eradication of gender-based violence

- crimes: to be further developed
- victims: to be further developed

4.2 Elimination of trafficking in human beings

- Data on volume and trends of trafficking in each country: to be further developed

5. Eliminating gender stereotypes in society

5.1 Elimination of gender stereotypes in education, training and culture

- Distribution of graduates by sex, by field of study – Eurostat
- Educational attainment (at least upper secondary school) of women and men - Eurostat
- Early school leavers in secondary school (women, men) - Eurostat
- Life-long-learning: Percentage of the population aged 25-64 participating in education and training over the four weeks prior to the survey (women, men) - Eurostat
- stereotypes in culture : to be further developed

5.2 Elimination of gender stereotypes in the labour market

- Distribution of jobs by sex, by sector (NACE) – Eurostat
- Distribution of jobs by sex, by profession (ISCO) - Eurostat

5.3 Elimination of gender stereotypes in the media

To be further developed

6. Promotion of gender equality outside the EU

6.2 Promotion of gender equality in external and development policies

- Follow-up of MDG : to be further developed
- BpfA : to be further developed

ANHANG II: Existing structures at Commission level to promote gender equality

The **Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities** was created on the initiative of the President of the Commission, Mr Barroso, in 2005. It succeeds to the Group of Commissioners on equal opportunities which was active since 1996. Its mandate is to drive policy and ensure the coherence of Commission action in the areas of fundamental rights, anti-discrimination, equal opportunities and the social integration of minority groups, and to ensure that gender equality is taken into account in Community policies and actions, in accordance with Article 3§2 of the Treaty. The group is chaired by the President of the Commission. Other members of the group are Commissioners for Justice, Freedom and Security; for Institutional Relations and Communication Strategy; for Administration, Audit and Anti-fraud; for Information Society and Media; for Education, Training, Culture and Multilingualism; for Enlargement; for Development and Humanitarian Aid; for External Relations and European Neighbourhood Policy; for Employment, Social Affairs and Equal Opportunities. It meets 3-4 times per year and it holds an extraordinary meeting with a focus on gender equality, normally on the 8th of March, on the occasion of the International women's Day. This extraordinary meeting is enlarged to external participants, such as members of the EU Parliament, the Economic and social committee, the Committee of the regions, the Presidency of the EU and representatives of women's organisations

The **Inter-service Group on gender equality** was created in 1996. It brings together representatives of all Commission services responsible for gender equality in all Directorates Generals. It is chaired by DG Employment, Social Affairs and Equal Opportunities who convenes regular meeting. Its main task is to develop a gender mainstreaming approach in all EC policies and programmes and to contribute to and co-ordinate activities in the framework of the annual work programme on gender equality prepared by the Commission services

The **Advisory Committee on equal opportunities for women and men** was created in 1981 by a Commission Decision then amended in 1995. (*Commission Decision of 19 July 1995 amending Decision 82/43/EEC of 9 December 1981*)

The Committee assists the Commission in formulating and implementing the Community's activities aimed at promoting equal opportunities for women and men, and fosters ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved. It is formed by one representative per Member State from ministries or government departments responsible for promoting equal opportunities; one representative per Member State from national committees or bodies having specific responsibility for equal opportunities between women and men; five members representing employers' organizations at Community level; five members representing workers' organizations at Community level. Two representatives of the European Women's Lobby shall attend meetings of the Committee as observers. Representatives of international and professional organizations and other associations making duly substantiated requests to the Commission may be given observer status. The Committee meets normally twice per year.

The **High Level Group on gender mainstreaming** is an informal group created in 2001 following a commitment made by the Commission in its 5th Framework strategy on gender equality (COM(2000) 335 final) and the political support of EU gender equality ministers. This is an informal group made by high level representatives responsible for gender mainstreaming at national level. It is chaired by the Commission who convenes regular meetings twice per year, in close collaboration with the Presidency. Among its main tasks, the Group support presidencies in identifying policy areas and topics relevant to address during

presidencies in order to achieve gender equality. The Group is also the main forum for planning the strategic follow-up of the Beijing Platform for action, including the development of indicators. Since 2003 the Group also assists the Commission in the preparation of the Report on Equality between women and men to the European Council.

The **High Level Group on gender mainstreaming in the Structural Funds** is an informal group created in 2004 made by high level representatives responsible for Structural Funds at national level in the Member States. Candidate countries are given the status of observers. It is chaired by the Commission who convenes at least one meeting per year. The mandate of this group expires end of 2006 but Commission and Member States can decide to continue its works after this date. The HLG acts as a network to give input on gender mainstreaming to the authorities managing Structural Funds implementation. It is also a forum to exchange best practice and experience of implementing gender mainstreaming in the structural funds at national level. It can also provide input into the discussion on the future of the structural funds.

The **Advisory Committee on women and rural areas** was created in 1998. It is made by representatives of socio-economic organisations (agricultural producers, trade, consumers, the European Women Lobby and workers). The Commission convenes meetings once or twice per year. Its aim is to provide for exchange of views and advice between the European Commission and the European socio-economic sectors on the rural development policy and specifically on its gender aspects.

The informal **Group of Experts on Gender Equality in development cooperation** met for the first time in 1999. It is formed by Member States' gender experts and chaired by the Commission that convenes meetings annually. Its aim is to discuss policy developments in relation to gender and development in the context of EU and international major events.

The **Helsinki Group on Women and Science** The Helsinki Group on Women and Science was established in 1999. It consists of national representatives from all the EU Member States, Bulgaria, Romania, Iceland, Israel, Norway, Switzerland and Turkey.

The Group aims to promote the participation and equality of women in the sciences on a Europe-wide basis. It provides an important forum for dialogue about national policies. Recognising the value of networking and mutual support among women scientists, the group also helps explore the ways in which the potential, skills and expertise of women could best be secured, and for sharing and comparing experiences.

The Helsinki Group also helps the Commission build a clear picture of the situation on the ground at the national level. It has, in particular, appointed national statistical correspondents to help the Commission gather and compile sex-disaggregated statistics and build gender-sensitive indicators.

The **European Network to Promote Women's Entrepreneurship (WES)** (see: <http://europa.eu.int/comm/enterprise/entrepreneurship/craft/craft-women/wes.htm>) was created in 2000. It is composed of representatives from the national governments and institutions responsible for the promotion of female entrepreneurship in 27 countries from the EU, EEA and candidate countries. The Commission convenes meetings with WES twice a year which are aimed at exchanging information and good practices in the promotion of female entrepreneurship. Some members of the network have also participated in common European projects.

The Expert Group on Trafficking in Human Beings is a consultative group that has been set up in 2003 and consists of 20 persons appointed as independent experts. The Commission pay consults the experts group on any matter relating to trafficking in human beings. The Experts Groups shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the recommendations set out in the Brussels Declaration.

The informal **Network of gender focal points** is formed by representatives of Directorates General of the Commission dealing with external relations and development cooperation as well as representatives of EC delegations

The **Network of focal points on equal opportunities** was set up in 2004 and is formed by representatives of all Directorates General of the Commission in charge of human resources. It aims at ensuring a proper implementation of the Fourth Action Programme for Equal Opportunities for Women and Men at the European Commission, therefore contributing to the respect of gender equality in the human resources policy of the Commission.

ANNEX III: Equal Opportunities policy between men and women at the European Commission

Achievements, challenges and existing obstacles to incorporating equality between men and women into the human resource management policies of the Commission

The policy of equal opportunities between female and male staff has been in place in the Commission since 1988. The Staff Regulations of Officials of the European Communities have, since 1 May 2004, prohibited discrimination on the basis of the sex, as well as for other reasons, and specifically provide for measures and actions to promote equal opportunities between men and women (Article 1d). This legal framework makes it possible to take actions to incorporate gender equality into various aspects of the management of human resources.

Since 1995, the Commission had been setting annual objectives for the recruitment and appointment of women to the Category A posts, with the objective of reaching parity in the long term. The objectives laid down for 2005 were 20% for senior management, 30% for middle management and 50% for non-management administrator posts.

In addition, the 4th Action Programme for Equal Opportunities between women and men in the European Commission was adopted on 28th April 2004 (SEC (2004) 447/5). It covers the period 2004-2008 and schedules, in particular, measures aimed at improving the male/female balance among the staff, awareness-raising campaigns and measures to improve the reconciliation of professional/private life. The implementation of this Programme was mainly decentralised to the Directorates-General but was also the subject of a follow-up and a political guidance by the Directorate-General for Personnel and Administration

The first implementation report, relating to 2004, was adopted by the Commission on 23rd November 2005 (SEC (2005) 1492/3). Among other things, it showed that - despite the clear improvements achieved during the last ten years - women continued to be under-represented in 2004 in the category of the Administrators (31.8%), and particularly in middle management (18, 3%) and senior management (12.8%) and that the recruitment targets were not achieved. However, the concrete measures included in the 4th Action Programme have started to bear fruit, as the next implementation report for 2005 will show (presentation envisaged in September 2006).

Principal policy initiatives and deadlines for the period concerned (2007 – 2010)

- Adoption of the Annual Implementation Reports of the 4th Action Programme and development of monitoring and evaluation indicators in this context (2005 to 2008);
- External evaluation of the 4th Action Programme in 2008 and formulation of recommendations for the future;
- Adoption of a 5th Action Programme for the period 2009 – 2013;
- Adoption of annual targets for the recruitment and appointment of women to management posts and other posts at A*/AD level in the Commission;

- Continuation and improvement of awareness-raising campaigns and training, in particular within the framework of management training.



Doc. 12267
26 May 2010

Combating sexist stereotypes in the media

Report¹
Committee on Equal Opportunities for Women and Men
Rapporteur: Ms Doris STUMP, Switzerland, Socialist Group

Summary

When they are not under-represented or invisible, women are often represented in the media in roles traditionally assigned by society, portrayed as passive and lesser beings, mothers or sexual objects. These sexist stereotypes in the media perpetuate a simplistic, immutable and caricatured image of women and men, legitimising everyday sexism and discriminatory practices and establishing a barrier to gender equality.

Emphasizing the positive role that the media can play in promoting gender equality, the Parliamentary Assembly should invite member states to promote training, education and awareness-raising action and to strengthen women's visibility in the media. It should invite national parliaments to reinforce their legislation on combating sexist stereotypes and penalise sexist offences. Media should favour a more balanced and non-stereotyped representation of women and men in the media and promote the gender equality dimension in their regulatory and self-regulatory authorities and training programmes.

Furthermore, the Assembly should invite the Committee of Ministers to draft a European code of good practice for member states and a handbook for the media on strategies to combat gender stereotypes in the media and incorporate, in the future Council of Europe convention on preventing and combating violence against women and domestic violence, the fight against gender stereotypes as a means to prevent gender-based violence. Finally, the Assembly could invite the Committee of Ministers to draft a new protocol to the European Convention on Human Rights, establishing gender equality as a fundamental human right.

¹ Reference to Committee : Doc. 11714, Reference 3492 of 3 October 2008.

A. Draft resolution²

1. The Parliamentary Assembly notes and deplores the fact that women are the victims of sexist stereotypes in the media. On the one hand, they are under-represented, if not invisible in the media. On the other hand, the persistence of sexist stereotypes in the media – confining women and men to the roles traditionally assigned by society, often portraying women as passive and lesser beings, mothers or sexual objects – is a barrier to gender equality.
2. The sexist stereotypes conveyed vary from humour and clichés in the traditional media to incitement to gender-based hatred and violence on the Internet. Sexist stereotypes are too frequently trivialised and tolerated under the banner of freedom of expression. Furthermore, these stereotypes are often subtly conveyed by the media which reproduce the attitudes and opinions seen as the norm by societies where gender equality is far from reality. Accordingly, all too often, court action cannot be taken against sexist stereotypes nor can they be penalised by regulatory or self-regulatory authorities, except in the case of the most serious violations of human dignity.
3. Nonetheless, the impact of sexist stereotypes in the media on the formation of public opinion, especially among young people, is disastrous: they perpetuate a simplistic, immutable and caricatured image of women and men, legitimising everyday sexism and discriminatory practices and may facilitate or legitimise the use of gender-based violence. As such, sexist stereotypes are a means of discrimination.
4. The media, a vital constituent of democracy, have a particular responsibility in this field to promote respect for human dignity, the fight against all forms of discrimination and equality between women and men. Sexism, like racism and other forms of discrimination, has no place in the media. The Assembly reasserts its commitment to upholding the principles of human dignity and non-discrimination guaranteed in the European Convention on Human Rights. It further highlights the positive role that the media can play in promoting gender equality, referring in this connection to Recommendation R(84)17 of the Committee of Ministers to member states on equality between women and men in the media.
5. Moreover, education and training are absolutely essential in order to learn how to recognise, be aware of and overcome stereotypes. It is therefore crucial to inform children, from an early age, about combating discrimination and promoting gender equality.
6. The Assembly calls on member states to strengthen training and education activities and to:
 - 6.1. promote and launch awareness-raising campaigns;
 - 6.2. include, in the gender equality legislation, provisions aimed at combating sexist stereotypes;
 - 6.3. promote the introduction and/or effective functioning of regulatory or self-regulatory media authorities to guarantee respect for human dignity, contribute to the fight against discrimination, including gender-based discrimination, and promote not only diversity but also equality between women and men;
 - 6.4. define, in dialogue and consultation with public and private partners in the profession, codes of good practice which proscribe sexist practices and images, promote the balanced presence of women and men in the media and include the gender perspective;
 - 6.5. introduce quotas or other positive measures in the public media together with objectives to improve the participation and representation of women;
 - 6.6. put in place structures to monitor and/or strengthen self-regulatory mechanisms for reporting on stereotyped portrayals, drawing, where such prove effective, on the mechanisms for denouncing sexist advertising;
 - 6.7. promote the introduction of a European system of monitoring and exchange of best practices;
 - 6.8. place an emphasis on programmes aimed at young people to combat the stereotyped images of women and men and the sexist attitudes found in society;

² Draft resolution adopted unanimously by the committee on 28 April 2010.

6.9. promote, in schools, the teaching of how to interpret the media and decode sexist stereotypes and learning about gender equality, in line with Recommendation CM/Rec (2007)13 of the Committee of Ministers to member states on gender mainstreaming in education, the Assembly's Resolutions 1557 (2007) on the image of women in advertising and 1669 (2009) on the rights of today's girls – the rights of tomorrow's women.

7. The Assembly furthermore calls on national parliaments to:

7.1. combat sexist stereotypes in the media by adopting legal measures to penalise sexist remarks or insults, incitement to gender-based hatred or violence and defamation of an individual or group of individuals on the ground of their sex;

7.2. enable individual victims of gender-based discrimination but also non-governmental organisations active in the field of gender-based violence and discrimination, to seize the courts or competent regulatory and self-regulatory authorities;

7.3. enable the public prosecution service to take action, ex officio, against the most serious sexist offences;

7.4. encourage members of parliament to adopt non-sexist language and not to resort to sexist stereotypes in the course of their parliamentary activities;

7.5. urge members of parliament to demand that female candidates and elected representatives have the same access to the media as their male counterparts.

8. The Assembly calls on member states to encourage measures to promote the visibility and importance of women in the media, including:

8.1. the systematic analysis, both quantitative and qualitative, of the status and role of women in the media;

8.2. the establishment of lists of female experts and consultants who could be called on by the media;

8.3. the creation of competitions and prizes to recompense those media which promote the balanced representation and participation of women and men;

8.4. the setting up of think-tanks focusing on the promotion of equality between women and men, whose activities may be taken into account by media regulation bodies.

9. The Assembly calls on the media to:

9.1. raise journalists' awareness and train them to include the gender equality dimension in journalism and in the media;

9.2. promote the gender equality dimension in regulatory and self-regulatory authorities and, where appropriate, implement the recommendations contained in codes of good practice;

9.3. favour a more balanced representation of women in the media and a non-stereotyped representation of women and men, thereby helping to overcome obstacles to gender equality.

B. Draft recommendation³

1. Referring to its Resolution (2010) on Combating sexist stereotypes in the media, the Parliamentary Assembly deplores the persistence of sexist stereotypes in the media which impedes the achievement of de facto gender equality.
2. The Assembly welcomes the fact that the question of “Combating stereotypes: the role of education and the media” was discussed at the 7th Council of Europe Conference of Ministers responsible for Equality between women and men in Baku (Azerbaijan) on 24 and 25 May 2010. The Assembly believes that education and the media have a key role in combating sexist stereotypes. At the same time, the Assembly stresses that the promotion of equality between women and men is not limited to upholding the principle of non-discrimination but must involve positive obligations of states to guarantee the right to gender equality.
3. Accordingly, the Assembly invites the Committee of Ministers to:
 - 3.1. draw up, in conjunction with the relevant steering committees:
 - 3.1.1. a European code of good practice for member states to combat sexist stereotypes in the media;
 - 3.1.2. a handbook for the media on strategies to combat gender stereotypes in the media, drawing on existing best practices.
 - 3.2. incorporate, in the future Council of Europe convention on preventing and combating violence against women and domestic violence, the fight against gender stereotypes as a means of preventing gender-based violence and promoting the effective achievement of equality between women and men;
 - 3.3. alert its subordinate bodies to the need to use non-sexist language, in accordance with Recommendation R(90)4 of the Committee of Ministers on the elimination of sexism from language.
4. Referring to its Recommendation 1798 (2007) on respect for the principle of gender equality in civil law, the Assembly reiterates its invitation to the Committee of Ministers to draft a new protocol to the European Convention on Human Rights, establishing gender equality as a fundamental human right.

³ Draft recommendation adopted unanimously by the committee on 28 April 2010.

C. Explanatory memorandum, by Ms Stump, rapporteur

1. Introduction

1. The media are a vital part of democracy. Equality between women and men advocated by the Council of Europe is a democratic requirement. There is no doubt, however, that on television and in the print and electronic media, women are under-represented or victims of sexism. They are described or perceived as weak, vulnerable and dependent, confined to the role of mother, wife or sexual objects; women who succeed in the world of work are depicted as career-minded social climbers with "masculine" qualities.

2. The Parliamentary Assembly criticised the way women are portrayed in advertising in its Resolution 1557 (2007).⁴ Yet women are also absent from or represented in a stereotyped way in the media (radio, television, print and electronic media). Such portrayals entrench women and men in their traditional roles and impede the achievement of equality between women and men. It was for this reason that, together with a number of fellow parliamentarians, I proposed studying this question and reflecting on ways of combating sexist representations in the media.⁵ This report will look at sexist stereotypes found in all media (television, radio, Internet) with the exception of advertising, which was covered by a specific Assembly report in 2005.⁶

3. Stereotypes are a "preconceived, standardised and oversimplified impression of the characteristics which typify a person, situation, etc" (definition given by the Oxford English Dictionary) which may help us understand the world. But at the same time, they give rise to a cliché, a caricature, a generalisation, an immutable image of a group of persons which "more often than not is based on inaccurate, exaggerated and incomplete information, or information derived from a characteristic element often linked to a particular physical or mental attribute".⁷ Sexist stereotypes have a discriminatory purpose and seek to maintain women and men in the traditional roles conferred upon them by society and, more specifically in the case of women, in an inferior position.

4. When speaking of the fight against sexist stereotypes in the media, reference is often made to journalists' freedom of expression in order to avoid any action or interaction with the media. And yet, a violation of the dignity of human beings - including that of women - by the routine use of sexist stereotypes is not innocuous. It can, especially in the new media such as the Internet which escape the traditional forms of regulation, go so far as incitement to hatred of and violence against women. The fight against sexist stereotypes should be seen as a part of the fight against discrimination and the promotion of gender equality - all of which are fundamental values of the Council of Europe. Respect for human dignity - and as a corollary, the fight against incitement to hatred or violence [including where such is gender-based] and the elimination of discriminatory practices [including against women] - must take precedence over freedom of expression. Moreover, gender equality must be seen as a key component of freedom of expression, as recalled by the association Article 19 on the occasion of the celebration of the 2010 International Women's Day⁸.

5. The Committee on Equal Opportunities for Women and Men appointed me as rapporteur on 5 December 2008. I suggested that the committee organise a hearing on this subject, which was duly held in Paris on 24 March 2009 and was attended by Dr Luise F. Pusch, linguist and writer (Germany), Lavinia Mohr, Deputy Secretary General and Programme Director of the World Association for Christian Communication (WACC) (Canada), Marie-Thérèse Casman, Senior Lecturer, University of Liège (Belgium), Brigitte Grésy, rapporteur of the Committee on the Image of Women in the Media (France) and Pamela Morinière, programme officer for gender equality projects, International/European Federation of Journalists.⁹

⁴ Doc 11286 (Rapporteur: Ms Gülsün Bilgehan, Turkey, Socialist Group).

⁵ See Doc 11714.

⁶ See Resolution 1557 (2007), Recommendation 1799 (2007) and Doc. 11286 on the image of women in advertising (Rapporteur: Ms Gülsün BILGEHAN, Turkey, Socialist Group).

⁷ See the work of Claudine Lienard, "Analyse n°2/2006: Les stéréotypes sexistes, outils de discriminations des femmes", Université des femmes de Belgique.

⁸ "International Women's Day: ARTICLE 19 Affirms the Rights of Women with the Right to Free Expression", Article 19, 8 March 2010.

⁹ See AS/EGA (2009) PV2 add, available on the Assembly website.

6. Sexist stereotypes have been criticised in many international forums.¹⁰ The Council of Europe devoted the 8th meeting of its “Informal Network on Gender Mainstreaming” to “gender mainstreaming in the media”.¹¹ One of the workshops of the next European ministerial conference on equality between women and men, to be held in Baku (Azerbaijan) in May 2010, will be devoted to the theme “Combating stereotypes: the role of education and the media”. The Assembly’s aim in producing this report is to contribute to the Council of Europe’s work and put forward the viewpoint of parliamentarians on this subject.

2. Women invisible or under-represented in the media

7. At the hearing organised by the committee, all the speakers emphasised the under-representation and even invisibility of women in the media.

7.1. In 1995, 2000 and 2005, the World Association for Christian Communication launched the “Global Media Monitoring Project”¹². On 16 February 2005, for one whole day, hundreds of volunteers in 76 countries analysed nearly 13,000 news stories on television and radio and in newspapers (9451 in Europe). These stories included over 25,000 news subjects (persons who were interviewed or whom the news was about). These stories were reported or presented by over 14,000 journalists and radio and television presenters. The results presented by Ms Mohr are eloquent:

- Only 21% of news subjects are female (compared with 17% in 1995). So for every woman who appears in the news, there are four men.
- In stories on politics and the government, only 14% of news subjects are women.
- In economic and business news the figure is only 20%.
- Proportionally, women involved in politics enjoy little media coverage: in Portugal women account for 25% of members of parliament and 2% of politicians in the news; in Italy they are 12% in parliament and 2% in the news. In Sweden, 46% of members of parliament are women, but only 28% of members of parliament who appear in the media are women.
- Expert opinion in the news is overwhelmingly male. Men dominate as spokespersons (86%) and as experts (83%).
- Lastly, gender (in)equality is not considered newsworthy: 96% of news stories worldwide do not highlight issues of gender equality or inequality that may be related to the topic of the story.

7.2. The same trends emerge from the recent report (2008) by the Committee on the Image of Women in the Media in France: women appear in 37% of the subject-matter handled on television, as against 63% for men; 17% of the photos in the weekly press with a male and female readership show women, whereas 53% show men¹³.

7.3. This under-representation can also be seen in countries with higher rates of female participation in public life: according to a survey of public television companies in northern Europe, only 32% of persons appearing on television are women. Women are usually portrayed in roles with a relatively low social status: 47% of “ordinary citizens” and 37% of victims are women, while the majority of political figures (72%) and experts (80%) are men¹⁴.

7.4. Worldwide, some progress has been made in the last 10 years: the representation of women in the “hard” news stories that are at the centre of the news agenda has doubled in politics and government from 7% to 14%, and in economic news from 10% to 20%. But at this rate, it would take 50 years for women to feature centrally in news about politics and government and 30 years in news about economic topics¹⁵.

¹⁰ Adopted texts include Recommendation R(84)17 to member states on *equality between women and men in the media*, Recommendation 1555 (2002) of the Assembly on the image of women in the media, adopted in 2002, and more recently the European Parliament Resolution on *how marketing and advertising affect equality between men and women* (3 September 2008).

¹¹ See CDEG-CM(2008) RAP 8.

¹² The World Association for Christian Communication began a new survey in November 2009, providing updated global information.

¹³ Report of the Committee on the Image of Women in the Media in France (2008), presented by Ms Grézy in Paris on 24 March 2009, AS/EGA (2009) PV 2 add.

¹⁴ “Who speaks in television?” study conducted from 1997 to 2000 as part of the “Screening gender” project, bringing together the public television companies of northern Europe countries: Yleisradio Oy (YLE), Sveriges Television (SVT), Norsk Rikskringkasting (NRK), Nederlandse Omroep Stichting (NOS) and Zweites Deutsches Fernsehen (ZDF) Danmarks Radio (DR), see <http://yle.fi/gender/imart.html>.

¹⁵ Ms Mohr, AS/EGA (2009) PV 2 add.

3. Women portrayed as mothers, sex objects, or solely in terms of their physical appearance

8. When women are present, the media often give a distorted image of reality.

8.1. Ms Paseka, a university lecturer, emphasised the contradictory messages produced by articles about women and the photos illustrating their content. The example of Nataša Mičić, who became speaker of the Serbian Parliament in 2001, is striking: although she had been appointed to high political office, she was portrayed in photos as “Serbia’s Nicole Kidman”, in alluring and suggestive poses¹⁶.

8.2. Again, while the average stature of Frenchwomen is 1.63 m tall, 63 kg in weight and an average age of 41, in the women’s press 85.75% of women are young, 92.75% slim, and 92.65% white¹⁷. In the women’s press, 50% of women are blonde, although blondes account for only 10% of women in society as a whole¹⁸. The way the female body is represented can have a dramatic impact on young girls, whose attempts to conform to what is portrayed in the media as the norm can lead to eating disorders such as anorexia.

8.3. The study carried out by the University of Liège at the request of the Directorate of Equal Opportunities of the French Community of Belgium shows that men are presented as competitive or else brainless; rational, with a sense of humour; muscular, their physique shown to advantage, they are often spatially positioned higher than women. Women, for their part, focus their pronouncements on physical appearance or condition, are presented as emotional and family-centred, and are shown in prone positions, in passive, suggestive postures, and with a fragmented body (harking back to a fetishist image of women) or a body displayed so as to evoke sexuality¹⁹.

8.4. As regards violence against women, the use of toned-down or euphemistic language also leads to a distortion of reality and to the trivialisation of what constitutes a violation of human rights. In her 1989 essay “Wie man aus seiner Mördergrube ein Herz macht: Strategien männlicher Imagepolitik” (How to Avoid Speaking Frankly: Strategies of Male Image Politics), Dr Luise Pusch analysed the language used by newspapers in reporting violence against women and identified three levels of solutions to the problem of how to deal with this “awkward” phenomenon: ignore it, deny it or conceal it. Three main techniques are used: 1) erase the perpetrator(s) by use of a passive construction (eg “Children Sexually Abused”), 2) confusion by means of fusion: victim and perpetrator are lumped together and can no longer be differentiated (eg “youth violence” instead of “adolescent male violence”, “family violence” or “domestic violence”) and 3) trivialisation and distortion up to the point of asserting the opposite, using “spin” techniques which are constantly being refined by the “spin doctors”. Ms Pusch argues that the word “sex” as used in German articles on rape and sexual assault has titillating connotations of “pleasure” which reflect male experience and perspective, while denying or obliterating the victim’s experience and obscuring or trivialising the violent, often brutal nature of the crimes.

9. To conclude this section, I note that women are either under-represented, or represented in a caricatured and stereotyped way (with the emphasis on their physical, “feminine”, “maternal” or sexual qualities), or are virtually invisible – and I would like to lay particular emphasis on this aspect, which is perhaps the most elusive. As Ms Mohr explained, “women and their concerns, views, experiences, actions, knowledge and expertise are virtually invisible in the world’s media. Their invisibility suggests that they are not important. This is perhaps the most subtle and at the same time the worst form of sexist stereotyping in the news”.²⁰

4. The impact of sexist stereotypes: an impediment to gender equality

10. The under-representation and stereotyped portrayal of women in the media confine women to a passive and secondary role. Consciously or not, the media perpetuate a model of society based on inequality between women and men.

10.1. This vision of society is borne out by the use of language which, characterised by the “generic masculine form” (to refer to functions and professions, and portrayed as a norm transcending human

¹⁶ Ms Paseka, AS/EGA (2009) PV 2 add.

¹⁷ Ms Grézy, AS/EGA (2009) PV 2.

¹⁸ Report of the Committee on the Image of Women in the Media in France (2008), p 63.

¹⁹ Ms Casmans, AS/EGA (2009) PV 2 add.

²⁰ Ms Mohr, AS/EGA (2009) PV 2 add.

gender to describe a group comprising both men and women), is not neutral. Dr Pusch has devoted much research to sexism in language and shown "that the 'generic masculine' is by no means neutral, but evokes predominantly male images in people's minds and does not allow the idea of woman to emerge in the first place".²¹

10.2. This sexist representation has an obvious influence on the formation of the identity of girls and young women – and of men. It influences their life and career choices. Accordingly, women end up turning to the reputedly "feminine" professions which offer limited career opportunities, whereas men are steered towards research, science and the technical professions which offer better career opportunities. Little by little, we see emerging "everyday sexism", made up of stereotypes and collective perceptions which, for Brigitte Grésy, "are reflected in words, gestures, behaviour or acts which exclude, marginalise or belittle women."²²

10.3. For migrant women, having to deal with the twofold discrimination based on their gender and their origin, the impact of sexist stereotypes is even more striking and adversely affects their opportunities for independence and emancipation within their community of origin and in the host society.

10.4. More serious still, this everyday sexism, carried out excessively and repeatedly also trivialises the perception of women as objects and the violations of human dignity in the name of entertainment.²³ This, in turn, can trivialise violence (both psychological and physical) perpetrated against women. As underlined by the Assembly in its Recommendation 1882 (2009), "content depicting women and girls as objects, or limiting their depiction to nefarious gender stereotypes, can lead in certain cases to gender-based violence both in the virtual and the real world, including (cyber-)bullying, harassment, rape, and can even lead to committing massacres in schools"²⁴. I welcome the fact that the ad hoc Committee on preventing and combating violence against women and domestic violence has acknowledged that the fight against gender stereotypes is an instrument for the promotion and practical achievement of gender equality, and an instrument in which all measures to prevent violence against women should be framed.²⁵

10.5. Lastly, economic constraints add to this pattern: even though there is a growing number of female journalists, it is not enough to change the situation. In Russia for example, where 80% of journalists are women, most media owners are men and impose a gender-specific vision of reality. Women continue to be represented as housewives. Reports on gender equality are censored.²⁶

5. Combating sexist stereotypes in the media: avenues of approach

11. Firstly, therefore, it is essential to raise awareness and highlight the invisibility or under-representation of women in the media. This requires action to decode the media and have indicators which will make it possible to formulate recommendations and monitor the progress achieved. This sensitisation approach may be boosted by the existence of think-tanks which can be particularly effective in influencing policymakers and economic stakeholders.²⁷

12. Member states can also play a role in encouraging the players concerned (public authorities, control and regulation bodies, finance and business, associations and NGOs) to promote not only diversity, a high resonance topic at the moment but also *equality* between women and men.

5.1. Training, awareness-raising, education

13. It is imperative to raise public awareness, but above all we need to provide media education at school and from an early age to teach young people how to decode images and messages²⁸: studies have shown

²¹ See the presentation by Dr Pusch of 24 March 2009, Doc AS/EGA (2009) Inf 9.

²² www.sexismeordinaire.com, Brigitte Grésy, *Petit traité contre le sexisme ordinaire*, 2009.

²³ See, in this connection, the documentary by Lorella Zanardo on "women's bodies" (www.ilcorpodelledonne.net) regarding the manipulative use of women's bodies on television, the elimination of older faces, the use of cosmetic surgery and the social consequences of these trends.

²⁴ Rec 1882 (2009), para. 5 and Doc.11924 on The promotion of Internet and online media services appropriate for minors (Rapporteur: Mr Kozma, Hungary, Socialist Group).

²⁵ See the CAHVIO interim report of 27 May 2009, CAHVIO (2009) 4 FIN, p. 8.

²⁶ Ms Morinière, AS/EGA (2009) PV 2 add referring to the seminar "*Stop sexism in the media*" held in Moscow in 2008.

²⁷ For example, the neoliberal think-tanks were of considerable assistance in the election of George Bush in the United States, as pointed out by Dr Pusch, see AS/EGA (2009) PV 2 add.

²⁸ Of relevance here is the Assembly's work on "The rights of today's girls – the rights of tomorrow's women"

that not only the volume, conditions and content of young people's television consumption, their self-esteem and what they appreciate in the other sex, but also their parents' cultural capital and gender-specific representations²⁹ are all factors making young people receptive to stereotyped messages. In this regard, the European Parliament has highlighted the impact of sexist stereotypes on children who are "a particularly vulnerable group that places its trust not just in authority but also in characters from myths, TV programmes, picture-books, including education material, TV games, toy advertising, etc."³⁰

13.1. The efforts made by journalism schools and professional federations must be sustained and stepped up. It is absolutely essential for the training given to journalists to nurture greater awareness of gender issues. Several tools have been developed:

13.1.1. The toolkit "Portraying politics" produced by the European/International Federation of Journalists (IFJ) is a means of raising journalists' awareness of the situation of women in politics, addressing issues such as the invisibility of women in the news media, the fact that women's views were sought only on so-called "soft" topics, the question of reconciling their private and professional life, managing emotions in politics and the role of journalists and the choices they make in their selection of images, locations and music.

13.1.2. The "Screening Gender" toolkit available from the European Broadcasting Union³¹ focuses on good and bad practices in broadcasting.

13.1.3. A welcome development was the adoption, in November 2008, by the IFJ of a resolution on violence against women, a subject infrequently or poorly covered by the media. Emphasis was placed on the need to use appropriate and exact terms (not confusing trafficking and prostitution, for example), to give information on the context, to talk about the abusers, to interview the abused women (and preserve their anonymity), to use reliable sources and to give emergency telephone numbers³².

13.1.4. Lastly, allow me to draw attention to the publication in July 2009 of the guide "Getting the balance right – Gender equality in journalism"³³ co-produced by UNESCO, the International Federation of Journalists and the Swedish Confederation of Trade Unions and Professional Employees (LO-CTO). The guide is a practical tool dealing with the situation of women journalists in the media, stereotypes and women journalists in associations and trade unions, and also covers the IFJ's initiatives in the field of psychological harassment and gender equality.

13.2. Other incentives could be put in place, such as prizes to acknowledge good journalistic practices (as awarded by the German feminist magazine Emma). These prizes would alert journalists to the need to include a gender perspective in the topics they deal with.

13.3. Because they are underrepresented on television, or because being fewer in number they feel they are in a minority, the very few women invited to appear are reluctant to accept. Studies show that members of an under-represented group feel at ease only when they constitute at least 30% of the panel³⁴. At the hearing in Paris, several ways were mentioned to facilitate the identification and invitation of women experts in debates and news programmes, such as the drawing up of lists of female experts and consultants, following the example of Belgium.³⁵

(Rapporteur: Ms Ingrid Circene, Latvia, EPP/CD), Resolution 1669 (2009), Recommendation 1872 (2009) and Doc. 11910. The psychoanalyst Serge Tisseron, attending the hearing on "The image of women in advertising", also argued for the introduction of image education, see AS/EGA (2006) PV 5 add.

²⁹ Presentation by Ms Casman, AS/EGA (2009) PV 2 add.

³⁰ Recital Q to the European Parliament resolution of 3 September 2008 on how marketing and advertising affect equality between men and women (2008/2038(INI)), Rapporteur: Ms Eva-Britt Svensson (SE, EUL/NGL) on behalf of the Committee on Women's Rights and Gender Equality.

³¹ <http://www.yle.fi/gender/>.

³² Ms Morinière, AS/EGA (2009) PV 2 add.

³³ This guide is available in English, French and Spanish.

http://portal.unesco.org/ci/en/files/28397/12435929903gender_booklet_en.pdf/gender_booklet_en.pdf.

³⁴ Ms Grésy, AS/EGA (2009) PV 2 add.

³⁵ Ms Morinière, AS/EGA (2009) PV 2 add.

5.2. The legal framework – in need of strengthening?

14. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – to which all Council of Europe member states are party – calls, in Article 5, for the adoption of appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudice and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

15. It should be noted that Spain has enshrined efforts to combat sexist stereotypes in legislation: the 2007 Organic Law for effective equality between women and men includes a section on the media. It underlines the responsibility of the public media for conveying an egalitarian, plural and non-stereotyped image of women and men in society and promoting the principle of gender equality. It calls on the RTVE broadcasting corporation and the EFE news agency to properly reflect the presence of women in the various sectors of social life, to use non-sexist language, to adopt codes of conduct that foster equality and to co-operate with institutional campaigns aimed at promoting gender equality and eradicating violence against women. Private media outlets are required to avoid all forms of discrimination and advertising involving discriminatory conduct within the meaning of the law is declared illegal.³⁶

16. Particular attention should be focused on the new electronic media, which often fall outside all forms of regulation. These media represent a new field of expression for women who have embraced virtual space,³⁷ seeing there an opportunity to develop a different form of journalism.³⁸ However, there is a danger that media concentration and control will worsen existing constraints and reinforce the commercialisation and sexualisation of journalism content.³⁹ The re-sexualisation and hypersexualisation of women and young girls (who define their personality by their sexual attractiveness) seen today in the media, particularly on the Internet, give the impression that sexism is, alas, becoming ever more present there.⁴⁰

17. The adoption of codes of good practice or ethical codes applicable to all media sector players could help raise professionals' awareness of the impact of sexist stereotypes in society, particularly among young people, and must include a gender dimension. A few examples may be given here:

17.1. Chapter 12 of the German Press Code stipulates that no-one may be discriminated against on the grounds of gender, disability or belonging to an ethnic, religious, social or national group. Complaints may be submitted to the Press Council (Presserat).⁴¹

17.2. The Maltese Broadcasting Authority has issued “Guidelines on gender equality and gender portrayal in the broadcasting media”⁴² to help producers “develop positive images of men and women and eliminate systematic discrimination.” These detailed recommendations offer an example which is of particular interest.

17.3. In France, the Conseil supérieur de l’audiovisuel (CSA), an independent administrative authority with powers of sanction ensures that radio and television programmes contain “no incitement to hatred or violence for reasons [...] of gender” and monitors “respect for human dignity in programmes made available to the public”.⁴³

³⁶ See Organic Law 3/2007 of Spain for effective equality between women and men, Part III.

³⁷ In France, almost 49% of women engage in instant messaging, 44% take part in discussion forums, 43% write e-mails and they are major contributors to social networking sites such as MySpace and Facebook (report by the Committee on the Image of Women in the Media in France (2008), p. 43).

³⁸ See, for example, the site www.lesnouvellesnews.fr, which seeks to enable women to express themselves as much as men.

³⁹ Women and journalism by Deborah Chambers, Linda Steiner, Carole Fleming, Routledge, 2004, p.240.

⁴⁰ See the work of Professor Rosalind Gill, Professor of Social and Cultural Analysis, at King's College, London.

⁴¹ www.presserat.info, see CDEG - GM (2008) 1 rev.

⁴² <http://www.ba-malta.org/codes-guidelines-policies>, quoted in CDEG-GM (2008)1 rev.

⁴³ Quoted by Gisèle Gautier in the *Activity Report for 2006-2007* on behalf of the Department for Women's Rights and Gender Equality and report of the work of that department on “Women and Men in the Media”, presented on 11 July 2007 (ibid), p. 66: “With regard to the prohibition of discriminatory comments and conduct, the CSA took action to challenge the very principle of certain TV reality shows, which it felt failed to comply with the ethical obligations of a television channel on account of the image conveyed of women. (...) The CSA took action to bring to an end the violent utterances and behaviour against women in other TV reality shows, violating human dignity, in connection with supposedly humorous scenes of a gang rape of a mother under the eyes of her child, and a sequence in which a woman was treated on the same level as a horse. It also took action regarding extremely violent comments made against women; in 2001, it issued notices to comply to two radio stations following obscene comments made by some of their presenters regarding female participants in the TV reality show “Loft story”.

18. The revised European Union “Television Without Frontiers” Directive authorises member states, in respect of on-demand audiovisual media services, to take measures to derogate from the stipulated provisions where such is necessary in the interests of “public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including (...) on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons”. In addition, member states “shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality” and that audiovisual commercial communications provided by media service providers under their jurisdiction shall not “include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.”⁴⁴

19. The fight against sexist stereotypes must be strengthened by legal provisions which actually penalise the most serious instances. By way of example, the French law of 29 July 1881 (as amended in 2004⁴⁵) on the freedom of the press lays down penalties for sexist statements conveyed in the press, advertising, communication to the public by electronic or any other means of publication, in the same way as it already lay down penalties for racist remarks.⁴⁶ For all these offences, associations whose objectives include “combating gender-based violence or discrimination or assisting the victims of such discrimination” are able to join criminal proceedings as a civil party, subject to the agreement of the victims (Section 48-5). The law also provides that the public prosecution service may initiate proceedings *ex officio*, particularly in the event of defamation or sexist insults (Section 48).⁴⁷

20. This type of legislation is a welcome addition to the legal arsenal to address the issue of violations of women's dignity and physical well-being (by penalising sexist insults, the dissemination of degrading images and incitement to sexist hatred). I also believe that education and the media have a key role to play in combating sexist stereotypes. However, given the subtle nature of sexist stereotypes, which perpetuate attitudes and opinions regarded as the “norm”, the legal provisions to penalise discrimination are not always effective. Member states, under their positive obligations, must take action to guarantee the right to gender equality, enforceable before the courts. This should also be reflected in the system for protecting the fundamental rights guaranteed by the European Convention on Human Rights, which is why, in its Recommendation 1798 (2007) on Respect for the principle of gender equality in civil law, the Assembly called on the Committee of Ministers to draw up a new protocol to the European Convention on Human Rights enshrining gender equality as a fundamental human right. I fully endorse the words of Thorbjørn Jagland, Secretary General of the Council of Europe, who, on the occasion of the 100th anniversary of International Woman's Day, said on 8 March 2010: “We need a major leap, with new policies and strategies. In spite of our proud ideals, European democracies are missing a leg, and that leg is true equality between men and women”.⁴⁸

6. Conclusions

21. Improving the visibility and representation of women in the media is a democratic requirement. To this end, the Council of Europe member states should support strong measures to combat blatant sexist stereotypes and the under-representation of women which is a hidden and subtle form of the stereotype of the invisible, passive woman, confined to the traditional role of mother or reduced to the status of object. This representation of women in the media is out of phase with developments in society, the place which women actually occupy in society and their aspirations.

22. At a time when women are becoming more involved in politics, the media seem to be lagging behind. As pointed out by Susan Balducci (University of Exeter) at the European Parliament Conference of 2 March 2010 on women and the European elections, women accounted for 35% of candidates in the 2009 elections and 34% of elected MEPs. Despite that, they obtained only 19% of media coverage, which might explain

⁴⁴ Directive 2007/65/EC of the European Parliament and of the Council amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

⁴⁵ Amended by Law No. 2004-1486 of 30 December 2004 establishing the National Authority for Combating Discrimination and Promoting Equality (HALDE).

⁴⁶ For example, the following are established as punishable offences: incitement to hatred via one of these means in respect of an individual or group of individuals on the ground of their gender (Section 24); defamation via one of these means in respect of an individual or group of individuals on the ground of their gender (Section 32); insults via one of these means in respect of an individual or group of individuals on the ground of their gender (Section 33).

⁴⁷ Gisèle Gautier, *ibid.*, p.65.

⁴⁸ www.coe.int.

women's lack of interest in European politics, and the less positive image they have of the European Union compared with men.⁴⁹ While electors are ready to vote for women, access to the media remains limited.

23. As Claudine Lienard said, language, the media, advertising and, in a lighter form, humour, produce and convey sexist stereotypes reinforcing the caricaturisation of female and male roles.⁵⁰ Sexist stereotypes, both explicit and implicit, conveyed by the media have an impact on the attribution of roles and functions, academic and vocational choices, the use and arrangement of space, the supply of goods and services, or indeed citizen participation. Sexist stereotypes are therefore "tools of sexist discrimination". By becoming aware not only of these stereotypes (and identifying and decoding the choice of words, themes and images),⁵¹ it will be possible to transform sexist stereotypes and use them as a means of combating gender discrimination.⁵² To this end, the Assembly could recommend the following approaches:

- acknowledging that sexist stereotypes which confine women to traditional roles, and the invisibility of women which gives rise to discrimination "on account of missing information" constitute an impediment to the promotion and practical achievement of gender equality;
- deconstructing stereotypes presupposes efforts focused on training and education, from an early age, to identify stereotyped images and the inclusion of gender equality in school curricula;
- adopting appropriate legal instruments to combat sexist stereotypes which lead to gender-based discrimination;
- involving media players in moves to include in co-ordination, regulation and self-regulation mechanisms, a gender perspective, sensitisation to the identification and elimination of sexist stereotypes in the media and media monitoring;
- introducing quotas and positive measures to improve the participation of women, in both quantitative and qualitative terms, in public media.

⁴⁹ See the file "Getting women more involved in European politics", www.europarl.europa.eu.

⁵⁰ Claudine Lienard, *ibid.*

⁵¹ See the UNESCO methodological guide "Promoting gender equality through textbooks" (2009).

⁵² Claudine Lienard, *Les stéréotypes sexistes, outils de discrimination des femmes*, Université des femmes de Belgique, 26 May 2009. See also "Analyse n°2/2006: Les stéréotypes sexistes, outils de discriminations des femmes".



Die
Bundesregierung

Gemeinsame Geschäftsordnung der Bundesministerien

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Inhaltsverzeichnis

Kapitel 1 Allgemeines	6
§ 1 Geltungsbereich	6
§ 2 Gleichstellung von Frauen und Männern	6
Kapitel 2 Organisationsgrundsätze	7
§ 3 Ministerielle Aufgaben	7
§ 4 Grundsätze für die Organisation der Bundesministerien	7
§ 5 Elektronische Informations- und Kommunikationssysteme	8
Kapitel 3 Aufbauorganisation	9
§ 6 Leitung des Bundesministeriums	9
§ 7 Gliederung der Bundesministerien; Geschäftsverteilung	9
§ 8 Abteilungen	10
§ 9 Referate	10
§ 10 Besondere Organisationsformen	10
Kapitel 4 Führung, Arbeitsablauf	11
§ 11 Führung, Eigenverantwortung und Zusammenarbeit	11
§ 12 Arbeitsablauf	11
§ 13 Behandlung der Eingänge	12
§ 14 Anträge, Fragen und Beschwerden	12
§ 15 Beteiligung	13
§ 16 Schriftverkehr	13
§ 17 Zeichnungsbefugnis	14
§ 18 Zeichnungsform	14
Kapitel 5 Zusammenarbeit	15
Abschnitt 1 Zusammenarbeit innerhalb der Bundesregierung	15
§ 19 Zusammenarbeit der Bundesministerien	15
§ 20 Ressortübergreifende Ausschüsse für Angelegenheiten der Organisation sowie Information und Kommunikation	15

§ 21 Zusammenarbeit mit den Beauftragten der Bundesregierung, den Bundesbeauftragten sowie den Koordinatorinnen und Koordinatoren der Bundesregierung ..	16
§ 22 Kabinettdokumente	17
§ 23 Verfahren bei Kabinettdokumenten	18
§ 24 Unterrichtung des Bundeskanzleramtes	18
§ 25 Presse- und Öffentlichkeitsarbeit	19
§ 26 Zusammenarbeit mit Dienststellen im Geschäftsbereich eines anderen Bundesministeriums und des Bundeskanzleramtes	19

Abschnitt 2 Zusammenarbeit mit dem Deutschen

Bundestag	20
§ 27 Teilnahme an Sitzungen	20
§ 28 Große und Kleine Anfragen	20
§ 29 Mündliche und schriftliche Fragen	22
§ 30 Zuleitung und Ausführung der Beschlüsse	22
§ 31 Anträge aus der Mitte des Deutschen Bundestages	22
§ 32 Unterrichtung des Deutschen Bundestages über Änderungen der Haushaltsentwicklung	23

Abschnitt 3 Zusammenarbeit mit dem Bundesrat und dem Vermittlungsausschuss

§ 33 Zusammenarbeit mit dem Bundesrat	23
§ 34 Zusammenarbeit mit dem Vermittlungsausschuss	23

Abschnitt 4 Verfahren vor dem Bundesverfassungsgericht

§ 35 Verfahren vor dem Bundesverfassungsgericht	24
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Abschnitt 5 Zusammenarbeit mit sonstigen Stellen

§ 36 Zusammenarbeit mit den Ländern	25
§ 37 Zusammenarbeit mit der Europäischen Union	26
§ 38 Zusammenarbeit mit fremden Staaten und internationalen Organisationen	26
§ 39 Benutzung von Schriftgut durch Dritte	27

Kapitel 6 Rechtsetzung

Abschnitt 1 Vorbereitung von Gesetzesvorlagen der

Bundesregierung	28
§ 40 Unterrichtung des Bundeskanzleramtes	28
§ 41 Interessenermittlung	28

Abschnitt 2 Aufbau von Gesetzesvorlagen der Bundesregierung	28
§ 42 Gesetzesvorlagen der Bundesregierung	28
§ 43 Begründung	30
§ 44 Gesetzesfolgen	31
 Abschnitt 3 Beteiligungen und Unterrichtungen	 33
§ 45 Beteiligungen innerhalb der Bundesregierung	33
§ 46 Rechtssystematische und rechtsförmliche Prüfung	34
§ 47 Beteiligung von Ländern, kommunalen Spitzenverbänden, Fachkreisen und Verbänden	34
§ 48 Unterrichtung anderer Stellen	35
§ 49 Kennzeichnung und Übersendung der Entwürfe	35
§ 50 Frist zur abschließenden Prüfung	36
 Abschnitt 4 Behandlung von Gesetzentwürfen durch die Bundesregierung	 36
§ 51 Vorlage an das Kabinett	36
§ 52 Einheitliches Vertreten der Gesetzesvorlagen; Formulierungshilfe für den Deutschen Bundestag und den Bundesrat	37
§ 53 Gegenäußerung der Bundesregierung zur Stellungnahme des Bundesrates	37
§ 54 Verfahren nach Artikel 113 des Grundgesetzes	37
§ 55 Verfahren nach Artikel 77 des Grundgesetzes	39
§ 56 Gesetzesvorlagen des Deutschen Bundestages	39
§ 57 Gesetzesvorlagen des Bundesrates	40
 Abschnitt 5 Ausfertigung und Verkündung der Gesetze	41
§ 58 Herstellung der Urschrift	41
§ 59 Ausfertigung	42
§ 60 Verkündung der Gesetze	43
§ 61 Prüfung und Berichtigung von Gesetzentwürfen und Gesetzen	43
 Abschnitt 6 Vorbereitung, Ausfertigung und Verkündung der Rechtsverordnungen	 44
§ 62 Rechtsverordnungen	44
§ 63 Initiativvorlagen des Bundesrates (Artikel 80 Absatz 3 Grundgesetz)	44
§ 64 Vorlagen an den Bundesrat	45

§ 65 Folgerungen aus dem Beschluss des Bundesrates	45
§ 66 Ausfertigung; Vorbereitung der Verkündung	46
§ 67 Herstellung der Urschrift	46
§ 68 Verkündung von Rechtsverordnungen	47
Abschnitt 7 Verwaltungsvorschriften	48
§ 69 Bezeichnung und Vorbereitung	48
§ 70 Aufbau und Vorlage von Verwaltungsvorschriften	48
§ 71 Herstellung der Urschrift	48
Abschnitt 8 Völkerrechtliche Verträge und Vorhaben im Rahmen der Europäischen Union	49
§ 72 Völkerrechtliche Verträge	49
§ 73 Verfahren bei Vertragsgesetzen nach Artikel 59 Absatz 2 Satz 1 des Grundgesetzes und bei Verord- nungen zu völkerrechtlichen Verträgen	50
§ 74 Vorhaben im Rahmen der Europäischen Union	51
§ 75 Verfahren bei Gesetzen und Verordnungen zur Umsetzung von Rechtsakten und sonstigen für die Mitgliedstaaten verbindlichen Beschlüssen der Europäischen Union	52
Abschnitt 9 Veröffentlichung in den amtlichen Blättern	53
§ 76 Veröffentlichung in den amtlichen Blättern	53
Kapitel 7 Schlussbestimmungen	55
§ 77 Ergänzende Regelungen	55
§ 78 Anwendungsbereich	55
§ 79 Inkrafttreten, Außerkrafttreten	56

Anlagen

Anlage 1 zu § 13 Absatz 2 GGO Behandlung der Eingänge	57
Anlage 2 zu § 13 Absatz 2 GGO Geschäftsgangvermerke	59
Anlage 3 zu § 42 Absatz 1 GGO Vorblatt	60
Anlage 4 zu § 42 Absatz 2 GGO Aufbau von Gesetzestexten	61
Anlage 5 zu § 43 Absatz 1 Nummer 3 GGO Prüfkatalog zur Feststellung von Selbstregulierungsmöglichkeiten	63
Anlage 6 zu § 45 Absatz 1, § 74 Absatz 5 GGO Bei Gesetzgebungsverfahren sind zu beteiligen.....	64
Anlage 7 zu § 74 Absatz 1 GGO Verfahrensgrundsätze für die Subsidiaritäts- und Verhältnismäßigkeitsprüfung durch die Bundesressorts	67
Anlage 8 zu § 74 Absatz 1 GGO Prüfraster für die Subsidiaritäts- und Verhältnismäßigkeitsprüfung durch die Bundesressorts	70

Kapitel 1 Allgemeines

§ 1 Geltungsbereich

- (1) Die Gemeinsame Geschäftsordnung gilt für die Bundesministerien.
- (2) Die Gemeinsame Geschäftsordnung regelt Grundsätze für die Organisation der Bundesministerien, die Zusammenarbeit der Bundesministerien und mit den Verfassungsorganen sowie für den Geschäftsverkehr nach außen. Sie regelt die Mitwirkung bei der Rechtsetzung.

§ 2 Gleichstellung von Frauen und Männern

Die Gleichstellung von Frauen und Männern ist durchgängiges Leitprinzip und soll bei allen politischen, normgebenden und verwaltenden Maßnahmen der Bundesministerien in ihren Bereichen gefördert werden (Gender-Mainstreaming).

Kapitel 2 Organisationsgrundsätze

§ 3 Ministerielle Aufgaben

- (1) Die Bundesministerien nehmen Aufgaben wahr, die der Erfüllung oder Unterstützung von Regierungsfunktionen dienen. Dazu zählen insbesondere die strategische Gestaltung und Koordination von Politikfeldern, die Realisierung von politischen Zielen, Schwerpunkten und Programmen, die internationale Zusammenarbeit, die Beteiligung am Gesetzgebungsverfahren sowie die Wahrnehmung von Steuerungs- und Aufsichtsfunktionen gegenüber dem nachgeordneten Geschäftsbereich. Zu den wesentlichen Elementen der Führung und Kontrolle der Bundesverwaltung zählt die Fachaufsicht. Oberstes Ziel der Fachaufsicht ist ein rechtmäßiges und zweckmäßiges Verwaltungshandeln.¹ Die Ausrichtung auf ministerielle Kernaufgaben ist durch ständige Aufgabenkritik sicherzustellen.
- (2) Die Bundesministerien sollen Vollzugsaufgaben nur ausnahmsweise wahrnehmen, wenn es sich um Angelegenheiten von besonderer politischer Bedeutung handelt oder wenn eine andere Zuordnung nicht sachdienlich ist.
- (3) Die Bundesministerien haben ihre Aufgaben so wahrzunehmen, dass die Funktionsfähigkeit der Bundesregierung gewährleistet ist und sich nach außen ein einheitliches Erscheinungsbild ergibt.
- (4) Gleichartige Aufgaben, wie zum Beispiel aus dem Bereich der internen Servicebereiche, sollen zentral durch ein Ressort wahrgenommen werden, soweit dies zweckmäßig und wirtschaftlich ist.

§ 4 Grundsätze für die Organisation der Bundesministerien

- (1) Die Bundesministerien gestalten ihre Organisation so, dass sie den sich ändernden gesellschaftlichen, politischen und wirtschaftlichen Rahmenbedingungen flexibel gerecht werden können.

¹ Siehe hierzu: Grundsätze zur Ausübung der Fachaufsicht der Bundesministerien über den Geschäftsbereich in der jeweils geltenden Fassung (veröffentlicht im Intranet des Bundes).

- (2) Organisatorische Regelungen sollen die selbstständige, eigenverantwortliche sowie kosten- und qualitätsbewusste Wahrnehmung der Aufgaben unterstützen und gleichzeitig dazu beitragen, die Motivation und Arbeitszufriedenheit der Mitarbeiterinnen und Mitarbeiter zu verbessern.
- (3) Die Bundesministerien betreiben eine an den aktuellen fachlichen Notwendigkeiten orientierte Organisations- und Personalentwicklung.
- (4) Es sind angemessen große Organisationseinheiten bei wenigen Hierarchieebenen zu bilden, deren Leitungsspannen nach Schwierigkeit und Umfang der Aufgaben zu bemessen sind.
- (5) Aufgabe, Kompetenz und Verantwortung sollen auf der jeweiligen Bearbeitungsebene zusammengeführt werden.
- (6) Die Bundesministerien sollen Steuerungs- und Führungsinstrumente wie Leitbilder, Zielvereinbarungen, Controlling, Personal- und Qualitätsmanagement erproben und gegebenenfalls einführen. In geeigneten Bereichen ist eine Kosten- und Leistungsrechnung² einzuführen.
- (7) Die Mitarbeiterinnen und Mitarbeiter der Bundesministerien sollen durch Vorschläge an der Verbesserung der Organisation und der Arbeitsergebnisse mitwirken. Verbesserungsideen sind kontinuierlich zu fördern und umzusetzen.

§ 5 Elektronische Informations- und Kommunikationssysteme

- (1) Die Bundesministerien schaffen die Voraussetzungen, um Informationen in elektronischer Form bereitzustellen, ressortübergreifend auszutauschen und zu nutzen.
- (2) Zur Gewährleistung einer geschützten elektronischen Kommunikation zwischen den Bundesministerien wird eine sichere ressortübergreifende Kommunikationsinfrastruktur betrieben.

² KLR-Handbuch (Vorschriftensammlung-VSF-Bundesfinanzverwaltung H 90 01).

Kapitel 3 Aufbauorganisation

§ 6 Leitung des Bundesministeriums

- (1) Die Bundesministerin oder der Bundesminister leitet das Bundesministerium. Die Vertretung erfolgt durch die Staatssekretärin oder den Staatssekretär, bei mehreren Staatssekretärinnen oder Staatssekretären im jeweiligen Zuständigkeitsbereich, soweit nichts anderes geregelt ist. Die §§ 14 Absatz 3, 14a der Geschäftsordnung der Bundesregierung bleiben unberührt.
- (2) Staatssekretärinnen oder Staatssekretäre leiten die Verwaltung und sind für die zielorientierte Wahrnehmung der Aufgaben des Bundesministeriums verantwortlich. Sie entscheiden in Verwaltungsangelegenheiten in der Regel abschließend.
- (3) Staatssekretärinnen oder Staatssekretäre vertreten sich innerhalb eines Bundesministeriums grundsätzlich gegenseitig. Für Parlamentarische Staatssekretärinnen oder Parlamentarische Staatssekretäre gilt Satz 1 entsprechend.
- (4) Soweit keine Staatssekretärin oder kein Staatssekretär anwesend ist, erfolgt die Vertretung durch die zuständige Abteilungsleitung, wenn nichts anderes geregelt ist.

§ 7 Gliederung der Bundesministerien; Geschäftsverteilung

- (1) Die Bundesministerien gliedern sich grundsätzlich in Abteilungen und Referate. Die tragende Einheit im Aufbau der Bundesministerien ist in der Regel das Referat. Es hat die erste Entscheidung in allen Angelegenheiten, die ihm in seinem Zuständigkeitsbereich zugewiesen sind.
- (2) Zwischen den Referaten und innerhalb jedes Referats werden die Aufgabengebiete nach Sachzusammenhängen so gegliedert, dass die Zuständigkeit und die Verantwortung klar ersichtlich sind. Fachlich zusammenhängende Aufgaben sind in der Regel in einer Organisationseinheit wahrzunehmen. Die Verteilung der Aufgaben wird in einem Geschäftsverteilungsplan festgelegt.
- (3) Grundsätzlich soll niemand gleichzeitig in mehreren Referaten eingesetzt oder mehreren unmittelbaren

Vorgesetzten zugeordnet werden. Unter Beachtung der tarif- und personalvertretungsrechtlichen Regelungen kann die Abteilungsleitung abweichend vom Geschäftsverteilungsplan Mitarbeiterinnen und Mitarbeiter der Abteilung für einen Zeitraum von bis zu sechs Monaten in einem anderen Referat der Abteilung einsetzen und ihnen andere gleichwertige Aufgaben übertragen. Die Übertragung kann abteilungsübergreifend erfolgen, wenn zwischen den beteiligten Abteilungsleitungen Einvernehmen besteht. Das Organisationsreferat und das Personalreferat sind zu beteiligen.

- (4) Der organisatorische Aufbau des Bundesministeriums ist zu veröffentlichen.

§ 8 Abteilungen

Eine Abteilung umfasst unter der Leitung einer Abteilungsleiterin oder eines Abteilungsleiters in der Regel mindestens fünf Referate. Unterabteilungen werden nur gebildet, wenn es sachlich notwendig ist; dafür werden in der Regel mindestens fünf Referate zusammengefasst.

§ 9 Referate

- (1) Das Referat umfasst in der Regel neben der Referatsleiterin oder dem Referatsleiter mindestens vier Mitarbeiterinnen oder Mitarbeiter.
- (2) Neben den Leitungs- und Führungsaufgaben soll die Referatsleitung herausgehobene Angelegenheiten des Referats selbst bearbeiten.

§ 10 Besondere Organisationsformen

- (1) Für bestimmte Aufgaben, insbesondere mit Bezug zur Leitung des Bundesministeriums, können Organisationseinheiten mit Stabsfunktion eingerichtet werden.
- (2) Für zeitlich befristete, komplexe Aufgaben, die einen übergreifenden Personaleinsatz erfordern, sind vorzugsweise Projektgruppen einzurichten. Leitung, Ziel, Kompetenzen sowie Personal- und Sachmittel sind in dem Projektauftrag festzulegen.
- (3) Die §§ 8, 9 Absatz 1 finden keine Anwendung.

Kapitel 4 Führung, Arbeitsablauf

§ 11 Führung, Eigenverantwortung und Zusammenarbeit

- (1) Vorgesetzte beteiligen ihre Mitarbeiterinnen und Mitarbeiter im Rahmen ihres jeweiligen Verantwortungsbereichs an den Entscheidungen, die in der Organisationseinheit anfallen. Sie fördern den Leistungswillen, die Bereitschaft zur Zusammenarbeit und zur Übernahme von Verantwortung sowie die Kreativität der Mitarbeiterinnen und Mitarbeiter. Dies kann insbesondere durch Personalführungsgespräche, Zielvereinbarungen, Mitarbeitergespräche und Konfliktmoderation geschehen.
- (2) Vorgesetzte tragen die Verantwortung für eine sachgerechte Aufgabenverteilung, den Ausgleich von Überbelastung oder Unterauslastung ihrer Mitarbeiterinnen und Mitarbeiter und für die Arbeitsabläufe in ihrer Organisationseinheit.
- (3) Vorgesetzte führen regelmäßig Dienstbesprechungen mit ihren Mitarbeiterinnen und Mitarbeitern durch. Die Dienstbesprechungen dienen neben der Erfüllung der Leitungsaufgaben dem Informations- und Erfahrungsaustausch sowie der Koordinierung der Arbeit.
- (4) Jede Mitarbeiterin und jeder Mitarbeiter ist für die sach- und zeitgerechte sowie wirtschaftliche Bearbeitung der übertragenen Aufgaben selbst verantwortlich und soll in den Angelegenheiten des zugewiesenen Aufgabengebietes initiativ und eigenständig arbeiten.
- (5) Alle Referatsangehörigen unterstützen einander bei der Erfüllung ihrer Aufgaben. Sie informieren einander über alle Angelegenheiten, die für die Aufgabenwahrnehmung und die Vertretung wichtig sind.

§ 12 Arbeitsablauf

- (1) In den Arbeitsabläufen sind elektronische Verfahren soweit wie möglich zu nutzen.
- (2) Stand und Entwicklung der Vorgangsbearbeitung müssen jederzeit (im Rahmen der Aufbewahrungsfristen) aus den elektronisch oder in Papierform geführten Akten

nachvollziehbar sein. Einzelheiten der Dokumenten- und Aktenverwaltung regelt die Registraturrichtlinie (RegR).

§ 13 Behandlung der Eingänge

- (1) Eingänge sind alle Dokumente, die dem Bundesministerium elektronisch oder in Papierform zugeleitet werden.
- (2) Eingänge sind nach Anlage 1 zu behandeln und unmittelbar der Leitung der zuständigen Organisationseinheit zuzuleiten, soweit nichts anderes bestimmt wird. Diese entscheidet über die Unterrichtung und Beteiligung ihrer Vorgesetzten und leitet die Eingänge so schnell wie möglich der Bearbeiterin oder dem Bearbeiter zu. Auf Eingängen können Vermerke zum Geschäftsgang gemäß Anlage 2 angebracht werden.
- (3) Der Leitung des Bundesministeriums sind insbesondere vorzulegen:
 1. Eingänge von grundsätzlicher politischer Bedeutung,
 2. Schreiben von Abgeordneten des Deutschen Bundestages,
 3. Schreiben von Abgeordneten des Europäischen Parlaments oder eines Landtages.

§ 14 Anträge, Fragen und Beschwerden

- (1) Anträge, Fragen und Beschwerden sind so schnell und so einfach wie möglich zu erledigen. Erfordert die Antwort einen Zeitraum von mehr als vier Wochen, ist eine Zwischennachricht zu erteilen.
- (2) Bei Beschwerden über ein Verwaltungshandeln ist das Antwortschreiben vor Abgang der oder dem unmittelbaren Vorgesetzten vorzulegen.
- (3) Privatpersonen kann zu Sachfragen (Bürgeranfragen) formlos Auskunft gegeben werden. Besteht bei mündlichen Auskünften die Gefahr von Missverständnissen, so ist auf die Möglichkeit einer schriftlichen Anfrage zu verweisen. Bestehen bei elektronischen Anfragen Zweifel an der Identität der Person, die Auskunft erbeten hat, so ist auf den Postweg zu verweisen. Anfragen, die offensichtlich anonym oder unter einem Pseudonym erfolgen, sind grundsätzlich nicht zu beantworten. Rechtsauskünfte, die

eine rechtliche Prüfung des Einzelfalls erfordern, dürfen grundsätzlich nicht erteilt werden.

- (4) Fragen von Medien sind an das Pressereferat zu verweisen.

§ 15 Beteiligung

- (1) Betrifft ein Vorgang mehrere Organisationseinheiten, so sind diese von der federführenden Organisationseinheit rechtzeitig zu beteiligen. Federführend ist die Organisationseinheit, die nach dem Geschäftsverteilungsplan überwiegend zuständig oder im Einzelfall bestimmt worden ist. Im Zweifel stellt das Organisationsreferat die Zuständigkeit fest.
- (2) Die federführende Organisationseinheit entscheidet über Art und Umfang der Beteiligung, soweit sich dies nicht aus anderen Regelungen ergibt.
- (3) Bei umfangreichen Texten ist anzugeben, zu welchen Punkten die Beteiligung erfolgt.
- (4) Beteiligung in Form von Mitzeichnung ist auf Vorgänge von Bedeutung zu beschränken. Durch Mitzeichnung wird die fachliche Verantwortung für den vertretenen Aufgabenbereich übernommen.
- (5) Aus dem Vorgang muss sich ergeben, welche Organisationseinheiten ihn bearbeitet, mitgezeichnet und gezeichnet haben.

§ 16 Schriftverkehr

- (1) Der Schriftverkehr nach außen wird unter der amtlichen Behördenbezeichnung geführt. Bei gemeinsamen Schreiben mehrerer Bundesministerien sind die beteiligten Bundesministerien in der amtlichen Reihenfolge anzugeben.
- (2) Schreiben müssen präzise, inhaltlich vollständig, verständlich und höflich sein.
- (3) Der elektronische Schriftverkehr zwischen den Bundesministerien erfolgt über die nach § 5 Absatz 2 betriebene Kommunikationsinfrastruktur.

§ 17 Zeichnungsbefugnis

- (1) Die Mitarbeiterinnen und Mitarbeiter zeichnen die von ihnen verfassten Schriftstücke grundsätzlich selbst. Vorgesetzte zeichnen, soweit dies in Rechts- und Verwaltungsvorschriften vorgeschrieben ist, es sich aus der Bedeutung der Sache ergibt oder soweit sie sich die Zeichnung in besonderen Fällen vorbehalten haben.
- (2) Soweit nichts anderes bestimmt ist, zeichnet die Bundesministerin oder der Bundesminister Schreiben von grundsätzlicher Bedeutung sowie Vorlagen oder wichtige Mitteilungen an
 1. Verfassungsorgane der Bundesrepublik Deutschland, der Länder und ausländischer Staaten,
 2. andere Mitglieder der Bundesregierung.

§ 18 Zeichnungsform

- (1) Im Schriftverkehr nach außen zeichnet die Leitung des Bundesministeriums ohne Zusatz. Die hierfür nach § 6 zur Vertretung berechtigten Personen zeichnen „In Vertretung“. Werden Staatssekretärinnen oder Staatssekretäre durch die Abteilungsleitung vertreten, ist „In Vertretung der Staatssekretärin“ oder „In Vertretung des Staatssekretärs“ zu zeichnen. Alle anderen Zeichnungsberechtigten zeichnen „Im Auftrag“.
- (2) Reinschriften sind in der Regel eigenhändig zu zeichnen. Bei gleichartigen Schreiben in großer Zahl kann die Unterschrift vervielfältigt werden.
- (3) Schreiben, die elektronisch hergestellt und versandt werden, sind mit der Namensangabe unter dem elektronischen Dokument zu versehen. Löst das Schreiben eine unmittelbare Rechtswirkung aus oder ist es von besonderer politischer Bedeutung, so ist es mit der elektronischen Signatur gemäß dem Signaturgesetz zu versehen.
- (4) Es ist sicherzustellen, dass die absendende Stelle in der Absenderadresse eindeutig erkennbar und der unterzeichnenden Person zuzuordnen ist.

Kapitel 5 Zusammenarbeit

Abschnitt 1 Zusammenarbeit innerhalb der Bundesregierung

§ 19 Zusammenarbeit der Bundesministerien

- (1) In Angelegenheiten, die die Geschäftsbereiche mehrerer Bundesministerien berühren, arbeiten diese zusammen, um die Einheitlichkeit der Maßnahmen und Erklärungen der Bundesregierung zu gewährleisten. Für die rechtzeitige und umfassende Beteiligung ist das federführende Bundesministerium verantwortlich. In einfachen Fällen ist eine mündliche Beteiligung zulässig, die aktenkundig zu machen ist.
- (2) Entwürfe anderer Bundesministerien, die zur Mitzeichnung eingehen, sind beschleunigt zu bearbeiten und weiterzuleiten. Stellungnahmen sind den betroffenen Bundesministerien zur Kenntnis zu bringen. Solange Meinungsverschiedenheiten bestehen, darf das federführende Bundesministerium keine allgemein bindenden Entscheidungen treffen, die das Einvernehmen anderer Bundesministerien voraussetzen.
- (3) Bei Querschnittsaufgaben kann das zuständige Bundesministerium Initiativen einleiten, die zur Vorbereitung einer Kabinetttvorlage entsprechend § 15a der Geschäftsordnung der Bundesregierung erforderlich sind. Hierzu kann es von dem federführenden Bundesministerium verlangen, dass eine Angelegenheit seines Fachbereichs geprüft und das Ergebnis mitgeteilt wird.

§ 20 Ressortübergreifende Ausschüsse für Angelegenheiten der Organisation sowie Information und Kommunikation

- (1) Vertreterinnen und Vertreter der Bundesministerien aus den Arbeitsbereichen Organisation sowie Information und Kommunikation wirken in ressortübergreifend tätigen Ausschüssen zusammen. Der Bundesrechnungshof und die Bundesbeauftragten für den Datenschutz und die Informationsfreiheit sowie für Wirtschaftlichkeit in der Verwaltung wirken in den Ausschüssen beratend mit. Den

Vorsitz und die Geschäfte führt das Bundesministerium des Innern.

- (2) Die Ausschüsse beschließen die für die Zusammenarbeit der Bundesministerien erforderlichen organisatorischen und technischen Standards und wirken beratend und koordinierend darauf hin, dass die Bundesministerien und die Behörden ihrer Geschäftsbereiche ihre Strukturen unter organisatorischen, wirtschaftlichen und technischen Gesichtspunkten ständig verbessern.
- (3) Die Ausschüsse informieren einander über alle wesentlichen Angelegenheiten ihrer jeweiligen Arbeitsbereiche; sie stimmen ihr Arbeitsprogramm sowie Beschlüsse zu arbeitsbereichsübergreifenden Themen ab.
- (4) Die Ausschüsse legen ihre Ziele, Aufgaben und ihr Zusammenwirken in einer gemeinsamen Geschäftsordnung fest.

§ 21 Zusammenarbeit mit den Beauftragten der Bundesregierung, den Bundesbeauftragten sowie den Koordinatorinnen und Koordinatoren der Bundesregierung

- (1) Die Beauftragten der Bundesregierung, die Bundesbeauftragten sowie die Koordinatorinnen und Koordinatoren der Bundesregierung sind bei allen Vorhaben, die ihre Aufgaben berühren, frühzeitig zu beteiligen.
- (2) Die Beauftragten der Bundesregierung, die Bundesbeauftragten sowie die Koordinatorinnen und Koordinatoren der Bundesregierung informieren die Bundesministerien – vorbehaltlich anderweitiger gesetzlicher Bestimmungen – frühzeitig in Angelegenheiten von grundsätzlicher politischer Bedeutung, soweit Aufgaben der Bundesministerien betroffen sind.
- (3) Eine Liste der in Absatz 1 genannten Stellen wird beim Bundesministerium des Innern geführt und im Intranet des Bundes veröffentlicht. Die Liste wird regelmäßig aktualisiert. Dies geschieht im Einvernehmen mit den in Absatz 1 genannten Stellen, den Bundesministerien und dem Bundeskanzleramt, soweit diese betroffen sind.

§ 22 Kabinettvorlagen

- (1) Die Beschlüsse der Bundesregierung werden durch schriftliche Kabinettvorlagen vorbereitet. Sie enthalten unbeschadet des § 51 im Anschreiben:
 1. eine knappe Darstellung des Sachverhalts und eine Begründung des Beschlussvorschlages;
 2. einen Hinweis auf die Form der Beschlussfassung (§ 20 Geschäftsordnung der Bundesregierung), insbesondere darauf, ob eine mündliche Erörterung im Kabinett für erforderlich gehalten wird und ob die Herbeiführung des Beschlusses besonders eilbedürftig ist;
 3. die Mitteilung, welche Bundesministerien mit welchem Ergebnis beteiligt worden sind;
 4. das Ergebnis einer Verbandsbeteiligung, insbesondere die Darstellung wesentlicher Anregungen, denen nicht entsprochen werden soll;
 5. eine Mitteilung darüber, welche Landesregierungen beteiligt waren, das Ergebnis der Beteiligung und die voraussichtlich zu erwartenden Probleme, insbesondere bei einem durchzuführenden Bundesratsverfahren;
 6. die Stellungnahmen der Stellen, die nach § 21 Absatz 1 beteiligt worden sind;
 7. die voraussichtlichen Kosten und die haushaltsmäßigen Auswirkungen der Ausführung des Beschlussvorschlages entsprechend § 44 Absatz 2, 3 und 5.
- (2) Als Anlagen sind dem Anschreiben ein Beschlussvorschlag und der Sprechzettel für die Sprecherin oder den Sprecher der Bundesregierung beizufügen. Sind zusätzliche Unterlagen nötig, sollen sie als weitere Anlagen beigelegt werden.
- (3) Bei Querschnittsaufgaben soll das Einvernehmen mit den zuständigen Bundesministerien hergestellt werden. Bei Vorschlägen zur Besetzung von Gremien ist mitzuteilen, ob darauf hingewirkt wurde, eine gleichberechtigte Teilhabe von Frauen und Männern in Gremien zu schaffen oder zu erhalten.
- (4) Bleibt ein persönlicher Einigungsversuch nach § 17 der Geschäftsordnung der Bundesregierung ohne Erfolg, ist dies in der Kabinettvorlage mitzuteilen. Der wesentliche Streitstand ist zusammen mit den Lösungsvorschlägen

darzustellen. Hierzu übermittelt das Bundesministerium, das eine abweichende Lösung anstrebt, dem federführenden Bundesministerium einen Beitrag, der in die Kabinetttvorlage aufzunehmen ist.

§ 23 Verfahren bei Kabinetttvorlagen

- (1) Kabinetttvorlagen sind an die Chefin oder den Chef des Bundeskanzleramtes zu richten; sie werden gleichzeitig der jeweiligen Leitung der Bundesministerien, der Chefin oder dem Chef des Bundespräsidialamtes sowie der Präsidentin oder dem Präsidenten des Bundesrechnungshofes in der vom Bundeskanzleramt festgelegten Anzahl zugeleitet. Die nach § 21 Absatz 1 beteiligten Stellen erhalten die Kabinetttvorlage nachrichtlich.
- (2) Kabinetttvorlagen werden von der Leitung des Bundesministeriums unterzeichnet, im Verhinderungsfall von der nach § 6 Absatz 1 bestimmten Vertretung.
- (3) Zwischen dem Eingang der Kabinetttvorlage beim Bundeskanzleramt und der Beratung durch die Bundesregierung sollen, von eilbedürftigen Ausnahmen abgesehen, mindestens acht Tage liegen.

§ 24 Unterrichtung des Bundeskanzleramtes

- (1) Die Bundesministerien unterrichten das Bundeskanzleramt frühzeitig über alle Angelegenheiten von grundsätzlicher politischer Bedeutung.
- (2) Bei der Bearbeitung von Anfragen, Fragen und Anträgen sowie im Gesetzgebungsverfahren unterrichtet das federführende Bundesministerium das Bundeskanzleramt und die beteiligten Bundesministerien über die Zusammenarbeit mit dem Deutschen Bundestag, dem Bundesrat und dem Vermittlungsausschuss durch nachrichtliche Übermittlung des Schriftverkehrs.
- (3) Ein Übergang der Federführung auf ein anderes Bundesministerium ist dem Bundeskanzleramt und den beteiligten Bundesministerien vom abgebenden Bundesministerium unverzüglich mitzuteilen. Das übernehmende Bundesministerium bestätigt den Übergang der Federführung gegenüber dem Bundeskanzleramt und den beteiligten Bundesministerien.

- (4) Das Bundeskanzleramt unterrichtet entsprechend Absatz 1 das federführende Bundesministerium über die Zusammenarbeit mit den Verfassungsorganen.

§ 25 Presse- und Öffentlichkeitsarbeit

- (1) Das Presse- und Informationsamt der Bundesregierung informiert mit den Mitteln der Öffentlichkeitsarbeit die Bürgerinnen und Bürger sowie die Medien über die Ziele und die Vorhaben der Bundesregierung.
- (2) Mitteilungen des Presse- und Informationsamtes der Bundesregierung an die Medien über die Arbeit eines Bundesministeriums bedürfen des Einvernehmens mit diesem, wenn sie dem Presse- und Informationsamt der Bundesregierung nicht von dem Bundesministerium zugeleitet worden sind.
- (3) Ressortübergreifende Vorhaben der Öffentlichkeitsarbeit des Presse- und Informationsamtes der Bundesregierung, die den Geschäftsbereich eines Bundesministeriums betreffen, sind mit diesem abzustimmen.
- (4) Jedes Bundesministerium informiert die Bürgerinnen und Bürger sowie die Medien durch seine Presse- und Öffentlichkeitsarbeit über seine Arbeit und Ziele. Pressemitteilungen des Bundesministeriums werden an erster Stelle dem Presse- und Informationsamt der Bundesregierung zur Kenntnis gegeben.
- (5) Ressortübergreifende Maßnahmen der Öffentlichkeitsarbeit der Bundesministerien sind mit dem Presse- und Informationsamt der Bundesregierung abzustimmen.

§ 26 Zusammenarbeit mit Dienststellen im Geschäftsbereich eines anderen Bundesministeriums und des Bundeskanzleramtes

- (1) Bundesministerien und Dienststellen im Geschäftsbereich eines anderen Bundesministeriums und des Bundeskanzleramtes arbeiten grundsätzlich unmittelbar zusammen. Bei der Zusammenarbeit mit dem Bundesamt für Verfassungsschutz, dem Bundeskriminalamt, dem Bundesamt für Sicherheit in der Informationstechnik, der Bundespolizei, dem Bundesamt für Wirtschaft und Ausfuhrkon-

trolle, dem Zollkriminalamt, dem Militärischen Abschirmdienst, dem Bundesnachrichtendienst und dem Generalbundesanwalt beim Bundesgerichtshof ist das jeweils zuständige Bundesministerium, im Falle des Bundesnachrichtendienstes das Bundeskanzleramt, unverzüglich zu unterrichten. Im Übrigen erfolgt die Unterrichtung in bedeutenden Fällen. Das Weisungsrecht des zuständigen Bundesministeriums oder Bundeskanzleramtes bleibt unberührt.

- (2) Die Zusammenarbeit mit den deutschen Vertretungen im Ausland wird durch das Auswärtige Amt vermittelt, soweit für die Zusammenarbeit mit den deutschen Vertretungen bei zwischenstaatlichen oder überstaatlichen Vereinigungen keine Sonderregelungen bestehen oder im Eilfall eine Vermittlung nicht herbeigeführt werden kann.

Abschnitt 2 Zusammenarbeit mit dem Deutschen Bundestag

§ 27 Teilnahme an Sitzungen

- (1) Für den Geschäftsgang des Deutschen Bundestages gilt dessen Geschäftsordnung.
- (2) An Sitzungen des Deutschen Bundestages und seiner Ausschüsse sollen Angehörige der Bundesministerien nur teilnehmen, soweit dies erforderlich ist. Sie vertreten in den Ausschusssitzungen die Auffassung der Bundesregierung und sind an die ihnen gegebenen Weisungen gebunden.
- (3) Ergeben sich in den Sitzungen Fragen, die den Geschäftsbereich eines anderen Bundesministeriums berühren, so ist dieses durch das federführende Bundesministerium unverzüglich zu unterrichten; sind solche Fragen von grundsätzlicher politischer Bedeutung, ist auch das Bundeskanzleramt zu unterrichten.

§ 28 Große und Kleine Anfragen

- (1) Das Bundeskanzleramt leitet die ihm vom Deutschen Bundestag mitgeteilten Großen und Kleinen Anfragen zur Beantwortung an das federführende Bundesministerium weiter, wenn nicht die Bundeskanzlerin oder der Bundeskanzler oder die zur Vertretung berechtigte Person wegen

der politischen Bedeutung selbst antwortet. Sind durch die Antwort Richtlinien der Politik betroffen (Artikel 65 Grundgesetz), ist das Bundeskanzleramt vom federführenden Bundesministerium zu beteiligen.

- (2) Die Anfragen werden namens der Bundesregierung beantwortet. Antworten auf Große Anfragen werden in der Regel gemäß § 15 Absatz 1 der Geschäftsordnung der Bundesregierung beschlossen. Andernfalls stellt das federführende Bundesministerium das Einvernehmen mit dem Bundeskanzleramt her.
- (3) Nach Eingang einer Großen Anfrage im Bundeskanzleramt ist dem Deutschen Bundestag unter Berücksichtigung von § 102 der Geschäftsordnung des Deutschen Bundestages sofort, spätestens innerhalb von drei Wochen, schriftlich mitzuteilen, ob und wann die Bundesregierung antworten wird. Wird die Beantwortung überhaupt oder für die nächsten drei Wochen abgelehnt, so ist dies zu begründen. Sobald absehbar ist, dass die Bundesregierung nicht zu dem zunächst mitgeteilten Zeitpunkt antworten wird, sind dem Deutschen Bundestag unverzüglich die Hinderungsgründe und der voraussichtliche Zeitpunkt der Beantwortung mitzuteilen. Absatz 5 Satz 2 gilt entsprechend.
- (4) Kleine Anfragen sind in der Regel binnen 14 Tagen nach Eingang beim Bundeskanzleramt schriftlich zu beantworten (§ 104 Absatz 2 Geschäftsordnung des Deutschen Bundestages). Kann die Frist nicht eingehalten werden, so ist der Deutsche Bundestag unverzüglich schriftlich über die Hinderungsgründe zu unterrichten. Dabei ist anzugeben, wann die Antwort zu erwarten ist. Absatz 3 Satz 3 gilt entsprechend. Einer rechtzeitigen, begründeten Mitteilung bedarf es auch, wenn eine Antwort in der Sache abgelehnt wird. Absatz 5 Satz 2 gilt entsprechend.
- (5) Bei Großen und Kleinen Anfragen ist der Antwort an den Deutschen Bundestag eine Abschrift beizufügen. Weitere Abschriften erhalten, wenn das Bundeskanzleramt die Antwort erteilt, das federführende Bundesministerium und die beteiligten Bundesministerien, wenn das federführende Bundesministerium die Antwort erteilt, das Bundeskanzleramt und die beteiligten Bundesministerien.

§ 29 Mündliche und schriftliche Fragen

- (1) Mündliche und schriftliche Fragen werden von der Leitung des federführenden Bundesministeriums so kurz wie möglich beantwortet. § 28 Absatz 1 gilt entsprechend. Das Bundeskanzleramt teilt dem Deutschen Bundestag mit, welche Person der Leitung die mündliche Frage im Plenum beantworten wird. Gemäß § 105 in Verbindung mit Anlage 4 der Geschäftsordnung des Deutschen Bundestages sind mündliche Fragen in der nächsten Fragestunde und schriftliche Fragen binnen einer Woche nach Eingang beim Bundeskanzleramt zu beantworten.
- (2) Der Deutsche Bundestag, das Bundeskanzleramt, die beteiligten Bundesministerien sowie das Presse- und Informationsamt der Bundesregierung erhalten je einen Abdruck der an die Fragestellerin oder den Fragesteller gerichteten Antwort auf die schriftliche und auf die mündliche Frage, sofern diese schriftlich zu beantworten ist.

§ 30 Zuleitung und Ausführung der Beschlüsse

Beschlüsse des Deutschen Bundestages, die ein Ersuchen an die Bundesregierung enthalten, leitet das Bundeskanzleramt dem federführenden Bundesministerium zu und benachrichtigt die beteiligten Bundesministerien. Soweit erforderlich, antwortet die Leitung eines Bundesministeriums dem Deutschen Bundestag namens der Bundesregierung.

§ 31 Anträge aus der Mitte des Deutschen Bundestages

- (1) Bei Anträgen aus der Mitte des Deutschen Bundestages prüft das zuständige Bundesministerium, ob die Bundesregierung in der Sitzung des Deutschen Bundestages oder in einem seiner Ausschüsse eine Erklärung abgeben muss oder ob sonst etwas zu veranlassen ist. § 30 gilt entsprechend.
- (2) Bei einem Antrag eines Mitgliedes des Deutschen Bundestages, der eine Einnahmeminderung oder Ausgabeerhöhung zur Folge hat, hilft das zuständige Bundesministerium im Benehmen mit dem Bundesministerium der Finanzen bei der Ermittlung der finanziellen Auswirkungen (§ 10 Absatz 3 Bundeshaushaltsordnung).

§ 32 Unterrichtung des Deutschen Bundestages über Änderungen der Haushaltsentwicklung

Wenn erhebliche Änderungen der Haushaltsentwicklung eingetreten sind, die nicht lediglich geringfügige Auswirkungen auf die Finanzplanung haben, leitet das Bundesministerium der Finanzen zur Vorbereitung der Unterrichtung des Bundestages (§ 10 Absatz 2 Bundeshaushaltsordnung) dem Bundeskanzleramt eine Kabinettsvorlage hierüber zu. Nach dem Beschluss der Bundesregierung unterrichtet die Bundeskanzlerin oder der Bundeskanzler die Präsidentin oder den Präsidenten des Deutschen Bundestages.

Abschnitt 3 Zusammenarbeit mit dem Bundesrat und dem Vermittlungsausschuss

§ 33 Zusammenarbeit mit dem Bundesrat

- (1) Für den Geschäftsgang des Bundesrates gilt dessen Geschäftsordnung. Für Fragen des Bundesrates an die Bundesregierung (§ 19 Geschäftsordnung des Bundesrates) und die Teilnahme an Sitzungen des Bundesrates (§§ 18, 40 Geschäftsordnung des Bundesrates) gelten die §§ 29, 27 Absatz 2 und 3 entsprechend.
- (2) Für Beschlüsse und Anfragen des Bundesrates, die ein Ersuchen an die Bundesregierung enthalten, gilt § 30 entsprechend.
- (3) Für die Unterrichtung des Bundesrates über Änderungen der Haushaltsentwicklung gilt § 32 entsprechend.

§ 34 Zusammenarbeit mit dem Vermittlungsausschuss

- (1) Für den Geschäftsgang des Vermittlungsausschusses gilt die Gemeinsame Geschäftsordnung des Deutschen Bundestages und des Bundesrates für den Ausschuss nach Artikel 77 des Grundgesetzes.³

³ Gemeinsame Geschäftsordnung des Deutschen Bundestages und des Bundesrates für den Ausschuss nach Artikel 77 des Grundgesetzes (Vermittlungsausschuss) vom 19. April 1951 (Bekanntmachung vom 5. Mai 1951 – BGBl. II S. 103), zuletzt geändert laut Bekanntmachung vom 16. Mai 1995 (BGBl. I S. 742).

- (2) Die Mitglieder der Bundesregierung sind berechtigt und auf Beschluss des Ausschusses verpflichtet, an den Sitzungen des Ausschusses und seiner Unterausschüsse teilzunehmen. Wird Angehörigen der Bundesministerien durch Beschluss des Ausschusses die Teilnahme gestattet, gilt § 27 entsprechend.

Abschnitt 4 Verfahren vor dem Bundesverfassungsgericht

§ 35 Verfahren vor dem Bundesverfassungsgericht

- (1) In Verfahren vor dem Bundesverfassungsgericht vertritt das für das jeweilige Sachgebiet federführende Bundesministerium die Bundesregierung. Es hat die Bundesministerien des Innern und der Justiz sowie alle sachlich berührten Bundesministerien in allen Verfahrensabschnitten rechtzeitig zu beteiligen, insbesondere bei der Vorbereitung von verfahrenseinleitenden Anträgen, Beitrittserklärungen, Äußerungen und mündlichen Verhandlungen. Es bestimmt die Vertreterinnen und Vertreter in der mündlichen Verhandlung. Sie sind durch Kabinettsbeschluss zu bestellen, wenn die Bedeutung des Verfahrens es erfordert.
- (2) Das Kabinett beschließt die Einleitung eines Verfahrens vor dem Bundesverfassungsgericht durch die Bundesregierung oder ihren Beitritt zu einem anhängigen Verfahren.
- (3) Verfahrensunterlagen, die das Bundesverfassungsgericht einem der Beteiligten unmittelbar zuleitet, sind dem Bundeskanzleramt und den zu beteiligenden Bundesministerien unverzüglich zu übermitteln.
- (4) Das federführende Bundesministerium äußert sich nach Abschluss des Beteiligungsverfahrens „namens der Bundesregierung“. Stellungnahmen sind von der zuständigen Staatssekretärin oder dem zuständigen Staatssekretär zu unterzeichnen, soweit die Leitung des Bundesministeriums nichts anderes bestimmt. Dem Bundeskanzleramt und jedem beteiligten Bundesministerium ist ein Abdruck zu übersenden.

- (5) Das federführende Bundesministerium kann von einer Beteiligung anderer Bundesministerien absehen, wenn es dem Bundesverfassungsgericht tatsächliche Auskünfte erteilt, welche nur seine Zuständigkeit berühren.
- (6) Ist beabsichtigt, mit einer Äußerung oder mit der Vertretung der Bundesregierung in der mündlichen Verhandlung eine Hochschullehrerin oder einen Hochschullehrer des Rechts oder eine Rechtsanwältin oder einen Rechtsanwalt als Verfahrensbevollmächtigten zu beauftragen, so sind die Bundesministerien des Innern und der Justiz zu beteiligen.
- (7) Die schriftliche Vollmacht nach § 22 des Bundesverfassungsgerichtsgesetzes erteilt die Leitung des federführenden Bundesministeriums. Einer Vollmacht bedarf es nicht, wenn die Leitung des federführenden Bundesministeriums oder eine hierfür nach § 6 Absatz 1 zur Vertretung berechtigte Person die Bundesregierung vertritt. Eine Vollmacht muss vorgelegt werden, wenn die Bundesregierung durch eine Hochschullehrerin oder einen Hochschullehrer, eine Rechtsanwältin oder einen Rechtsanwalt oder durch eine Beamtin oder einen Beamten vertreten wird. Die Regelungen über die Erteilungen von Aussagegenehmigungen bleiben unberührt.
- (8) Die beteiligten Bundesministerien können im Benehmen mit dem federführenden Bundesministerium Beobachterinnen und Beobachter zu den mündlichen Verhandlungen und zu den Verkündungsterminen des Bundesverfassungsgerichts entsenden.

Abschnitt 5 Zusammenarbeit mit sonstigen Stellen

§ 36 Zusammenarbeit mit den Ländern

- (1) Die Bundesministerien arbeiten mit den obersten Landesbehörden unmittelbar zusammen.
- (2) Arbeitet ein Bundesministerium mit einem Landesministerium anderer Fachrichtung zusammen, so soll es in grundsätzlichen Angelegenheiten das fachlich zuständige Bundesministerium unterrichten.

- (3) Die unmittelbare Zusammenarbeit mit anderen Landesbehörden oder mit öffentlichen Körperschaften und Anstalten des Landesrechts ist nur in den Fällen zulässig, die nach dem Grundgesetz, nach anderen Gesetzen oder aufgrund einer Vereinbarung mit der jeweiligen Landesregierung zugelassen sind.
- (4) Schreiben an die obersten Landesbehörden sind auch den Vertretungen der Länder beim Bund zuzuleiten, wenn sie politische Bedeutung haben.

§ 37 Zusammenarbeit mit der Europäischen Union⁴

- (1) Die Bundesministerien arbeiten in Angelegenheiten ihres eigenen Geschäftsbereichs mit den Organen und Dienststellen der Europäischen Union grundsätzlich unmittelbar zusammen, soweit nicht Vorschriften der Europäischen Union entgegenstehen.
- (2) In Angelegenheiten von grundsätzlicher Bedeutung ist das Auswärtige Amt im Interesse der Kohärenz der deutschen Europapolitik zu beteiligen.
- (3) Bei allen finanzwirksamen Angelegenheiten ist das Bundesministerium der Finanzen zu beteiligen. Maßnahmen, die zu Einnahmемinderungen oder zu zusätzlichen Ausgaben im laufenden Haushaltsjahr oder in künftigen Haushaltsjahren führen können, bedürfen der Einwilligung des Bundesministeriums der Finanzen. In Angelegenheiten von ressortübergreifender Bedeutung sind die zuständigen Bundesministerien zu beteiligen.

§ 38 Zusammenarbeit mit fremden Staaten und internationalen Organisationen⁵

- (1) Die obersten Bundesbehörden arbeiten mit den Behörden und den Vertretungen fremder Staaten sowie den Organen und Dienststellen internationaler Organisationen unmittelbar nur zusammen, wenn dies auf internati-

⁴ Die Richtlinien über den amtlichen Verkehr in das Ausland und mit ausländischen Dienststellen im Inland (veröffentlicht im Intranet des Bundes) sind anzuwenden.

⁵ Die Richtlinien über den amtlichen Verkehr in das Ausland und mit ausländischen Dienststellen im Inland (veröffentlicht im Intranet des Bundes) sind anzuwenden.

onalen oder zwischenstaatlichen Vereinbarungen beruht, das Auswärtige Amt dem Direktverkehr zugestimmt oder die Bundesregierung es ausdrücklich beschlossen hat.

- (2) Über Angelegenheiten von grundsätzlicher Bedeutung ist das Auswärtige Amt dann zu unterrichten, wenn eine unmittelbare Zusammenarbeit mit ausländischen Stellen vorgesehen ist.

§ 39 Benutzung von Schriftgut durch Dritte

- (1) Die Bundesministerien entscheiden über den Zugang zu ihrem Schriftgut nach pflichtgemäßem Ermessen, soweit der Zugang nicht gesetzlich geregelt ist. Die Zustimmung anderer Bundesministerien, deren Schriftgut gleichfalls freigegeben werden soll, ist vorher einzuholen. Soweit unveröffentlichtes Schriftgut des Deutschen Bundestages oder des Bundesrates betroffen ist, ist auch deren Zustimmung einzuholen.
- (2) Die Freigabe von Schriftgut kann in Betracht kommen bei
 1. amtlichen Benutzungsvorhaben (Veröffentlichungen von Bundesministerien oder auf ihre Veranlassung hin) oder
 2. wissenschaftlichen Vorhaben, an denen ein amtliches Interesse besteht.
- (3) Mit der Entscheidung kann die Auflage verbunden werden, das Manuskript vor der Veröffentlichung den betroffenen Bundesministerien vorzulegen und, sofern das Schriftgut nicht den tatsächlichen Gegebenheiten entsprechend verwertet worden ist, die Beanstandungen auszuräumen oder eine amtliche Gegendarstellung in die Arbeit aufzunehmen. Das allgemeine Gegenäußerungsrecht eines Bundesministeriums zu der in der Arbeit vertretenen Auffassung bleibt hiervon unberührt.

Kapitel 6 Rechtsetzung

Abschnitt 1 Vorbereitung von Gesetzesvorlagen der Bundesregierung

§ 40 Unterrichtung des Bundeskanzleramtes

Soll eine Gesetzesvorlage ausgearbeitet werden, ist das Bundeskanzleramt zu benachrichtigen. Es ist über den Stand der Ausarbeitung und die vorgesehene Zeitplanung für das Gesetzgebungsverfahren laufend zu unterrichten. Wird die Arbeit an der Gesetzesvorlage durch wichtige Vorgänge beeinflusst, ist dies dem Bundeskanzleramt mitzuteilen.

§ 41 Interessenermittlung

Zur Vorbereitung von Gesetzesvorlagen, die Belange der Länder oder der Kommunen berühren, soll vor Abfassung eines Entwurfs die Auffassung der Länder und der auf Bundesebene bestehenden kommunalen Spitzenverbände eingeholt werden.

Abschnitt 2 Aufbau von Gesetzesvorlagen der Bundesregierung⁶

§ 42 Gesetzesvorlagen der Bundesregierung

- (1) Gesetzesvorlagen bestehen aus dem Entwurf des Gesetzestextes (Gesetzesentwurf), der Begründung zum Gesetzesentwurf (Begründung) und einer vorangestellten Übersicht (Vorblatt) entsprechend Anlage 3. Gibt der Nationale Normenkontrollrat eine Stellungnahme ab (§ 45 Absatz 2), ist diese der Gesetzesvorlage beizufügen; das Gleiche gilt für eine Stellungnahme der Bundesregierung dazu.
- (2) Der Gesetzestext besteht grundsätzlich aus einer Überschrift, einer Eingangsformel und den in Paragraphen oder Artikeln gefassten Einzelschriften (Anlage 4). Gesetzesentwürfe sollen die notwendigen Folgeänderungen

⁶ S. a. Kabinettsbeschluss vom 20. Dezember 1989: Maßnahmen zur Verbesserung der Rechtsetzung und von Verwaltungsvorschriften (GMBI 1990 S. 38); der Kabinettsbeschluss vom 11. Dezember 1984 zu Prüffragen für Rechtsvorschriften des Bundes ist durch die Integration des wesentlichen Inhalts der Blauen Prüffragen in die §§ 43 ff. gegenstandslos geworden.

in anderen Gesetzen und, zum Zweck der Rechtsbereinigung, die Aufhebung überholter Vorschriften vorsehen.

- (3) Für die Vorbereitung von Gesetzentwürfen gilt das vom Bundesministerium des Innern herausgegebene Handbuch zur Vorbereitung von Rechts- und Verwaltungsvorschriften.
- (4) Für die rechtsförmliche Gestaltung von Gesetzentwürfen gelten das vom Bundesministerium der Justiz herausgegebene Handbuch der Rechtsförmlichkeit und die vom Bundesministerium der Justiz im Einzelfall gegebenen Empfehlungen.
- (5) Gesetzentwürfe müssen sprachlich richtig und möglichst für jedermann verständlich gefasst sein. Gesetzentwürfe sollen die Gleichstellung von Frauen und Männern sprachlich zum Ausdruck bringen. Gesetzentwürfe sind grundsätzlich dem Redaktionsstab Rechtssprache zur Prüfung auf ihre sprachliche Richtigkeit und Verständlichkeit zuzuleiten. Die Zuleitung soll möglichst frühzeitig erfolgen. Das Ergebnis der Prüfung hat empfehlenden Charakter.
- (6) Gesetzentwürfe müssen so gefasst sein, dass sie den in der Barrierefreien Informationstechnik-Verordnung für eine Veröffentlichung im Internet aufgestellten Kriterien Rechnung tragen. Für Nicht-Text-Elemente (Tabellen, Bilder, Symbole und andere nicht in Worte gefasste Teile) von Gesetzentwürfen sind Begleittexte bereitzustellen.
- (7) Vor der Zuleitung an das Bundeskabinett sind Gesetze, die nach der Richtlinie 98/34/EG des Europäischen Parlaments und des Rates vom 22. Juni 1998 über ein Informationsverfahren auf dem Gebiet der Normen und technischen Vorschriften und der Vorschriften für die Dienste der Informationsgesellschaft (ABl. L 204 vom 21.7.1998, S. 37), zuletzt geändert durch Richtlinie 2006/96/EG (ABl. L 363 vom 20.12.2006, S. 81), zu notifizieren sind, der Europäischen Kommission über das Bundesministerium für Wirtschaft und Technologie im Entwurf zu übermitteln. Die Kabinetttbehandlung erfolgt grundsätzlich erst nach Ablauf der gemäß Artikel 9 der Richtlinie vorgesehenen Fristen.

§ 43 Begründung

- (1) In der Begründung sind darzustellen:
 1. die Zielsetzung und Notwendigkeit des Gesetzentwurfs und seiner Einzelvorschriften,
 2. welcher Sachverhalt dem Gesetzentwurf zugrunde liegt und auf welchen Erkenntnisquellen er beruht,
 3. ob andere Lösungsmöglichkeiten bestehen und ob eine Erledigung der Aufgabe durch Private möglich ist, gegebenenfalls welche Erwägungen zu ihrer Ablehnung geführt haben (Anlage 5),
 4. ob Mitteilungspflichten, andere administrative Pflichten oder Genehmigungsvorbehalte mit entsprechenden staatlichen Überwachungs- und Genehmigungsverfahren eingeführt oder erweitert werden und welche Gründe dagegen sprechen, sie durch eine rechtliche Selbstverpflichtung des Normadressaten zu ersetzen,
 5. die Gesetzesfolgen (§ 44),
 6. welche Erwägungen der Festlegung zum Inkrafttreten zugrunde liegen, zum Beispiel für den Vollzug in organisatorischer, technischer und haushaltsmäßiger Hinsicht, und ob das Gesetz befristet werden kann,
 7. ob der Gesetzentwurf eine Rechts- und Verwaltungsvereinfachung vorsieht, insbesondere ob er geltende Vorschriften vereinfacht oder entbehrlich macht,
 8. Bezüge zum und Vereinbarkeit mit dem Recht der Europäischen Union,
 9. inwieweit im Falle der Umsetzung einer Richtlinie oder sonstiger Rechtsakte der Europäischen Union über deren Vorgaben hinaus weitere Regelungen getroffen werden,
 10. ob der Gesetzentwurf mit völkerrechtlichen Verträgen, die Deutschland abgeschlossen hat, vereinbar ist,
 11. die Änderungen zur geltenden Rechtslage,
 12. ob Artikel 72 Absatz 3 oder Artikel 84 Absatz 1 Satz 3 des Grundgesetzes Besonderheiten beim Inkrafttreten begründen und wie diesen gegebenenfalls Rechnung getragen worden ist.
- (2) Im Bereich der konkurrierenden Gesetzgebung auf den Gebieten des Artikels 74 Absatz 1 Nummer 4, 7, 11, 13, 15,

19a, 20, 22, 25 und 26 des Grundgesetzes ist darzulegen, warum der Gesetzentwurf und seine wichtigsten Einzelregelungen eine bundesgesetzliche Regelung erfordern (Artikel 72 Absatz 2 Grundgesetz).

- (3) Enthält der Gesetzentwurf Regelungen des Verwaltungsverfahrens der Länder ohne Abweichungsmöglichkeit nach Artikel 84 Absatz 1 Satz 5 des Grundgesetzes, ist zu begründen, warum ein Ausnahmefall wegen eines besonderen Bedürfnisses nach bundeseinheitlicher Regelung vorliegt.
- (4) Die Frage der Zustimmungsbefähigung des Gesetzes ist grundsätzlich nicht in der Gesetzesbegründung darzustellen. Lediglich im Falle des Artikels 87 Absatz 3 Satz 2 des Grundgesetzes und in Begründungen zu Vertragsgesetzen sind entsprechende Ausführungen aufzunehmen.

§ 44 Gesetzesfolgen

- (1) Unter Gesetzesfolgen sind die wesentlichen Auswirkungen des Gesetzes zu verstehen. Sie umfassen die beabsichtigten Wirkungen und die unbeabsichtigten Nebenwirkungen. Die Darstellung der voraussichtlichen Gesetzesfolgen muss im Benehmen mit den jeweils fachlich zuständigen Bundesministerien erfolgen und hinsichtlich der finanziellen Auswirkungen erkennen lassen, worauf die Berechnungen oder die Annahmen beruhen. Es ist darzustellen, ob die Wirkungen des Vorhabens einer nachhaltigen Entwicklung entsprechen, insbesondere welche langfristigen Wirkungen das Vorhaben hat. Das Bundesministerium des Innern kann zur Ermittlung von Gesetzesfolgen Empfehlungen geben.
- (2) Die Auswirkungen auf die Einnahmen und Ausgaben (brutto) der öffentlichen Haushalte sind darzustellen. Das Bundesministerium der Finanzen kann im Benehmen mit dem Bundesministerium des Innern hierzu allgemeine Vorgaben machen. Die auf den Bundeshaushalt entfallenden Einnahmen und Ausgaben sind für den Zeitraum der jeweils gültigen mehrjährigen Finanzplanung des Bundes aufzugliedern. Dabei ist anzugeben, ob und inwieweit die Mehrausgaben oder Mindereinnahmen in der mehrjährigen Finanzplanung berücksichtigt sind

und auf welche Weise ein Ausgleich gefunden werden kann. Die Beträge sind gegebenenfalls im Benehmen mit dem Bundesministerium der Finanzen zu errechnen, notfalls zu schätzen. Entstehen voraussichtlich keine finanziellen Auswirkungen, so ist dies in der Begründung anzugeben.

- (3) Auswirkungen auf die Haushalte der Länder und Kommunen sind gesondert aufzuführen. Das für den Gesetzentwurf federführende Bundesministerium hat hierzu bei den Ländern und kommunalen Spitzenverbänden rechtzeitig Angaben zu den Ausgaben einzuholen.
- (4) Die Bundesministerien müssen den Erfüllungsaufwand im Sinne des § 2 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates für Bürgerinnen und Bürger, Wirtschaft und Verwaltung ermitteln und darstellen.
- (5) Es sind darzustellen:
 1. die sonstigen Kosten für die Wirtschaft, insbesondere für die mittelständischen Unternehmen, und die Auswirkungen des Gesetzes auf die Einzelpreise und das Preisniveau,
 2. im Benehmen mit dem Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz die Auswirkungen des Gesetzes auf die Verbraucherinnen und Verbraucher.

Das für den Gesetzentwurf fachlich zuständige Bundesministerium hat dazu Angaben der beteiligten Fachkreise und Verbände, insbesondere der mittelständischen Wirtschaft und der Verbraucher, einzuholen. Das Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz ist zu Satz 1 Nummer 2 frühzeitig zu beteiligen.

- (6) Weitere Auswirkungen, die ein nach § 45 Absatz 1 bis 3 Beteiligter erwartet, sind auf seinen Wunsch darzustellen.
- (7) In der Begründung zum Gesetzentwurf ist durch das federführende Ressort festzulegen, ob und nach welchem Zeitraum zu prüfen ist, ob die beabsichtigten Wirkungen erreicht worden sind, ob die entstandenen Kosten in einem angemessenen Verhältnis zu den Ergebnissen stehen und welche Nebenwirkungen eingetreten sind.

Abschnitt 3 Beteiligungen und Unterrichtungen

§ 45 Beteiligungen innerhalb der Bundesregierung

- (1) Bevor der Entwurf einer Gesetzesvorlage der Bundesregierung zum Beschluss vorgelegt wird, hat das federführende Bundesministerium die von dem Gesetzentwurf betroffenen Bundesministerien und den Nationalen Normenkontrollrat im Rahmen seiner gesetzlichen Zuständigkeit frühzeitig bei den Vorarbeiten und der Ausarbeitung einzubeziehen. Betroffen sind alle Bundesministerien, deren Geschäftsbereiche berührt sind (Anlage 6). Zur Prüfung von Rechtsnormen auf ihre Vereinbarkeit mit dem Grundgesetz sowie in allen übrigen Fällen, in denen Zweifel bei der Anwendung des Grundgesetzes auftreten, sind die Bundesministerien des Innern und der Justiz zu beteiligen. Bei Gesetzesvorhaben, die aufgrund ihrer Komplexität einer eingehenden europarechtlichen Überprüfung bedürfen, sowie in sonstigen begründeten Fällen werden die Bundesministerien mit übergreifenden europarechtlichen Kompetenzen (insbesondere Bundesministerium für Wirtschaft und Technologie, Bundesministerium der Justiz, Auswärtiges Amt) frühzeitig gezielt mit europarechtlichen Fragen befasst.
- (2) Nimmt der Nationale Normenkontrollrat Stellung, prüft das federführende Bundesministerium, ob eine Stellungnahme der Bundesregierung dazu veranlasst ist.
- (3) Soweit Aufgaben der in § 21 Absatz 1 genannten Stellen berührt sind, sind diese frühzeitig zu beteiligen. Grundsätzlich zu beteiligen ist der oder die Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung.
- (4) Bei Übersendung des Referentenentwurfs ist darauf zu achten, dass den Beteiligten genügend Zeit zur Prüfung und Erörterung von Fragen ihrer Zuständigkeit zur Verfügung stehen muss. Das federführende Bundesministerium ist für eine rechtzeitige und vollständige Beteiligung verantwortlich.
- (5) Umfangreiche oder kostspielige Vorarbeiten sollen bei Meinungsverschiedenheiten zwischen den hauptsächlich beteiligten Bundesministerien nicht begonnen oder veranlasst werden, bevor das Kabinett entschieden hat. Die

Verantwortung der Bundesministerin oder des Bundesministers für eilige Vorhaben ihres oder seines Geschäftsbezirks wird hierdurch nicht berührt.

§ 46 Rechtssystematische und rechtsförmliche Prüfung

- (1) Bevor ein Gesetzentwurf der Bundesregierung zum Beschluss vorgelegt wird, ist er dem Bundesministerium der Justiz zur Prüfung in rechtssystematischer und rechtsförmlicher Hinsicht (Rechtsprüfung) zuzuleiten.
- (2) Bei Übersendung des Entwurfs ist darauf Rücksicht zu nehmen, dass dem Bundesministerium der Justiz bei Entwürfen größeren Umfanges genügend Zeit zur Prüfung und Erörterung von Fragen, die bei der Prüfung nach Absatz 1 anfallen, zur Verfügung stehen muss.
- (3) Hat das Bundesministerium der Justiz an der Vorbereitung eines Entwurfs mitgewirkt und ihn hierbei schon der Prüfung nach Absatz 1 unterzogen, kann mit seiner Zustimmung von einer nochmaligen Zuleitung des Entwurfs abgesehen werden.

§ 47 Beteiligung von Ländern, kommunalen Spitzenverbänden, Fachkreisen und Verbänden

- (1) Der Entwurf einer Gesetzesvorlage ist Ländern, kommunalen Spitzenverbänden und den Vertretungen der Länder beim Bund möglichst frühzeitig zuzuleiten, wenn ihre Belange berührt sind. Ist in wesentlichen Punkten mit der abweichenden Meinung eines beteiligten Bundesministeriums zu rechnen, hat die Zuleitung nur im Einvernehmen mit diesem zu erfolgen. Soll das Vorhaben vertraulich behandelt werden, ist dies zu vermerken.
- (2) Das Bundeskanzleramt ist über die Beteiligung zu unterrichten. Bei Gesetzentwürfen von besonderer politischer Bedeutung muss seine Zustimmung eingeholt werden.
- (3) Für eine rechtzeitige Beteiligung von Zentral- und Gesamtverbänden sowie von Fachkreisen, die auf Bundesebene bestehen, gelten die Absätze 1 und 2 entsprechend. Zeitpunkt, Umfang und Auswahl bleiben, soweit keine Sondervorschriften bestehen, dem Ermessen des federführenden Bundesministeriums überlassen. Die Beteiligung nach

Absatz 1 soll der Beteiligung nach diesem Absatz und der Unterrichtung nach § 48 Absatz 1 vorangehen.

- (4) Bei der Beteiligung nach den Absätzen 1 und 3 ist ausdrücklich darauf hinzuweisen, dass es sich um einen Gesetzentwurf handelt, der von der Bundesregierung noch nicht beschlossen worden ist. Dem Gesetzentwurf können die Begründung und das Vorblatt beigefügt werden.
- (5) Wird zu einer Gesetzesvorlage eine mündliche Anhörung durchgeführt, sind hierzu die kommunalen Spitzenverbände einzuladen, wenn ihre Belange berührt sind. Diesen soll bei der Anhörung vor den Zentral- und Gesamtverbänden sowie den Fachkreisen das Wort gewährt werden.

§ 48 Unterrichtung anderer Stellen

- (1) Sollen die Presse sowie andere amtlich nicht beteiligte Stellen oder sonstige Personen Gesetzentwürfe aus den Bundesministerien erhalten, bevor die Bundesregierung sie beschlossen hat, bestimmt das federführende Bundesministerium, bei grundsätzlicher politischer Bedeutung das Bundeskanzleramt, in welcher Form dies geschehen soll.
- (2) Wird ein Gesetzentwurf den Ländern, den beteiligten Fachkreisen oder Verbänden beziehungsweise Dritten im Sinne von Absatz 1 zugeleitet, so ist er den Geschäftsstellen der Fraktionen des Deutschen Bundestages, dem Bundesrat und auf Wunsch Mitgliedern des Deutschen Bundestages und des Bundesrates zur Kenntnis zu geben.
- (3) Über die Einstellung des Gesetzentwurfs in das Intranet der Bundesregierung oder in das Internet entscheidet das federführende Bundesministerium im Einvernehmen mit dem Bundeskanzleramt und im Benehmen mit den übrigen beteiligten Bundesministerien.
- (4) Bei der Unterrichtung nach Absatz 1 bis 3 gilt § 47 Absatz 4 entsprechend.

§ 49 Kennzeichnung und Übersendung der Entwürfe

- (1) Gesetzentwürfe sind mit dem Datum und dem Zusatz „Entwurf“ zu versehen. Änderungen gegenüber dem jeweils vorangegangenen Entwurf sind kenntlich zu machen.

- (2) Bei der Übersendung ist darzulegen, ob es sich um ein Gesetzgebungsvorhaben handelt, das der Zustimmung des Bundesrates bedarf.

§ 50 Frist zur abschließenden Prüfung

Die Frist zur abschließenden Prüfung des Gesetzentwurfs durch die nach den §§ 44, 45 und 46 Beteiligten beträgt in der Regel vier Wochen. Sie kann verkürzt werden, wenn alle Beteiligten zustimmen. Bei umfangreichen oder rechtlich schwierigen Entwürfen verlängert sich die Frist auf acht Wochen, wenn dies von einem Ressort im Rahmen der Beteiligung nach § 45 beantragt wird.

Abschnitt 4 Behandlung von Gesetzentwürfen durch die Bundesregierung

§ 51 Vorlage an das Kabinett

Werden Gesetzesvorlagen nach Abschnitt 3 der Bundesregierung zum Beschluss vorgelegt, ist im Anschreiben zur Kabinetttvorlage unbeschadet des § 22 anzugeben,

1. ob die Zustimmung des Bundesrates erforderlich ist,
2. dass das Bundesministerium der Justiz die Prüfung nach § 46 Absatz 1 bestätigt hat,
3. dass die Anforderungen nach § 44 erfüllt sind,
4. welche abweichenden Meinungen aufgrund der Beteiligungen nach den §§ 45 und 47 bestehen,
5. mit welchen Kosten die Ausführung des Gesetzes Bund, Länder oder Kommunen belastet und ob das Bundesministerium der Finanzen und die in den §§ 44 und 45 genannten Stellen ihr Einverständnis erklärt haben,
6. ob der Nationale Normenkontrollrat nach § 45 Absatz 2 zu dem Gesetzentwurf Stellung genommen hat und ob hierzu der Entwurf einer Stellungnahme der Bundesregierung vorliegt,
7. inwieweit im Falle der Umsetzung einer Richtlinie oder sonstiger Rechtsakte der Europäischen Union über deren Vorgaben hinaus weitere Regelungen getroffen werden,
8. ob die Vorlage ausnahmsweise besonders eilbedürftig ist (Artikel 76 Absatz 2 Satz 4 Grundgesetz).

§ 52 Einheitliches Vertreten der Gesetzesvorlagen; Formulierungshilfe für den Deutschen Bundestag und den Bundesrat

- (1) Die von der Bundesregierung beschlossenen Gesetzesvorlagen sind vor dem Deutschen Bundestag und dem Bundesrat einheitlich zu vertreten, auch wenn einzelne Bundesministerien eine andere Auffassung hatten.
- (2) Über Formulierungshilfen, die inhaltlich von Beschlüssen der Bundesregierung abweichen oder über sie hinausgehen, sind die beteiligten Bundesministerien und das Bundeskanzleramt unverzüglich zu unterrichten, möglichst vor Zuleitung an die Ausschüsse.

§ 53 Gegenäußerung der Bundesregierung zur Stellungnahme des Bundesrates

- (1) Zu der Stellungnahme des Bundesrates arbeitet das federführende Bundesministerium, wenn nötig, eine Gegenäußerung aus, die entsprechend dem Aufbau der Stellungnahme des Bundesrates zu gliedern und dem Bundeskanzleramt als Kabinetttvorlage zuzusenden ist. Soweit die Stellungnahme des Bundesrates wesentliche Alternativvorschläge enthält, werden diese in einem neuen Vorblatt aufgeführt. Soll Änderungswünschen des Bundesrates entsprochen werden, muss sich dies aus der Gegenäußerung der Bundesregierung ergeben.
- (2) Auf Anforderung des zuständigen Ausschusses des Deutschen Bundestages übersendet das federführende Bundesministerium dem Ausschuss sowie den beteiligten Bundesministerien eine Synopse, die die Darstellung des Gesetzestextes der Regierungsvorlage, des Votums in der Stellungnahme des Bundesrates und des Votums in der Gegenäußerung der Bundesregierung enthält.

§ 54 Verfahren nach Artikel 113 des Grundgesetzes

- (1) Ist nach dem Ergebnis der Ausschussberatungen anzunehmen, dass der federführende Ausschuss dem Deutschen Bundestag eine Fassung des Gesetzes vorschlagen wird, die eine der Voraussetzungen des Artikels 113 Absatz 1 des Grundgesetzes erfüllt, oder erfüllt ein vom Deutschen Bundestag beschlossenes Gesetz diese Voraussetzungen

(Artikel 113 Absatz 2 Grundgesetz), so prüft das federführende Bundesministerium im Benehmen mit dem Bundesministerium der Finanzen unverzüglich, ob die Bundesregierung verlangen soll, dass der Deutsche Bundestag die Beschlussfassung aussetzt (Artikel 113 Absatz 1 Grundgesetz) oder erneut beschließt (Artikel 113 Absatz 2 Grundgesetz).

- (2) Hält eines der genannten Bundesministerien die Aussetzung oder die erneute Beschlussfassung für erforderlich, so veranlasst es unverzüglich eine Entscheidung der Bundesregierung. Der Kabinettvorlage ist im Fall des Artikels 113 Absatz 1 Satz 4 des Grundgesetzes möglichst der Entwurf der Stellungnahme der Bundesregierung beizufügen.
- (3) Im Fall des Artikels 113 Absatz 2 des Grundgesetzes ist die Vorlage dem Kabinett so rechtzeitig zuzuleiten, dass die Entscheidung der Bundesregierung innerhalb von vier Wochen seit dem Beschluss des Deutschen Bundestages zugestellt werden kann. Halten die beteiligten Bundesministerien die erneute Beschlussfassung nicht für erforderlich, so benachrichtigt das Bundesministerium der Finanzen unter Hinweis auf die Frist nach Artikel 113 Absatz 2 des Grundgesetzes unverzüglich die übrigen Bundesministerien.
- (4) Die Absätze 1 und 2 gelten auch, wenn der Deutsche Bundestag im Rahmen eines Verfahrens nach Artikel 77 Absatz 2 des Grundgesetzes (Vermittlungsausschuss) über ein bereits beschlossenes Gesetz erneut beschließen muss.
- (5) Beschließt die Bundesregierung zu verlangen, dass der Deutsche Bundestag die Beschlussfassung aussetzt (Artikel 113 Absatz 1 Grundgesetz) oder erneut beschließt (Artikel 113 Absatz 2 Grundgesetz), so unterrichtet das Bundeskanzleramt unverzüglich die Leitung des Deutschen Bundestages, im Fall des Artikels 113 Absatz 2 des Grundgesetzes auch die Leitung des Bundespräsidialamtes sowie des Bundesrates und gegebenenfalls die Vorsitzende oder den Vorsitzenden des Vermittlungsausschusses.
- (6) Ist das Gesetz nach Artikel 78 des Grundgesetzes zustande gekommen und hatte die Bundesregierung ein Verlangen

nach Absatz 1 erklärt, so veranlasst das federführende Bundesministerium unter Beteiligung des Bundesministeriums der Finanzen unverzüglich einen Beschluss der Bundesregierung darüber, ob die Zustimmung erteilt oder versagt werden soll. Beschließt die Bundesregierung, ihre Zustimmung zu versagen, unterrichtet das Bundeskanzleramt innerhalb von sechs Wochen nach dem Zustandekommen des Gesetzes die Leitung des Bundespräsidialamtes, die Leitung des Deutschen Bundestages, die Leitung des Bundesrates und gegebenenfalls die Vorsitzende oder den Vorsitzenden des Vermittlungsausschusses (Artikel 77 Absatz 2 Grundgesetz).

- (7) Ist das Gesetz nach Artikel 78 des Grundgesetzes zustande gekommen und hatte die Bundesregierung das Verlangen nach Absatz 1 nicht erklärt, gilt der Beschluss der Bundesregierung über die Zustimmung als gefasst. Das Gleiche gilt, wenn die Bundesregierung zwar das Verlangen nach Absatz 1, nicht aber die Versagung ihrer Zustimmung fristgemäß erklärt hat (Artikel 113 Absatz 3 Grundgesetz). Das federführende Bundesministerium weist in dem Schreiben, mit dem es die Gesetzesurschrift dem Bundeskanzleramt zuleitet, darauf hin, dass die Bundesregierung zugestimmt hat oder dass die Zustimmung als erteilt gilt.

§ 55 Verfahren nach Artikel 77 des Grundgesetzes

Bedarf das Gesetz der Zustimmung des Bundesrates, prüft das federführende Bundesministerium, ob die Bundesregierung den Vermittlungsausschuss anrufen soll, und veranlasst gegebenenfalls einen Beschluss der Bundesregierung. Verlangt die Bundesregierung die Einberufung des Vermittlungsausschusses, so unterrichtet das Bundeskanzleramt die Vorsitzende oder den Vorsitzenden des Vermittlungsausschusses.

§ 56 Gesetzesvorlagen des Deutschen Bundestages

- (1) Bei Gesetzesvorlagen aus der Mitte des Deutschen Bundestages hat das federführende Bundesministerium die Stellungnahme der Bundesregierung rechtzeitig herbeizuführen und sie gegenüber dem Deutschen Bundestag zu vertreten.

- (2) Sind alle beteiligten Bundesministerien über die Stellungnahme einig, kann in weniger wichtigen Fällen davon abgesehen werden, das Kabinett zu befassen.
- (3) Die Angehörigen der Bundesministerien dürfen ohne Genehmigung der zuständigen Bundesministerin oder des zuständigen Bundesministers bei der sachlichen oder rechtsförmlichen Vorbereitung einer solchen Gesetzesvorlage nicht mitwirken. Im Übrigen gelten die §§ 52, 54 und 55 entsprechend.

§ 57 Gesetzesvorlagen des Bundesrates

- (1) Zu Gesetzesvorlagen des Bundesrates erarbeitet das federführende Bundesministerium eine Stellungnahme, die die Auffassung der Bundesregierung darlegt (Artikel 76 Absatz 3 Satz 2 Grundgesetz). Der Entwurf der Stellungnahme ist der Bundesregierung so rechtzeitig als Kabinetttvorlage vorzulegen, dass die Gesetzesvorlage des Bundesrates fristgerecht mit einer Stellungnahme der Bundesregierung dem Deutschen Bundestag zugeleitet wird. Soll auf eine Stellungnahme verzichtet werden, hat das federführende Bundesministerium dies in einer entsprechenden Kabinetttvorlage darzulegen.
- (2) Das Bundeskanzleramt weist in dem Übersendungsschreiben an das federführende Bundesministerium auf den Tag des Eingangs der Gesetzesvorlagen beim Bundeskanzleramt hin, der für den Beginn der Stellungnahmefrist nach Artikel 76 Absatz 3 des Grundgesetzes maßgeblich ist.
- (3) Ist eine umfassende Stellungnahme der Bundesregierung nicht in der vorgesehenen Frist zustande gekommen, sind die Ressorts verpflichtet, sich spätestens bis zum Beginn der Ausschussberatungen über die Gesetzesvorlage auf eine abschließende Äußerung der Bundesregierung zu einigen. Anträge auf Fristverlängerung nach Artikel 76 Absatz 3 Satz 3 des Grundgesetzes sind in Form einer Kabinetttvorlage vorzubereiten.
- (4) Im Anschreiben zur Kabinetttvorlage ist gegebenenfalls anzugeben, welche wesentlichen Alternativen in der Stellungnahme vorgeschlagen werden. Erscheint es erforderlich, auf dem vom Bundesrat erstellten Vorblatt zur

Gesetzesvorlage nicht nur auf die Stellungnahme der Bundesregierung hinzuweisen, sondern ausnahmsweise die Alternativvorschläge selbst kurz darzustellen, so ist dies zu begründen und ein Formulierungsvorschlag beizufügen. Im Übrigen gelten die §§ 52, 54 und 55 entsprechend.

Abschnitt 5 Ausfertigung und Verkündung der Gesetze

§ 58 Herstellung der Urschrift

- (1) Sobald das federführende Bundesministerium vom Bundeskanzleramt über das Zustandekommen des Gesetzes unterrichtet wird, veranlasst es bei der Schriftleitung des Bundesgesetzblattes die Herstellung der Urschrift. Hierbei ist mitzuteilen, ob das beschlossene Gesetz außer von dem federführenden Mitglied der Bundesregierung von weiteren Mitgliedern der Bundesregierung gegenzuzeichnen ist. Für die Textgestaltung im Bundesgesetzblatt ist die Schriftleitung des Bundesgesetzblattes verantwortlich.
- (2) Die Urschrift enthält die Gesetzesbezeichnung, soweit vorgesehen die Kurzbezeichnung und die Abkürzung, darunter die Datumsangabe. Das federführende Bundesministerium fügt eine Schlussformel an, die zu der endgültigen Eingangsformel des Gesetzes passt. Die Schlussformel enthält Angaben über
 1. die Wahrung der Rechte des Bundesrates bei einem Einspruchsgesetz,
 2. die Zustimmung der Bundesregierung im Fall des Artikels 113 des Grundgesetzes,
 3. die Zustimmung von Landesregierungen im Fall des Artikels 138 des Grundgesetzes,
 4. die Ausfertigung und die Verkündungsanordnung.
- (3) Das federführende Bundesministerium veranlasst die Gegenzeichnung des Gesetzes durch das zuständige Mitglied der Bundesregierung und gegebenenfalls weitere beteiligte Mitglieder der Bundesregierung. In den Fällen des Artikels 113 des Grundgesetzes ist die Gesetzesurschrift stets von der Bundesministerin oder dem Bundesminister der Finanzen gegenzuzeichnen. Zur Gegenzeichnung eines Gesetzes sind nur die Mitglieder der Bundesregierung persönlich oder ihre nach § 14 Absatz 1 der Geschäfts-

ordnung der Bundesregierung bestimmte Vertretung befugt.

- (4) Die Daten in der Überschrift und nach der Schlussformel werden durch die Bundespräsidentin oder den Bundespräsidenten bei der Ausfertigung eingesetzt. Unter dem Datum der Schlussformel ist Raum zu lassen für die Unterzeichnung und das große Bundessiegel.
- (5) Es zeichnen untereinander: die Bundespräsidentin oder der Bundespräsident, die Bundeskanzlerin oder der Bundeskanzler, bei Verhinderung die zur Vertretung berechtigte Person, das federführende Mitglied der Bundesregierung und die beteiligten Mitglieder der Bundesregierung in der amtlichen Reihenfolge.
- (6) Zeichnet für das Mitglied der Bundesregierung ein anderes Mitglied der Bundesregierung, so ist vor der Unterschrift das Mitglied der Bundesregierung zu nennen, für das unterschrieben wird. Ist ein Mitglied der Bundesregierung mit der Wahrnehmung der Geschäfte eines anderen Bundesministeriums beauftragt, wird zusätzlich ergänzt: „Mit der Wahrnehmung der Geschäfte beauftragt“.

§ 59 Ausfertigung

- (1) Wurde die Urschrift von den Mitgliedern der Bundesregierung entsprechend § 58 Absatz 1, 3 und 5 gegengezeichnet, ist sie mit dem großen Bundessiegel und, wenn sie aus mehreren Blättern oder Bögen besteht, mit schwarzrotgoldener Schnur zu versehen, deren Enden durch Oblate mit dem Siegel zu verbinden sind. Das Siegel ist auf der letzten Seite der Urschrift seitlich von der Unterschrift und vor der Zuleitung der Urschrift an das Bundeskanzleramt anzubringen.
- (2) Soll das Gesetz trotz der ausdrücklichen Zustimmung des Bundesrates als nicht zustimmungsbedürftig verkündet werden, ist die Auffassung der beteiligten Bundesministerien kurz darzulegen. Das Bundeskanzleramt veranlasst die Gegenzeichnung des Gesetzes durch die Bundeskanzlerin oder den Bundeskanzler oder bei Verhinderung durch die zur Vertretung berechtigte Person und gibt die Urschrift zur Ausfertigung des Gesetzes durch die Bundes-

präsidentin oder den Bundespräsidenten an das Bundespräsidialamt weiter.

§ 60 Verkündung der Gesetze

Das Bundespräsidialamt leitet das von der Bundespräsidentin oder vom Bundespräsidenten ausgefertigte Gesetz der Schriftleitung des Bundesgesetzblattes zur Verkündung im Bundesgesetzblatt zu. Gleichzeitig unterrichtet es das federführende Bundesministerium und die beteiligten Bundesministerien über die Ausfertigung des Gesetzes. Nach der Verkündung unterrichtet die Schriftleitung des Bundesgesetzblattes das Bundeskanzleramt und das federführende Bundesministerium von der Verkündung. Die Urschriften sind an das Bundesarchiv abzugeben.

§ 61 Prüfung und Berichtigung von Gesetzentwürfen und Gesetzen

- (1) Das federführende Bundesministerium prüft den Gesetzentwurf während des gesamten Gesetzgebungsverfahrens auf Druckfehler und andere offenbare Unrichtigkeiten und berichtigt sie. Alle weiteren beteiligten Stellen weisen das federführende Bundesministerium auf Druckfehler und andere offenbare Unrichtigkeiten hin. Nach Zuleitung der Gesetzesvorlage an das Bundeskanzleramt ist dieses über Berichtigungen zu unterrichten. Das Bundeskanzleramt unterrichtet gegebenenfalls die beteiligten Verfassungsorgane. In den Fällen der §§ 56 und 57 verständigt es den federführenden Ausschuss.
- (2) Nach Verabschiedung des Gesetzes ist zur formlosen Berichtigung von Druckfehlern und offenbaren Unrichtigkeiten die Einwilligung der Präsidentin oder des Präsidenten des Deutschen Bundestages und der Präsidentin oder des Präsidenten des Bundesrates einzuholen. Das Bundeskanzleramt ist über die Einleitung des Berichtigungsverfahrens zu informieren.
- (3) Wenn Druckfehler oder andere offenbare Unrichtigkeiten schon in der Druckvorlage, dem Korrekturabzug oder in der Urschrift enthalten waren, hat das federführende Bundesministerium die Berichtigung im Einvernehmen mit dem Bundespräsidialamt und dem Bundeskanzleramt vorzunehmen. Bei Druckfehlern und anderen offenbaren

Unrichtigkeiten im Bundesgesetzblatt genügt zur Aufnahme einer Berichtigung in das Bundesgesetzblatt die Mitteilung an die Schriftleitung. Waren solche Mängel schon in der vom Deutschen Bundestag und vom Bundesrat verabschiedeten Fassung enthalten, sind auch die nach Absatz 2 erforderlichen Einwilligungen einzuholen.

Abschnitt 6 Vorbereitung, Ausfertigung und Verkündung der Rechtsverordnungen

§ 62 Rechtsverordnungen

- (1) Die Bezeichnung „Verordnung“ bleibt den Vorschriften vorbehalten, die in Artikel 80 Absatz 1 des Grundgesetzes als Rechtsverordnung bezeichnet werden.
- (2) Für Entwürfe von Rechtsverordnungen gelten die Bestimmungen über die Vorbereitung und Fassung der Gesetzentwürfe (§§ 42, 43 Absatz 1 Nummer 1 bis 11, §§ 44 bis 50, §58 Absatz 1 Satz 3 und § 61) entsprechend. In der Begründung zu einer Rechtsverordnung kann auf Ausführungen nach den §§ 43 und 44 verzichtet werden, soweit solche Ausführungen in der Begründung eines ermächtigenden Gesetzes oder einer vorangegangenen Rechtsverordnung enthalten sind und die Begründung darauf verweist.
- (3) Die Vorschriften über die Kabinetttvorlage (§§ 22, 23 und 51) gelten entsprechend,
 1. wenn die Rechtsverordnung durch die Bundesregierung erlassen wird,
 2. diese von allgemein-politischer Bedeutung ist oder
 3. Meinungsverschiedenheiten zwischen den beteiligten Bundesministerien bestehen.

§ 63 Initiativvorlagen des Bundesrates (Artikel 80 Absatz 3 Grundgesetz)

- (1) Leitet der Bundesrat der Bundesregierung gemäß Artikel 80 Absatz 3 des Grundgesetzes Vorlagen für den Erlass von Rechtsverordnungen zu, so entscheidet das zum Erlass der Rechtsverordnung ermächtigte Bundesministerium oder das federführende Bundesministerium über die weitere Behandlung der Vorlage.

- (2) Der Bundesrat ist innerhalb einer angemessenen Frist darüber zu unterrichten, ob und inwieweit die Bundesregierung oder das zuständige Bundesministerium von der Verordnungsermächtigung Gebrauch macht. Der Bundesrat ist auch dann erneut zu befassen, wenn der Vorlage unverändert entsprochen werden soll.

§ 64 Vorlagen an den Bundesrat

- (1) Rechtsverordnungen der Bundesregierung, die der Zustimmung des Bundesrates bedürfen, werden dem Bundesrat durch das Bundeskanzleramt zugeleitet, nachdem die Bundesregierung sie beschlossen hat.
- (2) Rechtsverordnungen eines Bundesministeriums oder mehrerer Bundesministerien, die der Zustimmung des Bundesrates bedürfen, sind nach Billigung durch die Bundesministerin oder den Bundesminister oder die nach § 6 Absatz 1 berufene Vertretung der Chefin oder dem Chef des Bundeskanzleramtes mit der Bitte zu übersenden, die Zustimmung des Bundesrates herbeizuführen. Die Billigung muss aus dem Anschreiben hervorgehen.
- (3) Für die Vertretung vor dem Bundesrat gelten die §§ 52 und 53 Absatz 1 entsprechend.

§ 65 Folgerungen aus dem Beschluss des Bundesrates

Hat der Bundesrat einer Rechtsverordnung nach Maßgabe von Änderungen zugestimmt, so wird wie folgt verfahren:

1. Eine Rechtsverordnung, die von der Bundesregierung erlassen wird, muss von ihr in der geänderten Fassung erneut beschlossen werden, falls sie die Rechtsverordnung der Maßgabe des Bundesrates entsprechend erlassen will. In der Kabinetttvorlage ist die Auffassung des federführenden Bundesministeriums zu den Änderungen darzulegen. Beschließt die Bundesregierung die Rechtsverordnung nicht in der Fassung, der der Bundesrat zugestimmt hat, so muss die Bundesregierung sie dem Bundesrat erneut zur Zustimmung vorlegen, wenn sie nicht auf den Erlass der Rechtsverordnung verzichtet.

2. Bei Rechtsverordnungen, die nicht von der Bundesregierung erlassen werden, aber dem Kabinett vorzulegen sind, gilt Nummer 1 sinngemäß.
3. Bei Rechtsverordnungen, die dem Kabinett nicht vorzulegen sind, gilt Nummer 1 Satz 1 und 3 sinngemäß.

§ 66 Ausfertigung; Vorbereitung der Verkündung

- (1) Eine Rechtsverordnung ist erst auszufertigen, nachdem die ermächtigende Gesetzesbestimmung in Kraft getreten ist.
- (2) Wenn der Wortlaut einer Rechtsverordnung endgültig feststeht, übersendet das federführende Bundesministerium der Schriftleitung des Bundesgesetzblattes oder der Schriftleitung des Bundesanzeigers den Verordnungstext. Dabei ist anzugeben, dass das Bundesministerium der Justiz die Rechtsprüfung (§ 46 Absatz 1) bestätigt hat und in welchem Blatt die Rechtsverordnung verkündet werden soll (§ 76).

§ 67 Herstellung der Urschrift

- (1) Sobald die endgültige Fassung verabschiedet worden ist – bei Rechtsverordnungen, die von einem Bundesministerium erlassen werden, sobald das Mitglied der Bundesregierung den Entwurf gezeichnet hat – veranlasst das federführende Bundesministerium bei der Schriftleitung des Bundesgesetzblattes oder des Bundesanzeigers die Herstellung der Urschrift. Bei Rechtsverordnungen, die der Zustimmung des Bundesrates bedürfen, ist die Unterzeichnung der Urschrift erst zu veranlassen, wenn die Zustimmung des Bundesrates vorliegt.
- (2) Wird die Rechtsverordnung von der Bundesregierung erlassen, wird sie von der Bundeskanzlerin oder vom Bundeskanzler oder von der zur Vertretung berechtigten Person und von dem federführenden Mitglied der Bundesregierung unterzeichnet. Die Reihenfolge der Unterzeichnung richtet sich nach § 58 Absatz 5. Die Bundeskanzlerin oder der Bundeskanzler unterzeichnet, nachdem die beteiligten Mitglieder der Bundesregierung unterzeichnet haben, und setzt das Datum ein.

- (3) Wird die Rechtsverordnung von einem Bundesministerium erlassen, wird sie von dem zuständigen Mitglied der Bundesregierung unterzeichnet. Sind weitere Bundesministerien beteiligt, wird die Rechtsverordnung auch von den jeweils zuständigen Mitgliedern der Bundesregierung unterzeichnet; Absatz 2 Satz 3 ist entsprechend anzuwenden. Das Mitglied der Bundesregierung unterzeichnet, nachdem die beteiligten Mitglieder der Bundesregierung unterzeichnet haben, und setzt das Datum ein.
- (4) Bei Rechtsverordnungen, die das Einvernehmen mit einem oder mehreren Bundesministerien in der Eingangsformel zum Ausdruck bringen, unterbleibt die Unterzeichnung durch die jeweils zuständigen Mitglieder der Bundesregierung.
- (5) Ist in den Fällen der Absätze 1 bis 3 das zuständige Mitglied der Bundesregierung verhindert, so bestimmt sich seine Vertretung bei Rechtsverordnungen, die von der Bundesregierung erlassen werden, nach § 14 Absatz 1 der Geschäftsordnung der Bundesregierung, bei Rechtsverordnungen, die von einem Bundesministerium erlassen werden, nach § 14 Absatz 3 der Geschäftsordnung der Bundesregierung.

§ 68 Verkündung von Rechtsverordnungen

- (1) Rechtsverordnungen sind nach § 76 zu verkünden.
- (2) Bei Rechtsverordnungen der Bundesregierung veranlasst das Bundeskanzleramt die Verkündung, bei sonstigen Rechtsverordnungen das federführende Bundesministerium. Die vollzogene Urschrift ist der Schriftleitung des Bundesgesetzblattes oder der Schriftleitung des Bundesanzeigers zur Verkündung zuzuleiten.
- (3) Urschriften sind an das Bundesarchiv abzugeben.

Abschnitt 7 Verwaltungsvorschriften⁷

§ 69 Bezeichnung und Vorbereitung

- (1) Vorschriften, die mit verwaltungsinterner Bindungswirkung generelle und abstrakte Regelungen enthalten, müssen in der Bezeichnung die Rangangabe „Verwaltungsvorschriften“ und einen Zusatz enthalten, aus dem sich das Gesetz, zu dem sie erlassen werden, oder ihr Inhalt schlagwortartig ergibt.
- (2) Zur Vorbereitung von Verwaltungsvorschriften gilt das vom Bundesministerium des Innern herausgegebene Handbuch zur Vorbereitung von Rechts- und Verwaltungsvorschriften.
- (3) Auf die Verringerung und Vereinfachung bestehender Verwaltungsvorschriften ist hinzuwirken. Die Notwendigkeit neuer Verwaltungsvorschriften ist zu begründen.

§ 70 Aufbau und Vorlage von Verwaltungsvorschriften

- (1) Der Entwurf der Verwaltungsvorschrift ist zu begründen, wenn er nicht ohne Weiteres aus sich heraus verständlich ist oder eine solche Einführung aus anderen Gründen sachdienlich ist. Im Übrigen gelten § 42 Absatz 7 und die §§ 44, 45, 47, 48, 49, 51 und 61 Absatz 1 und Absatz 2 entsprechend.
- (2) Zur Vorlage an das Kabinett oder den Bundesrat sind Angaben über die Auswirkungen auf die öffentlichen Haushalte beizufügen, wenn und soweit sie nicht schon im Rahmen der Begründung eines Gesetzes oder einer Verordnung gemacht worden sind.

§ 71 Herstellung der Urschrift

Wenn Verwaltungsvorschriften im Bundesanzeiger veröffentlicht werden sollen, gelten § 67 Absatz 2 und § 68 Absatz 1 und 2 entsprechend.

⁷ S. a. Richtlinie der Bundesregierung zur Gestaltung, Ordnung und Überprüfung von Verwaltungsvorschriften des Bundes (VwVR) vom 20. Dezember 1989 (GMBI 1990 S. 39).

Abschnitt 8 Völkerrechtliche Verträge und Vorhaben im Rahmen der Europäischen Union

§ 72 Völkerrechtliche Verträge

- (1) Vor der Ausarbeitung und dem Abschluss völkerrechtlicher Verträge (Staatsverträge, Regierungsübereinkünfte, Ressortabkommen, Noten- und Briefwechsel) hat das federführende Bundesministerium stets zu prüfen, ob eine völkervertragliche Regelung unabweisbar ist oder ob der verfolgte Zweck auch mit anderen Mitteln erreicht werden kann, insbesondere auch mit Absprachen unterhalb der Schwelle eines völkerrechtlichen Vertrags.
- (2) Vor der Aufnahme von Verhandlungen und Teilnahme an Konferenzen über völkerrechtliche Verträge mit auswärtigen Staaten, ihren Organen und mit internationalen Organisationen hat das federführende Bundesministerium das Auswärtige Amt rechtzeitig zu unterrichten und seine Zustimmung einzuholen, soweit keine abweichende Regelung getroffen wurde.
- (3) Für die Beteiligung der Bundesministerien bei der Ausarbeitung und dem Abschluss völkerrechtlicher Verträge gelten die §§ 45, 46, 49 und 62 entsprechend.
- (4) Die Bundesministerien des Innern und der Justiz sind an den Vorarbeiten zur Erstellung völkerrechtlicher Verträge zu beteiligen, um die verfassungsrechtliche Prüfung vorzunehmen. Bei völkerrechtlichen Verträgen, für die die Anwendung von Artikel 59 Absatz 2 Satz 1 des Grundgesetzes oder die innerstaatliche Umsetzung durch Verordnung in Betracht kommt, sind die Bundesministerien des Innern und der Justiz stets zu beteiligen. Für bestimmte Sachgebiete oder bestimmte Arten von Verträgen können die Bundesministerien des Innern und der Justiz sowie das federführende Bundesministerium gemeinsam besondere Regelungen treffen.
- (5) Soweit völkerrechtliche Verträge ausschließliche Zuständigkeiten oder wesentliche Interessen der Länder berühren, sind die Länder nach Maßgabe der Lindauer Abspra-

che vom 14. November 1957⁸ zu beteiligen. Werden die besonderen Verhältnisse eines Landes berührt, so ist Artikel 32 Absatz 2 des Grundgesetzes zu beachten. Hält das federführende Bundesministerium danach eine Beteiligung von Ländern für erforderlich, so teilt es dies im Rahmen seiner Beteiligung nach Absatz 4 mit und gibt dabei an, welche Vertragsregelung aus welchem Grund die Beteiligung seines Erachtens auslöst.

- (6) Für die Fassung völkerrechtlicher Verträge gelten die vom Auswärtigen Amt herausgegebenen Richtlinien für die Behandlung völkerrechtlicher Verträge. Sind im Einzelfall Abweichungen von den Richtlinien notwendig, so sind sie rechtzeitig mit dem Auswärtigen Amt abzustimmen.
- (7) Die Federführung für internationale Sitzstaatabkommen mit den Vereinten Nationen oder zwischenstaatlichen Einrichtungen, die den Vereinten Nationen institutionell verbunden sind, liegt beim Auswärtigen Amt, das die Beteiligungen nach Maßgabe der §§ 45 bis 48 sicherstellt.
- (8) Die Urschriften von Staatsverträgen, Regierungsübereinkünften und Ressortabkommen werden mit den Vollmachten und anderen Nebenurkunden im Politischen Archiv des Auswärtigen Amtes aufbewahrt.

§ 73 Verfahren bei Vertragsgesetzen nach Artikel 59 Absatz 2 Satz 1 des Grundgesetzes und bei Verordnungen zu völkerrechtlichen Verträgen

- (1) Bei völkerrechtlichen Verträgen ist die Schriftleitung des Bundesgesetzblattes schon bei der Vorbereitung der Kabinetttvorlage einzuschalten. Spätestens bis zur Kabinetttvorlage erstellt die Schriftleitung die Druckfassung des völkerrechtlichen Vertrags. Diese und die übrigen vom federführenden Bundesministerium erstellten Dokumente werden der Kabinetttvorlage beigelegt.
- (2) Ist bei mehrseitigen völkerrechtlichen Verträgen nur der fremdsprachige Text verbindlich, hat das federführende Bundesministerium die deutsche Übersetzung vor der Übersendung an die Schriftleitung des Bundesgesetz-

⁸ Wortlaut Anlage C zu „Richtlinien für die Behandlung völkerrechtlicher Verträge“ (2004) des Auswärtigen Amtes.

blattes eingehend darauf zu prüfen, ob ihre Bedeutung in allen Einzelheiten der des fremdsprachigen Textes entspricht.

- (3) Bei der Fassung von Vertragsgesetzen sind die vom Bundesministerium der Justiz herausgegebenen Richtlinien für die Fassung von Vertragsgesetzen und vertragsbezogenen Verordnungen zu beachten. Im Übrigen gilt für die Behandlung von Vertragsgesetzen nach Artikel 59 Absatz 2 Satz 1 des Grundgesetzes grundsätzlich Kapitel 6, Abschnitt 1 bis 5. Für die Behandlung von Verordnungen zur Durchsetzung von völkerrechtlichen Verträgen gilt Kapitel 6, Abschnitt 6.
- (4) Wird der Text eines völkerrechtlichen Vertrags mit Rückwirkung berichtigt (Artikel 79 des Wiener Übereinkommens über das Recht der Verträge), ist § 61 Absatz 3 entsprechend anzuwenden.

§ 74 Vorhaben im Rahmen der Europäischen Union

- (1) Für die Prüfung von Vorhaben der Europäischen Union auf ihre Übereinstimmung mit dem Subsidiaritäts- und Verhältnismäßigkeitsprinzip gelten die von der Bundesregierung beschlossenen Verfahrensgrundsätze und das dort vorgesehene Prüfraster (Anlagen 7 und 8).
- (2) Die Unterrichtung und Beteiligung des Deutschen Bundestages erfolgt nach Maßgabe des Gesetzes über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der Europäischen Union und des Integrationsverantwortungsgesetzes.
- (3) Das federführende Bundesministerium hat nach Vorlage eines Vorschlages der Europäischen Kommission eine Darstellung der voraussichtlichen Auswirkungen des Vorhabens auf die Einnahmen und Ausgaben (brutto) der öffentlichen Haushalte einschließlich der sozialen Sicherungssysteme vorzunehmen; dabei sind auch die voraussichtlichen vollzugsbedingten Auswirkungen in der Bundesrepublik Deutschland zu berücksichtigen. Die Darstellung ist bei der Unterrichtung des Deutschen Bundestages über EU-Vorhaben zu berücksichtigen. Für die darüber hinaus erforderliche Prüfung der Bürokratiekosten gilt das Verfahren nach dem Beschluss des Staatssekre-

tärsausschusses für Europafragen in der jeweils geltenden Fassung, der vom Bundesministerium für Wirtschaft und Technologie im Intranet des Bundes veröffentlicht wird.

- (4) Die Unterrichtung und Beteiligung des Bundesrates erfolgt nach Maßgabe des Gesetzes über die Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union und des Integrationsverantwortungsgesetzes.
- (5) Das federführende Bundesministerium hat die anderen sachlich berührten Bundesministerien (Anlage 6) und die in § 21 Absatz 1 genannten Stellen möglichst frühzeitig zu beteiligen, um ihnen eine rechtzeitige und umfassende Mitprüfung des Vorhabens zu ermöglichen. Kommunale Spitzenverbände sollen, Fachkreise und Verbände können beteiligt werden; insoweit ist § 47 entsprechend anzuwenden.
- (6) Die Haltung der Bundesregierung zu Vorhaben der Europäischen Union ist in den Gremien der Europäischen Union einheitlich darzustellen.

§ 75 Verfahren bei Gesetzen und Verordnungen zur Umsetzung von Rechtsakten und sonstigen für die Mitgliedstaaten verbindlichen Beschlüssen der Europäischen Union

- (1) Das federführende Bundesministerium ist in seinem Zuständigkeitsbereich für die fristgemäße Umsetzung der Rechtsakte und der sonstigen für die Mitgliedstaaten verbindlichen Beschlüsse der Europäischen Union verantwortlich. Näheres regelt der Konsolidierungsbeschluss des Staatssekretärsausschusses für Europafragen zur Richtlinienumsetzung in der jeweils geltenden Fassung, der vom Bundesministerium für Wirtschaft und Technologie im Intranet des Bundes veröffentlicht wird.
- (2) Für die Umsetzung von Rechtsakten und sonstigen für die Mitgliedstaaten verbindlichen Beschlüssen der Europäischen Union gilt für Gesetze grundsätzlich Kapitel 6 Abschnitt 1 bis 5, für Verordnungen Kapitel 6 Abschnitt 6.

Abschnitt 9 Veröffentlichung in den amtlichen Blättern

§ 76 Veröffentlichung in den amtlichen Blättern

- (1) Im Bundesgesetzblatt Teil I werden veröffentlicht:
1. Bundesgesetze (Artikel 82 Absatz 1 Satz 1 Grundgesetz), wenn sie nicht gemäß Absatz 2 im Bundesgesetzblatt Teil II veröffentlicht werden;
 2. Verordnungen, wenn sie nicht nach Absatz 3 Nummer 1 im Bundesanzeiger – Amtlicher Teil – oder nach § 2 des Gesetzes über die Verkündung von Rechtsverordnungen in anderen amtlichen Blättern veröffentlicht werden;
 3. Entscheidungen über die sachliche Zuständigkeit nach Artikel 129 Absatz 1 des Grundgesetzes;
 4. die Entscheidungsformeln der Urteile des Bundesverfassungsgerichtes nach § 31 Absatz 2 Satz 1 des Gesetzes über das Bundesverfassungsgericht;
 5. Anordnungen und Erlasse der Bundespräsidentin oder des Bundespräsidenten;
 6. Bekanntmachungen über innere Angelegenheiten des Deutschen Bundestages und des Bundesrates;
 7. andere Bekanntmachungen im Allgemeinen nur dann, wenn es vorgeschrieben ist.

- (2) Im Bundesgesetzblatt Teil II werden veröffentlicht:
1. völkerrechtliche Verträge, die zu ihrer Inkraftsetzung erlassenen Rechtsvorschriften sowie damit zusammenhängende Bekanntmachungen;
 2. Rechtsvorschriften des Zolttarifwesens.

Von einer Veröffentlichung völkerrechtlicher Verträge kann mit Zustimmung des Auswärtigen Amtes ausnahmsweise abgesehen werden, wenn zwingende Gründe einer Veröffentlichung entgegenstehen.

- (3) Im Bundesanzeiger – Amtlicher Teil – werden veröffentlicht:
1. Verordnungen
 - a) mit befristeter Geltungsdauer,
 - b) bei Gefahr im Verzug,
 - c) wenn ihr unverzügliches Inkrafttreten zur Durchführung von Rechtsakten der Europäischen Union erforderlich ist;

2. Verwaltungsvorschriften, die nicht hinreichend bekannt würden, wenn sie nur nach Absatz 4 veröffentlicht würden;
 3. Begründungen von Regierungsentwürfen, wenn ihre Veröffentlichung erwünscht ist. Veröffentlicht wird die ursprüngliche Begründung der Regierungsvorlage. Auf spätere Änderungen des Gesetzeswortlautes, die durch die Mitwirkung der gesetzgebenden Körperschaften bedingt sind, ist durch Fußnoten hinzuweisen, wenn die Begründung in diesen Fällen nicht mehr zutrifft;
 4. Verträge zwischen Bund und Ländern oder zwischen Ländern untereinander, bei denen kein Beschluss der gesetzgebenden Körperschaften vorgesehen ist;
 5. Verleihungen des Verdienstordens der Bundesrepublik Deutschland;
 6. Bekanntmachungen der Bundesbehörden und, soweit in Gesetzen und Rechtsverordnungen des Bundes vorgeschrieben, der Landesbehörden.
- (4) In den Amtsblättern der Bundesministerien können unter anderem veröffentlicht werden:
1. Verwaltungsvorschriften;
 2. Ernennungen und Entlassungen von Bundesbeamtinnen und Bundesbeamten;
 3. die in § 2 des Gesetzes über die Verkündung von Rechtsverordnungen aufgeführten Tarife und Verordnungen. Sie müssen aber zu ihrer Rechtswirksamkeit mindestens in den Amtsblättern veröffentlicht werden, die im Gesetz besonders dafür zugelassen sind.

Kapitel 7 Schlussbestimmungen

§ 77 Ergänzende Regelungen

- (1) Die Bundesministerien können ergänzende ressortspezifische Regelungen zu dieser Geschäftsordnung treffen. Ressortübergreifende Ergänzungen sind in den nach § 20 eingerichteten Ausschüssen abzustimmen.
- (2) Unbeschadet Absatz 1 Satz 2 obliegt dem Bundesministerium des Innern innerhalb der Bundesregierung die Zuständigkeit für die Klärung wesentlicher Fragen zur Einhaltung der Gemeinsamen Geschäftsordnung, wenn nicht die Zuständigkeit des Bundesministeriums der Justiz nach § 46 betroffen ist.
- (3) Das Bundesministerium des Innern kann im Einvernehmen mit den Bundesministerien oder mit dem Bundeskanzleramt, soweit sie betroffen sind, in dieser Geschäftsordnung
 1. Druckfehler und andere offenbare Unrichtigkeiten berichtigen,
 2. bei Änderungen von Zuständigkeiten die Behördenbezeichnung der bisher zuständigen Bundesministerien durch die Behördenbezeichnung der nunmehr zuständigen Bundesministerien und bei Änderungen von Behördenbezeichnungen oder von Bezeichnungen der in § 21 Absatz 1 genannten Stellen die bisherige Bezeichnung durch die neue Bezeichnung ersetzen sowie
 3. dadurch veranlasste Anpassungen des Wortlauts vornehmen.

Das Bundesministerium des Innern teilt anschließend den Bundesministerien, dem Bundeskanzleramt und den in § 21 Absatz 1 genannten Stellen den berichtigten, geänderten oder angepassten Wortlaut dieser Geschäftsordnung mit. Es kann diesen neuen Wortlaut öffentlich bekannt machen.

§ 78 Anwendungsbereich

Die Regelungen dieser Geschäftsordnung finden auf die der Bundeskanzlerin oder dem Bundeskanzler unmittelbar unterstellten obersten Bundesbehörden sinngemäß Anwendung, soweit höherrangiges Recht nicht entgegensteht.

§ 79 Inkrafttreten, Außerkrafttreten

Diese Geschäftsordnung tritt am 1. September 2000 in Kraft. Gleichzeitig treten die Gemeinsame Geschäftsordnung der Bundesministerien (Allgemeiner Teil) in der Fassung vom 6. Februar 1996, die Gemeinsame Geschäftsordnung der Bundesministerien (Besonderer Teil) in der Fassung vom 25. März 1996 sowie die Empfehlung zur Nutzung elektronischer Kommunikationssysteme unter Berücksichtigung der Gemeinsamen Geschäftsordnung I außer Kraft.

Anlagen

Anlage 1 zu § 13 Absatz 2 GGO

Behandlung der Eingänge

I. Elektronische Eingänge

1. Elektronische Dokumente sind in der Regel elektronisch weiterzuleiten.
2. Alle elektronischen Dokumente, die nicht bei der zuständigen Stelle eingehen, sind weiterzuleiten oder der zentralen Posteingangsstelle zuzuleiten.
3. Bei besonders dringlichen Sachen im Sinne von Nummer II 3 ist die Eilbedürftigkeit gegebenenfalls kenntlich zu machen. Sie sind beschleunigt weiterzuleiten. Eine weitere Eingangsbehandlung durch die Posteingangsstelle erfolgt nicht.
4. Elektronische Dokumente, die von der Posteingangsstelle in Papierform weitergeleitet werden sollen, sind gemäß Nummer II zu behandeln.

II. Eingänge in Papierform

1. Sendungen mit persönlicher Anschrift werden den Adressaten ungeöffnet zugeleitet.
2. Die Eingänge sind mit dem Eingangsstempel zu versehen und mit der zuständigen Arbeitseinheit auszuzeichnen. Soweit erforderlich, ist die genaue Eingangszeit festzuhalten.
3. Besonders dringliche Sachen sind besonders zu kennzeichnen. Eingänge über politische Ereignisse, Pressemeldungen, Schreiben des Bundespräsidialamtes, des Bundeskanzleramtes, des Bundesverfassungsgerichts, des Deutschen Bundestages und des Bundesrates sowie ihrer Ausschüsse, Kabinetts- und Mitzeichnungssachen sind vorrangig zu behandeln.
4. Fehlen Anlagen, Pakete und so weiter, auf die im Anschreiben verwiesen wird, ist dies zu vermerken.
5. Gehen eilige Schreiben, die zunächst der Leitung des Ministeriums vorzulegen sind, in mehreren Abdrucken ein, erhält die Leitung der zuständigen Organisationseinheit unmittelbar ein Stück zur Kenntnis mit dem Vermerk „Vorausstück“.

6. Sind Name und Adresse des Absenders oder der Tag des Schreibens nicht deutlich erkennbar, ist der Briefumschlag unverändert beim Schriftstück zu belassen, wenn aus dem Umschlag die Adresse erkennbar ist. Das gilt auch, wenn der Zeitpunkt der Einlieferung zur Post wichtig sein kann oder der Umschlag amtliche Vermerke trägt.
7. Eingehende Sendungen, die an andere Behörden gerichtet sind, werden der zuständigen Behörde sofort ungeöffnet zugeleitet. Wurde die Sendung bereits geöffnet, ist sie mit dem Vermerk „Irrläufer“ sofort der zuständigen Behörde zuzusenden.
8. Aus Sendungen entnommene Münzen, Geldscheine, Schecks, Überweisungsaufträge, geldwerte Papiere, Postwertzeichen, Wertsachen oder Ähnliches müssen sofort an die Zahlstelle beziehungsweise an die Handvorschussstelle oder Geldannahmestelle gegen Quittung weitergeleitet werden. Für die Behandlung von Postwertzeichen können abweichende Regelungen getroffen werden.
9. Wert- und Einschreibsendungen dürfen nur von Amtsangehörigen mit entsprechender Ermächtigung geöffnet werden. Ihr Inhalt ist in einem Eingangsbuch zu verzeichnen. Unstimmigkeiten, die sich bei Wert- oder Einschreibsendungen ergeben, sind aktenkundig zu machen.
10. Sendungen mit Zustellungsurkunde ist die beglaubigte Abschrift der Zustellungsurkunde beizufügen.

Anlage 2 zu § 13 Absatz 2 GGO

Geschäftsgangvermerke

I. Papiergebundene Vorgänge

Auf Eingängen und Entwürfen können Vermerke zum Geschäftsgang angebracht werden. Hierfür ist jeweils vorbehalten:

der Bundesministerin oder
dem Bundesminister

der Grünstift,

der Parlamentarischen Staatssekretärin
oder dem Parlamentarischen Staats-
sekretär

der Violettstift,

der Staatssekretärin oder dem
Staatssekretär

der Rotstift,

der Abteilungsleitung

der Blaustift,

der Unterabteilungsleitung
und der ständigen Vertretung
der Abteilungsleitung

der Braunstift.

Vertreterinnen oder Vertreter benutzen den gleichen Farbstift, jedoch mit Namenszeichen.

Es bedeuten:

Strich mit Farbstift oder Namenszeichen	=	Kenntnis genommen (Sichtvermerk),
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# Doppelkreuz mit Farbstift	=	Vorbehalt der Zeichnung des die Sache abschlie- ßenden Entwurfs mit Zeichnungsbefugnis für die Vertreterin oder den Vertreter.
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II. Elektronische Vorgänge

Bei elektronischer Weiterleitung von Dokumenten sind die Vermerke zum Geschäftsgang gemäß Nummer I entsprechend aufzunehmen; dabei kann die Farbgebung durch geeignete Kennzeichnung ersetzt werden.

Anlage 3 zu § 42 Absatz 1 GGO

Vorblatt

*[Das Vorblatt sollte nicht mehr als zwei Seiten umfassen.]**

- A. Problem und Ziel
- B. Lösung
- C. Alternativen
- D. Haushaltsausgaben ohne Erfüllungsaufwand
[getrennt für Bund, Länder und Kommunen]
- E. Erfüllungsaufwand
[§ 2 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates; maßgeblich ist der Leitfaden zur Ermittlung und Darstellung des Erfüllungsaufwands in Regelungsvorhaben der Bundesregierung.]
 - E.1 Erfüllungsaufwand für Bürgerinnen und Bürger
 - E.2 Erfüllungsaufwand für die Wirtschaft
[§ 2 Absatz 2 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates]
Davon Bürokratiekosten aus Informationspflichten
 - E.3 Erfüllungsaufwand der Verwaltung
[getrennt für Bund und Länder (inkl. Kommunen)]
- F. Weitere Kosten
[insbesondere sonstige Kosten für die Wirtschaft, Kosten für soziale Sicherungssysteme, Auswirkungen auf Einzelpreise und das Preisniveau, insbesondere auf das Verbraucherpreisniveau]

* Texte in eckigen Klammern sind Ausfüllhilfen und werden nicht im Entwurf wiedergegeben.

Anlage 4 zu § 42 Absatz 2 GGO

Aufbau von Gesetzestexten

1. Die Überschrift

Die Überschrift enthält immer die Bezeichnung des Gesetzes. Weitere Bestandteile der Überschrift können eine Kurzbezeichnung und eine Abkürzung sein. Die Bezeichnung ist zugleich der Zitiername des Gesetzes; hat das Gesetz daneben auch eine Kurzbezeichnung, ist die Kurzbezeichnung der Zitiername.

2. Die Eingangsformel

Jedes Gesetz muss eine Eingangsformel haben. Sie gibt darüber Aufschluss, wer das Gesetz beschlossen hat, ob das Gesetz einer besonderen Mehrheit und ob es der Zustimmung des Bundesrates bedarf. Die Eingangsformel steht nach der Überschrift und nach der Zeile für das Ausfertigungsdatum.

3. Die Einzelschriften

Jedes Gesetz ist in Einzelschriften zu gliedern. Jede Einzelschrift erhält eine Art- und eine Zählbezeichnung. Die Artbezeichnung ist in der Regel „§“. Die Artbezeichnung „Artikel“ ist bei Vertragsgesetzen nach Artikel 59 Absatz 2 Satz 1 des Grundgesetzes sowie bei Einführungsgesetzen und Änderungsgesetzen vorzusehen. Für die auf die Artbezeichnung folgende Zählbezeichnung müssen arabische Ziffern verwendet werden.

Bei umfangreichen Gesetzen können übergeordnete Gliederungseinheiten vorgesehen werden (Teil, Kapitel, Abschnitt, Unterabschnitt), die mehrere Einzelschriften unter einer Bezeichnung zusammenfassen. Sie müssen ebenfalls aus einer Art- und einer nachfolgenden Zählbezeichnung bestehen. Übergeordnete Gliederungseinheiten sind mit Zwischenüberschriften in Form einer stichwortartigen Inhaltsangabe zu versehen.

Jedes Gesetz soll in den Schlussbestimmungen eine Geltungszeitregel enthalten, die zumindest den Tag des Inkrafttretens bestimmt; andernfalls tritt es mit dem vierzehnten Tag nach Ablauf des Tages in Kraft, an dem das Bundesgesetzblatt ausgegeben worden ist (Artikel 82 Absatz 2 Grundgesetz).

4. Regelungen des Verwaltungsverfahrens der Länder, für die nach Artikel 84 Absatz 1 Satz 5 des Grundgesetzes keine Abweichungsmöglichkeit besteht, sind in den Schlussvorschriften des jeweiligen Stammgesetzes zu benennen. Hierzu soll folgende Formulierung verwendet werden:

„§ x Ausschluss abweichenden Landesrechts

Von den in den §§ ... getroffenen Regelungen des Verwaltungsverfahrens kann durch Landesrecht nicht abgewichen werden.“

Ist lediglich eine Vorschrift betroffen, kann eine derartige Regelung auch in der Bestimmung selbst erfolgen. Kann das besondere Bedürfnis nach bundeseinheitlicher Regelung für alle Verfahrensvorschriften eines Gesetzes dargelegt werden, kann die Schlussvorschrift auch lauten:

„§ x Ausschluss abweichenden Landesrechts

Von den in diesem Gesetz getroffenen Regelungen des Verwaltungsverfahrens kann durch Landesrecht nicht abgewichen werden.“

Anlage 5 zu § 43 Absatz 1 Nummer 3 GGO

Prüfkatalog zur Feststellung von Selbstregulierungsmöglichkeiten

Bei der Abwägung nach § 43 Absatz 1 Nummer 3 GGO dient der folgende Fragenkatalog als Hilfestellung:

1. Welches Regulierungssystem ist dem Problem angemessen? Reicht eine gesellschaftliche Selbstregulierung aus – etwa durch Selbstbeschränkungsabkommen oder Selbstverpflichtungen? Welche Strukturen oder Verfahren sollten staatlicherseits bereitgestellt werden, um Selbstregulierung zu ermöglichen? Besteht die Möglichkeit, eine gesellschaftliche Selbstregulierung staatlich vorzuschreiben?
2. Sofern die Aufgabe von nichtstaatlichen Trägern oder Privaten erfüllt werden kann:
 - Wie wird sichergestellt, dass die nichtstaatlichen Leistungsanbieter ihre Leistungen gemeinwohlverträglich erbringen (flächendeckendes Angebot etc.)?
 - Welche Regulierungsmaßnahmen und welche Regulierungsinstanzen sind dafür erforderlich?
 - Wie kann im Falle der Schlechterfüllung sichergestellt werden, dass die Aufgabe auf staatliche Stellen rückübertragen werden kann?
3. Kann das Problem in Kooperation mit Privaten gelöst werden? Welche Anforderungen sind an die rechtliche Ausgestaltung solcher Kooperationsbeziehungen zu stellen? Welche praktische Ausgestaltung ist geeignet und erforderlich, um solche Kooperationsbeziehungen organisatorisch zu ermöglichen oder zu begleiten?
4. Wenn nur eine Zweck- oder Programmsteuerung dem Problem angemessen erscheint: Welche rechtsstaatlich gebotenen Mindestgehalte der rechtlichen Regelung sind zu beachten (zum Beispiel Vorgaben über Zuständigkeit, Ziel, Verfahren etc.)?

Anlage 6 zu § 45 Absatz 1, § 74 Absatz 5 GGO

Bei Gesetzgebungsverfahren sind zu beteiligen:

1. das **Auswärtige Amt** bei Entwürfen von Vertragsgesetzen nach Artikel 59 Absatz 2 Satz 1 des Grundgesetzes;
2. das **Bundesministerium des Innern**:
 - a) zur Prüfung von Rechtsnormen auf ihre Vereinbarkeit mit dem Grundgesetz sowie in allen übrigen Fällen, wenn Zweifel bei der Anwendung des Grundgesetzes auftreten oder die Vergabe eines verfassungsrechtlichen Gutachtens beabsichtigt ist,
 - b) zur Prüfung, ob sich die vorgesehenen Rechtsnormen widerspruchsfrei in die bestehende Rechtsordnung einfügen,
 - c) wenn Belange der Kommunen berührt werden,
 - d) wenn Belange des Datenschutzes berührt werden,
 - e) wenn Belange des öffentlichen Dienstes berührt werden,
 - f) wenn Belange des Sports berührt werden;
3. das **Bundesministerium der Justiz**:
 - a) zur Prüfung von Rechtsnormen auf ihre Vereinbarkeit mit dem Grundgesetz sowie in allen übrigen Fällen, wenn Zweifel bei der Anwendung des Grundgesetzes auftreten oder die Vergabe eines verfassungsrechtlichen Gutachtens beabsichtigt ist,
 - b) zur Prüfung, ob sich die vorgesehenen Rechtsnormen widerspruchsfrei in die bestehende Rechtsordnung einfügen;
4. das **Bundesministerium der Finanzen**:
 - a) bei Vorschriften über Steuern oder andere Abgaben,
 - b) wenn Einnahmen oder Ausgaben des Bundes, der Länder oder der Kommunen berührt sind;
5. das **Bundesministerium für Wirtschaft und Technologie**, wenn Belange von wirtschafts- und technologiepolitischer Bedeutung berührt sind;
6. das **Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz**, wenn Auswirkungen auf die Ernährung, die Landwirtschaft oder die Verbraucherinnen und Verbraucher zu erwarten sind;

7. das **Bundesministerium für Arbeit und Soziales**:
 - a) wenn Auswirkungen auf den Arbeitsmarkt, das Arbeitsrecht, den Arbeitsschutz und die soziale Sicherung zu erwarten sind,
 - b) wenn Belange behinderter Menschen berührt sind;
8. das **Bundesministerium der Verteidigung**:
 - a) wenn Belange der Verteidigung berührt sind,
 - b) wenn das Verteidigungsressort bei der Umsetzung berührt ist;
9. das **Bundesministerium für Familie, Senioren, Frauen und Jugend**:
 - a) zur Prüfung, ob Auswirkungen von gleichstellungspolitischer Bedeutung zu erwarten sind,
 - b) wenn Belange der Familien- und Seniorenpolitik berührt werden,
 - c) wenn Belange der Kinder- und Jugendpolitik berührt werden, insbesondere wenn eine Prüfung geboten erscheint, ob die vorgesehenen Rechtsnormen mit dem Wohl von Kindern vereinbar sind;
10. das **Bundesministerium für Gesundheit**, wenn Belange der Gesundheit berührt sind;
11. das **Bundesministerium für Verkehr, Bau und Stadtentwicklung**:
 - a) wenn Auswirkungen auf den Verkehr zu erwarten sind,
 - b) bei öffentlich-rechtlichen Vorschriften, die Auswirkungen auf die städtebauliche Planung oder Anforderungen an Gebäude haben können;
12. das **Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit** zur Prüfung, ob Auswirkungen auf die Umwelt zu erwarten sind;
13. das **Bundesministerium für Bildung und Forschung**, wenn Auswirkungen auf Bildung und Forschung zu erwarten sind;
14. das **Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung** zur Prüfung, ob Belange von entwicklungspolitischer Bedeutung berührt werden;

15. die oder der **Beauftragte der Bundesregierung für Kultur und Medien**, wenn Belange der Kultur- oder Medienpolitik berührt sind.

Anlage 7 zu § 74 Absatz 1 GGO

Verfahrensgrundsätze für die Subsidiaritäts- und Verhältnismäßigkeitsprüfung durch die Bundesressorts

Bei der Prüfung, ob Maßnahmen der Europäischen Union mit dem Subsidiaritäts- und Verhältnismäßigkeitsprinzip (Artikel 5 Absatz 3 und 4 EU-Vertrag) im Einklang stehen, gehen die Ressorts in folgender Weise vor:

1. Prüfraster

Die Ressorts legen der Subsidiaritätsprüfung ein **Prüfraster** zugrunde, das auf Artikel 5 Absatz 3 und 4 EU-Vertrag und dem Protokoll zum EU-Vertrag, AEU-Vertrag und Euratom-Vertrag über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit in der Fassung des Vertrags von Lissabon* beruht (Anlage 8).

- Bei der Anwendung des Prüfrasters ist zu berücksichtigen, dass die Subsidiarität als dynamischer Grundsatz zu verstehen ist, der sowohl zu einer Beschränkung oder Aussetzung der Unionstätigkeit als auch im Rahmen bestehender Kompetenzen zu einer Ausweitung der Tätigkeit der Union führen kann.
- Die Prüfung der Subsidiarität aufgrund des Prüfrasters soll dazu beitragen, dass die Maßnahmen der Europäischen Union bürgernah, transparent und verständlich sind.
- Mit dem Prüfraster trägt die Bundesregierung auch ihrer vom Bundesverfassungsgericht betonten Verfassungspflicht zur Beachtung des Subsidiaritätsprinzips bei Maßnahmen der Europäischen Union Rechnung.

2. Prüfverfahren

Die Ressorts wenden bei der Subsidiaritätsprüfung das folgende Verfahren an:

- (1) Das federführende Ressort trägt die Verantwortung für die Prüfung, ob eine Maßnahme der Europäischen Union dem Subsidiaritätsprinzip entspricht.

* Daneben können die im gleichnamigen Protokoll zum Vertrag von Amsterdam enthaltenen Kriterien weiter herangezogen werden, auch wenn dieses Protokoll formal aufgehoben ist.

- (2) Die Subsidiaritätsprüfung findet im Rahmen der üblichen Sachprüfung von Maßnahmen der Europäischen Union statt.
- (3) Das federführende Ressort bezieht bei wichtigen neuen Maßnahmen der Europäischen Union und im Übrigen, wenn es Zweifel an der Vereinbarkeit einer Maßnahme der Europäischen Union mit dem Subsidiaritätsprinzip hat oder wenn solche Zweifel vom Auswärtigen Amt, Bundesministerium für Wirtschaft und Technologie, Bundesministerium der Justiz, Bundesministerium des Innern oder Bundesministerium der Finanzen als den Ressorts mit europapolitischen, europarechtlichen, verfassungsrechtlichen und finanziellen Querschnittsaufgaben geäußert werden, diese Ressorts zu einem möglichst frühen Zeitpunkt in die Subsidiaritätsprüfung ein.
- (4) Als nicht wichtig im Sinne von (3) gelten vor allem Maßnahmen der Europäischen Union, die
 - bestehende Maßnahmen ändern oder fortschreiben, ohne eine inhaltliche Neuausrichtung zu bewirken,
 - Rahmenregelungen ausfüllen,
 - lediglich der Durchführung bestehender Regelungen dienen,
 - Regelungen an den technischen Fortschritt anpassen oder von der Europäischen Kommission erlassen werden.
- (5) Die Beteiligung weiterer fachlich betroffener Ressorts gemäß der GGO bleibt unberührt.
- (6) Ziel der Abstimmung ist die einheitliche Anwendung des Subsidiaritätsprinzips durch die Bundesregierung. Im Einzelfall kann ein Spannungsverhältnis zwischen dem fachlich und politisch Wünschenswerten und dem Ergebnis der Subsidiaritätsprüfung bestehen. In solchen Fällen ist eine sachgerechte Lösung anzustreben, die den widerstreitenden Gesichtspunkten Rechnung trägt.
- (7) Führt die Subsidiaritätsprüfung und Abstimmung der Ressorts nach der GGO nicht zu einem Konsens, ist der Staatssekretärsausschuss für Europafragen zu befassen.

Erforderlichenfalls können einzelne Bundesministerinnen oder Bundesminister oder das Kabinett (Ausschuss für Europafragen) befasst werden.

- (8) Die Subsidiaritätsprüfung durch die Ressorts betrifft grundsätzlich Vorschläge für **Rechtsakte** der Europäischen Union. **Andere Maßnahmen** der Europäischen Union (Entschlüsse, Aktionsprogramme) können einbezogen werden, soweit sie darauf angelegt sind, zu Rechtsakten zu führen, und/oder finanzwirksam werden können.
- (9) Gelangt die Bundesregierung zu der Auffassung, dass eine vorgeschlagene Maßnahme dem Subsidiaritätsprinzip nicht entspricht, vertritt sie diese Position in den Gremien der Union. Dabei berücksichtigt sie, ob das angestrebte Ziel mit alternativen Maßnahmen in einer dem Subsidiaritätsprinzip entsprechenden Weise auf Unionsebene erreicht werden kann.

3. Subsidiaritätsliste

Vorschläge für Maßnahmen der Europäischen Union, bei denen nach Auffassung der Ressorts Zweifel oder Bedenken hinsichtlich der Wahrung des Subsidiaritätsprinzips bestehen, werden in einer **Liste** zusammengestellt, die laufend fortgeschrieben wird.

Anlage 8 zu § 74 Absatz 1 GGO

Prüfraster für die Subsidiaritäts- und Verhältnismäßigkeitsprüfung durch die Bundesressorts

(Fassung vom 1. September 2011)

Vorschläge der Europäischen Kommission für Maßnahmen – sowohl für **Rechtsakte** (Verordnungen, Richtlinien, Beschlüsse), für Empfehlungen und Stellungnahmen als auch für **Förder- und Aktionsprogramme** – der Europäischen Union sind unter den Gesichtspunkten der **Subsidiarität und der Verhältnismäßigkeit** (Artikel 5 Absatz 3 und 4 EU-Vertrag) gemäß dem Protokoll zum EU-Vertrag, AEU-Vertrag und Euratom-Vertrag über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit in der Fassung des Vertrags von Lissabon* anhand der folgenden Prüffragen zu prüfen:

I. Vorfragen:

1. Besteht für die in Betracht gezogene Maßnahme eine **Kompetenz** in den Verträgen (EU-Vertrag, AEU-Vertrag)?
2. Steht die in Betracht gezogene Maßnahme im Einklang mit den **Zielen** der Union?
3. Ist die Kompetenz der Union für die in Betracht gezogene Maßnahme eine **ausschließliche** oder eine **nicht ausschließliche**?
4. Hat die Kommission vor der Vorlage des Vorschlags umfassende **Anhörungen** durchgeführt und in geeigneten Fällen **Konsultationsunterlagen** veröffentlicht?

II. Subsidiarität:

Nur bei Bestehen einer **nicht ausschließlichen** Unionskompetenz ist zu prüfen:

1. Können die Ziele der in Betracht gezogenen Maßnahme ausreichend auf Ebene der Mitgliedstaaten – in Deutschland: Bund und Länder (einschließlich Gemeinden und Gemeindeverbänden) – verwirklicht werden?

* Daneben können die im gleichnamigen Protokoll zum Vertrag von Amsterdam enthaltenen Kriterien weiter herangezogen werden, auch wenn dieses Protokoll formal aufgehoben ist.

- Welche Maßnahmen haben die Mitgliedstaaten bereits zur Erreichung des Ziels der Maßnahme auf ihrer Ebene getroffen?
 - Weist der betreffende Bereich **transnationale Aspekte** auf, die durch Maßnahmen der Mitgliedstaaten nicht ausreichend geregelt werden können?
 - Können eventuell Probleme einzelner Mitgliedstaaten durch **gezielte Hilfen** aus bestehenden Programmen behoben werden?
 - Können die Ziele der in Betracht gezogenen Maßnahme durch **Zusammenarbeit zwischen einzelnen Mitgliedstaaten** ausreichend verwirklicht werden?
 - Würden alleinige Maßnahmen der Mitgliedstaaten oder das Fehlen von Unionsmaßnahmen gegen die **Anforderungen des Vertrages** (zum Beispiel Erfordernis der Korrektur von Wettbewerbsverzerrungen, der Vermeidung verschleierte Handelsbeschränkungen oder der Stärkung des wirtschaftlichen und sozialen Zusammenhalts) verstoßen oder auf sonstige Weise die **Interessen der Mitgliedstaaten** erheblich beeinträchtigen (zum Beispiel ständige Anwendung von Vorbehaltsklauseln wie zum Beispiel Artikel 36, Artikel 45 Absatz 3, Artikel 52 und Artikel 62 in Verbindung mit Artikel 52 AEU-Vertrag)?
 - Werden der **Besitzstand der Union** und das **institutionelle Gleichgewicht** durch Maßnahmen auf Ebene der Mitgliedstaaten gewahrt?
2. Sofern Maßnahmen der Mitgliedstaaten nicht ausreichen:
- Können die Ziele der in Betracht gezogenen Maßnahme wegen ihres Umfangs oder ihrer Wirkungen **besser auf Unionsebene** verwirklicht werden?
- Bringen Maßnahmen auf Unionsebene wegen ihres Umfangs oder ihrer Wirkungen im Vergleich zu Maßnahmen auf der Ebene der Mitgliedstaaten **deutliche Vorteile** mit sich?
 - Auf welchen **qualitativen oder quantitativen Kriterien** beruht die Feststellung der Kommission, dass ein Unionsziel besser auf Unionsebene erreicht werden kann?

III. Verhältnismäßigkeit:

Bei ausschließlicher **und** bei nicht ausschließlicher Unionskompetenz ist zu prüfen:

1. Hält sich die in Betracht gezogene Maßnahme im Rahmen des für die Erreichung der Ziele der Verträge erforderlichen Maßes?
 - a) Ist die Maßnahme im Hinblick auf die Ziele der Verträge **geeignet, erforderlich und angemessen** (geringster Eingriff)?
 - b) Erfordert die in Betracht gezogene Maßnahme einen **Rechtsakt**, oder können die Ziele der in Betracht gezogenen Maßnahme durch **Alternativen** verwirklicht werden (zum Beispiel freiwillige Vereinbarungen, Maßnahmen der Sozialpartner)?
 - c) Ist für die in Betracht gezogene Maßnahme diejenige **Rechtsform** vorgesehen, die die Mitgliedstaaten unter Berücksichtigung der Eignung der Maßnahme am wenigsten einengt (bei Rechtsharmonisierung in der Regel Richtlinien)?
 - d) Lassen **Regelungsumfang** und **Regelungsdichte** der in Betracht gezogenen Maßnahme ausreichend Raum für nationale Entscheidungen?
 - e) Nimmt die in Betracht gezogene Maßnahme auf die **besonderen Verhältnisse** in den einzelnen Mitgliedstaaten (zum Beispiel bewährte nationale Regelungen sowie Struktur und Funktionsweise ihres Rechtssystems) Rücksicht?
 - f) Sind die **finanzielle Belastung** und der **Verwaltungsaufwand** für Union, Mitgliedstaaten, Wirtschaft sowie Bürgerinnen und Bürger so gering wie möglich und stehen sie in einem angemessenen Verhältnis zu dem angestrebten Ziel?
2. Sollte die **Geltungsdauer** der in Betracht gezogenen Maßnahme beschränkt werden?

IV. Bei Finanzierung aus dem Unionshaushalt:

Besteht eine besondere Rechtfertigung für die teilweise oder gänzliche Übernahme der **Finanzierung** durch die Union?

V. Durchführung:

1. Ist die Übertragung von Rechtsetzungs- und Durchführungsbefugnissen i. S. d. Artikel 290 und 291 AEU-Vertrag auf die Europäische Kommission notwendig? Wurde die der Art der Befugnisübertragung entsprechende Grundlage nach Artikel 290 oder Artikel 291 AEU-Vertrag korrekt gewählt?
2. Ist die Übertragung der **verwaltungsmäßigen Durchführung** auf die Kommission statt auf die Mitgliedstaaten – falls ausnahmsweise vorgesehen (zum Beispiel bei Förder- und Aktionsprogrammen) – notwendig?

VI. Begründung:

1. Hat die Kommission die Sachdienlichkeit ihres Vorschlags in der **Begründung** unter dem Aspekt des Subsidiaritätsprinzips und des Verhältnismäßigkeitsprinzips hinreichend substantiiert dargelegt? Hat sie darin gegebenenfalls die Gründe für die Finanzierung aus dem Unionshaushalt erläutert?
2. Sind die **Erwägungsgründe** ausreichend substantiiert?

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VERTRAG VON AMSTERDAM
ZUR ÄNDERUNG DES VERTRAGS
ÜBER DIE EUROPÄISCHE UNION,
DER VERTRÄGE ZUR GRÜNDUNG
DER EUROPÄISCHEN GEMEINSCHAFTEN
SOWIE EINIGER DAMIT
ZUSAMMENHÄNGENDER RECHTSAKTE

HINWEIS FÜR DEN BENUTZER

In dieser Veröffentlichung ist der Wortlaut des Vertrags von Amsterdam zur Änderung des Vertrags über die Europäische Union, der Verträge zur Gründung der Europäischen Gemeinschaften sowie einiger damit zusammenhängender Rechtsakte wiedergegeben, wie er am 2. Oktober 1997 in Amsterdam unterzeichnet wurde.

Dieser Text dient lediglich als Unterlage zur praktischen Handhabung und schließt jegliche Haftung der Organe aus.

Zahlreiche weitere Informationen zur Europäischen Union sind verfügbar über Internet, Server Europa (<http://europa.eu.int>).

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INHALTSVERZEICHNIS (ausschließlich zur Orientierung)

	Seite
ERSTER TEIL — SACHLICHE ÄNDERUNGEN	
Artikel 1—5	7
ZWEITER TEIL — VEREINFACHUNG	
Artikel 6—11	58
DRITTER TEIL — ALLGEMEINE UND SCHLUSSBESTIMMUNGEN	
Artikel 12—15	78
ANHANG — Übereinstimmungstabellen gemäß Artikel 12 des Vertrags von Amsterdam	85
PROTOKOLLE	
A. Protokoll zum Vertrag über die Europäische Union	92
— Protokoll zu Artikel J.7 des Vertrags über die Europäische Union	92
B. Protokolle zum Vertrag über die Europäische Union und zum Vertrag zur Gründung der Europäischen Gemeinschaft	93
— Protokoll zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	93
— Protokoll über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft auf das Vereinigte Königreich und auf Irland	97
— Protokoll über die Position des Vereinigten Königreichs und Irlands	99
— Protokoll über die Position Dänemarks	101
C. Protokolle zum Vertrag zur Gründung der Europäischen Gemeinschaft	103
— Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union	103
— Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit	105
— Protokoll über die Außenbeziehungen der Mitgliedstaaten hinsichtlich des Überschreitens der Außengrenzen	108
— Protokoll über den öffentlich-rechtlichen Rundfunk in den Mitgliedstaaten ...	109
— Protokoll über den Tierschutz und das Wohlergehen der Tiere	110

D. Protokolle zum Vertrag über die Europäische Union und zu den Verträgen zur Gründung der Europäischen Gemeinschaft, der Europäischen Gemeinschaft für Kohle und Stahl und der Europäischen Atomgemeinschaft	111
— Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union	111
— Protokoll über die Festlegung der Sitze der Organe und bestimmter Einrichtungen und Dienststellen der Europäischen Gemeinschaften sowie des Sitzes von Europol	112
— Protokoll über die Rolle der einzelstaatlichen Parlamente in der Europäischen Union	113
SCHLUSSAKTE	115
VON DER KONFERENZ ANGENOMMENE ERKLÄRUNGEN	125
1. Erklärung zur Abschaffung der Todesstrafe	125
2. Erklärung zur verbesserten Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union	125
3. Erklärung zur Westeuropäischen Union	125
4. Erklärung zu den Artikeln J.14 und K.10 des Vertrags über die Europäische Union	131
5. Erklärung zu Artikel J.15 des Vertrags über die Europäische Union	132
6. Erklärung zur Schaffung einer Strategieplanungs- und Frühwarneinheit	132
7. Erklärung zu Artikel K.2 des Vertrags über die Europäische Union	132
8. Erklärung zu Artikel K.3 Buchstabe e des Vertrags über die Europäische Union	133
9. Erklärung zu Artikel K.6 Absatz 2 des Vertrags über die Europäische Union	133
10. Erklärung zu Artikel K.7 des Vertrags über die Europäische Union	133
11. Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften	133
12. Erklärung zu Umweltverträglichkeitsprüfungen	133
13. Erklärung zu Artikel 7 d des Vertrags zur Gründung der Europäischen Gemeinschaft	133
14. Erklärung zur Aufhebung des Artikels 44 des Vertrags zur Gründung der Europäischen Gemeinschaft	134
15. Erklärung zur Bewahrung des durch den Schengen-Besitzstand gewährleisteten Maßes an Schutz und Sicherheit	134
16. Erklärung zu Artikel 73 j Nummer 2 Buchstabe b des Vertrags zur Gründung der Europäischen Gemeinschaft	134
17. Erklärung zu Artikel 73 k des Vertrags zur Gründung der Europäischen Gemeinschaft	134
18. Erklärung zu Artikel 73 k Nummer 3 Buchstabe a des Vertrags zur Gründung der Europäischen Gemeinschaft	134

19. Erklärung zu Artikel 73 l Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft	134
20. Erklärung zu Artikel 73 m des Vertrags zur Gründung der Europäischen Gemeinschaft	135
21. Erklärung zu Artikel 73 o des Vertrags zur Gründung der Europäischen Gemeinschaft	135
22. Erklärung zu Personen mit einer Behinderung	135
23. Erklärung zu den in Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft genannten Anreizmaßnahmen	135
24. Erklärung zu Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft	135
25. Erklärung zu Artikel 118 des Vertrags zur Gründung der Europäischen Gemeinschaft	135
26. Erklärung zu Artikel 118 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft	136
27. Erklärung zu Artikel 118 b Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft	136
28. Erklärung zu Artikel 119 Absatz 4 des Vertrags zur Gründung der Europäischen Gemeinschaft	136
29. Erklärung zum Sport	136
30. Erklärung zu den Inselgebieten	136
31. Erklärung zu dem Beschluß des Rates vom 13. Juli 1987	137
32. Erklärung zur Organisation und Arbeitsweise der Kommission	137
33. Erklärung zu Artikel 188 c Absatz 3 des Vertrags zur Gründung der Europäischen Gemeinschaft	137
34. Erklärung zur Einhaltung der Fristen im Rahmen des Mitentscheidungsverfahrens	137
35. Erklärung zu Artikel 191 a Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft	137
36. Erklärung zu den überseeischen Ländern und Gebieten	138
37. Erklärung zu öffentlich-rechtlichen Kreditinstituten in Deutschland	138
38. Erklärung zu freiwilligen Diensten	139
39. Erklärung zur redaktionellen Qualität der gemeinschaftlichen Rechtsvorschriften	139
40. Erklärung zu dem Verfahren beim Abschluß internationaler Übereinkünfte durch die Europäische Gemeinschaft für Kohle und Stahl	139
41. Erklärung zu den Vorschriften über die Transparenz, den Zugang zu Dokumenten und die Bekämpfung von Betrugereien	140
42. Erklärung über die Konsolidierung der Verträge	140

43. Erklärung zum Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit	140
44. Erklärung zu Artikel 2 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	140
45. Erklärung zu Artikel 4 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	140
46. Erklärung zu Artikel 5 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	141
47. Erklärung zu Artikel 6 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	141
48. Erklärung zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union	141
49. Erklärung zu Buchstabe d des einzigen Artikels des Protokolls über die Gewährung von Asyl für Staatsangehörige der Mitgliedstaaten der Europäischen Union ..	141
50. Erklärung zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union	142
51. Erklärung zu Artikel 10 des Vertrags von Amsterdam	142
 VON DER KONFERENZ ZUR KENNTNIS GENOMMENE ERKLÄRUNGEN	143
1. Erklärung Österreichs und Luxemburgs zu Kreditinstituten	143
2. Erklärung Dänemarks zu Artikel K.14 des Vertrags über die Europäische Union	143
3. Erklärung Deutschlands, Österreichs und Belgiens zur Subsidiarität	143
4. Erklärung Irlands zu Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands	143
5. Erklärung Belgiens zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union	144
6. Erklärung Belgiens, Frankreichs und Italiens zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union	144
7. Erklärung Frankreichs zur Lage der überseeischen Departements hinsichtlich des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union	144
8. Erklärung Griechenlands zur Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften	144

ERSTER TEIL

SACHLICHE ÄNDERUNGEN

Artikel 1

Der Vertrag über die Europäische Union wird nach Maßgabe dieses Artikels geändert.

1. Nach dem dritten Erwägungsgrund wird folgender Erwägungsgrund eingefügt:

„IN BESTÄTIGUNG der Bedeutung, die sie den sozialen Grundrechten beimessen, wie sie in der am 18. Oktober 1961 in Turin unterzeichneten Europäischen Sozialcharta und in der Gemeinschaftscharta der sozialen Grundrechte der Arbeitnehmer von 1989 festgelegt sind,“

2. Der bisherige siebte Erwägungsgrund erhält folgende Fassung:

„IN DEM FESTEN WILLEN, im Rahmen der Verwirklichung des Binnenmarkts sowie der Stärkung des Zusammenhalts und des Umweltschutzes den wirtschaftlichen und sozialen Fortschritt ihrer Völker unter Berücksichtigung des Grundsatzes der nachhaltigen Entwicklung zu fördern und Politiken zu verfolgen, die gewährleisten, daß Fortschritte bei der wirtschaftlichen Integration mit parallelen Fortschritten auf anderen Gebieten einhergehen,“

3. Der bisherige neunte und zehnte Erwägungsgrund erhalten folgende Fassung:

„ENTSCHLOSSEN, eine Gemeinsame Außen- und Sicherheitspolitik zu verfolgen, wozu nach Maßgabe des Artikels J.7 auch die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik gehört, die zu einer gemeinsamen Verteidigung führen könnte, und so die Identität und Unabhängigkeit Europas zu stärken, um Frieden, Sicherheit und Fortschritt in Europa und in der Welt zu fördern,

ENTSCHLOSSEN, die Freizügigkeit unter gleichzeitiger Gewährleistung der Sicherheit ihrer Bürger durch den Aufbau eines Raums der Freiheit, der Sicherheit und des Rechts nach Maßgabe der Bestimmungen dieses Vertrags zu fördern,“

4. Artikel A Absatz 2 erhält folgende Fassung:

„Dieser Vertrag stellt eine neue Stufe bei der Verwirklichung einer immer engeren Union der Völker Europas dar, in der die Entscheidungen möglichst offen und möglichst bürgernah getroffen werden.“

5. Artikel B erhält folgende Fassung:

„Artikel B

Die Union setzt sich folgende Ziele:

- die Förderung des wirtschaftlichen und sozialen Fortschritts und eines hohen Beschäftigungsniveaus sowie die Herbeiführung einer ausgewogenen und nachhaltigen Entwicklung, insbesondere durch Schaffung eines Raumes ohne Binnengrenzen, durch Stärkung des wirtschaftlichen und sozialen Zusammenhalts und durch Errichtung einer Wirtschafts- und Währungsunion, die auf längere Sicht auch eine einheitliche Währung nach Maßgabe dieses Vertrags umfaßt;

- die Behauptung ihrer Identität auf internationaler Ebene, insbesondere durch eine Gemeinsame Außen- und Sicherheitspolitik, wozu nach Maßgabe des Artikels J.7 auch die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik gehört, die zu einer gemeinsamen Verteidigung führen könnte;
- die Stärkung des Schutzes der Rechte und Interessen der Angehörigen ihrer Mitgliedstaaten durch Einführung einer Unionsbürgerschaft;
- die Erhaltung und Weiterentwicklung der Union als Raum der Freiheit, der Sicherheit und des Rechts, in dem in Verbindung mit geeigneten Maßnahmen in Bezug auf die Kontrollen an den Außengrenzen, das Asyl, die Einwanderung sowie die Verhütung und Bekämpfung der Kriminalität der freie Personenverkehr gewährleistet ist;
- die volle Wahrung des gemeinschaftlichen Besitzstands und seine Weiterentwicklung, wobei geprüft wird, inwieweit die durch diesen Vertrag eingeführten Politiken und Formen der Zusammenarbeit mit dem Ziel zu revidieren sind, die Wirksamkeit der Mechanismen und Organe der Gemeinschaft sicherzustellen.

Die Ziele der Union werden nach Maßgabe dieses Vertrags entsprechend den darin enthaltenen Bedingungen und der darin vorgesehenen Zeitfolge unter Beachtung des Subsidiaritätsprinzips, wie es in Artikel 3 b des Vertrags zur Gründung der Europäischen Gemeinschaft bestimmt ist, verwirklicht.“

6. Artikel C Absatz 2 erhält folgende Fassung:

„Die Union achtet insbesondere auf die Kohärenz aller von ihr ergriffenen außenpolitischen Maßnahmen im Rahmen ihrer Außen-, Sicherheits-, Wirtschafts- und Entwicklungspolitik. Der Rat und die Kommission sind für diese Kohärenz verantwortlich und arbeiten zu diesem Zweck zusammen. Sie stellen jeweils in ihrem Zuständigkeitsbereich die Durchführung der betreffenden Politiken sicher.“

7. Artikel E erhält folgende Fassung:

„Artikel E

Das Europäische Parlament, der Rat, die Kommission, der Gerichtshof und der Rechnungshof üben ihre Befugnisse nach Maßgabe und im Sinne der Verträge zur Gründung der Europäischen Gemeinschaften sowie der nachfolgenden Verträge und Akte zu deren Änderung oder Ergänzung einerseits und der übrigen Bestimmungen des vorliegenden Vertrags andererseits aus.“

8. Artikel F wird wie folgt geändert:

a) Absatz 1 erhält folgende Fassung:

„(1) Die Union beruht auf den Grundsätzen der Freiheit, der Demokratie, der Achtung der Menschenrechte und Grundfreiheiten sowie der Rechtsstaatlichkeit; diese Grundsätze sind allen Mitgliedstaaten gemeinsam.“

b) Der bisherige Absatz 3 wird Absatz 4 und folgender neuer Absatz 3 wird eingefügt:

„(3) Die Union achtet die nationale Identität ihrer Mitgliedstaaten.“

9. Folgender Artikel wird am Ende des Titels I eingefügt:

„Artikel F.1

(1) Auf Vorschlag eines Drittels der Mitgliedstaaten oder der Kommission und nach Zustimmung des Europäischen Parlaments kann der Rat, der in der Zusammensetzung der Staats- und Regierungschefs tagt, einstimmig feststellen, daß eine schwerwiegende und anhaltende Verletzung von in Artikel F Absatz 1 genannten Grundsätzen durch einen Mitgliedstaat vorliegt, nachdem er die Regierung des betroffenen Mitgliedstaats zu einer Stellungnahme aufgefordert hat.

(2) Wurde eine solche Feststellung getroffen, so kann der Rat mit qualifizierter Mehrheit beschließen, bestimmte Rechte auszusetzen, die sich aus der Anwendung dieses Vertrags auf den betroffenen Mitgliedstaat herleiten, einschließlich der Stimmrechte des Vertreters der Regierung dieses Mitgliedstaats im Rat. Dabei berücksichtigt er die möglichen Auswirkungen einer solchen Aussetzung auf die Rechte und Pflichten natürlicher und juristischer Personen.

Die sich aus diesem Vertrag ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall weiterhin verbindlich.

(3) Der Rat kann zu einem späteren Zeitpunkt mit qualifizierter Mehrheit beschließen, nach Absatz 2 getroffene Maßnahmen abzuändern oder aufzuheben, wenn in der Lage, die zur Verhängung dieser Maßnahmen geführt hat, Änderungen eingetreten sind.

(4) Für die Zwecke dieses Artikels handelt der Rat ohne Berücksichtigung der Stimme des Vertreters der Regierung des betroffenen Mitgliedstaats. Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen von Beschlüssen nach Absatz 1 nicht entgegen. Als qualifizierte Mehrheit gilt derselbe Anteil der abgegebenen Stimmen der betreffenden Mitglieder des Rates, der in Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft festgelegt ist.

Dieser Absatz gilt auch, wenn Stimmrechte nach Absatz 2 ausgesetzt werden.

(5) Für die Zwecke dieses Artikels beschließt das Europäische Parlament mit der Mehrheit von zwei Dritteln der abgegebenen Stimmen und mit der Mehrheit seiner Mitglieder.“

10. Titel V erhält folgende Fassung:

„Titel V

BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

Artikel J.1

(1) Die Union erarbeitet und verwirklicht eine Gemeinsame Außen- und Sicherheitspolitik, die sich auf alle Bereiche der Außen- und Sicherheitspolitik erstreckt und folgendes zum Ziel hat:

— die Wahrung der gemeinsamen Werte, der grundlegenden Interessen, der Unabhängigkeit und der Unversehrtheit der Union im Einklang mit den Grundsätzen der Charta der Vereinten Nationen;

- die Stärkung der Sicherheit der Union in allen ihren Formen;
- die Wahrung des Friedens und die Stärkung der internationalen Sicherheit entsprechend den Grundsätzen der Charta der Vereinten Nationen sowie den Prinzipien der Schlußakte von Helsinki und den Zielen der Charta von Paris, einschließlich derjenigen, welche die Außengrenzen betreffen;
- die Förderung der internationalen Zusammenarbeit;
- die Entwicklung und Stärkung von Demokratie und Rechtsstaatlichkeit sowie die Achtung der Menschenrechte und Grundfreiheiten.

(2) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Der Rat trägt für die Einhaltung dieser Grundsätze Sorge.

Artikel J.2

Die Union verfolgt die in Artikel J.1 aufgeführten Ziele durch

- Bestimmung der Grundsätze und der allgemeinen Leitlinien für die Gemeinsame Außen- und Sicherheitspolitik,
- Beschlüsse über gemeinsame Strategien,
- Annahme gemeinsamer Aktionen,
- Annahme gemeinsamer Standpunkte,
- Ausbau der regelmäßigen Zusammenarbeit der Mitgliedstaaten bei der Führung ihrer Politik.

Artikel J.3

(1) Der Europäische Rat bestimmt die Grundsätze und die allgemeinen Leitlinien der Gemeinsamen Außen- und Sicherheitspolitik, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen.

(2) Der Europäische Rat beschließt gemeinsame Strategien, die in Bereichen, in denen wichtige gemeinsame Interessen der Mitgliedstaaten bestehen, von der Union durchzuführen sind.

In den gemeinsamen Strategien sind jeweils Zielsetzung, Dauer und die von der Union und den Mitgliedstaaten bereitzustellenden Mittel anzugeben.

(3) Der Rat trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen auf der Grundlage der vom Europäischen Rat festgelegten allgemeinen Leitlinien.

Der Rat empfiehlt dem Europäischen Rat gemeinsame Strategien und führt diese durch, indem er insbesondere gemeinsame Aktionen und gemeinsame Standpunkte annimmt.

Der Rat trägt für ein einheitliches, kohärentes und wirksames Vorgehen der Union Sorge.

Artikel J.4

(1) Der Rat nimmt gemeinsame Aktionen an. Gemeinsame Aktionen betreffen spezifische Situationen, in denen eine operative Aktion der Union für notwendig erachtet wird. In den gemeinsamen Aktionen sind ihre Ziele, ihr Umfang, die der Union zur Verfügung zu stellenden Mittel sowie die Bedingungen und erforderlichenfalls der Zeitraum für ihre Durchführung festgelegt.

(2) Tritt eine Änderung der Umstände mit erheblichen Auswirkungen auf eine Angelegenheit ein, die Gegenstand einer gemeinsamen Aktion ist, so überprüft der Rat die Grundsätze und Ziele dieser Aktion und trifft die erforderlichen Entscheidungen. Solange der Rat keinen Beschluß gefaßt hat, bleibt die gemeinsame Aktion bestehen.

(3) Die gemeinsamen Aktionen sind für die Mitgliedstaaten bei ihren Stellungnahmen und ihrem Vorgehen bindend.

(4) Der Rat kann die Kommission ersuchen, ihm geeignete Vorschläge betreffend die Gemeinsame Außen- und Sicherheitspolitik zur Gewährleistung der Durchführung einer gemeinsamen Aktion zu unterbreiten.

(5) Jede einzelstaatliche Stellungnahme oder Maßnahme, die im Rahmen einer gemeinsamen Aktion geplant ist, wird so rechtzeitig mitgeteilt, daß erforderlichenfalls eine vorherige Abstimmung im Rat stattfinden kann. Die Pflicht zur vorherigen Unterrichtung gilt nicht für Maßnahmen, die eine bloße praktische Umsetzung der Entscheidungen des Rates auf einzelstaatlicher Ebene darstellen.

(6) Bei zwingender Notwendigkeit aufgrund der Entwicklung der Lage und mangels einer Entscheidung des Rates können die Mitgliedstaaten unter Berücksichtigung der allgemeinen Ziele der gemeinsamen Aktion die erforderlichen Sofortmaßnahmen ergreifen. Der betreffende Mitgliedstaat unterrichtet den Rat sofort über derartige Maßnahmen.

(7) Ein Mitgliedstaat befaßt den Rat, wenn sich bei der Durchführung einer gemeinsamen Aktion größere Schwierigkeiten ergeben; der Rat berät darüber und sucht nach angemessenen Lösungen. Diese dürfen nicht im Widerspruch zu den Zielen der gemeinsamen Aktion stehen oder ihrer Wirksamkeit schaden.

Artikel J.5

Der Rat nimmt gemeinsame Standpunkte an. In den gemeinsamen Standpunkten wird das Konzept der Union für eine bestimmte Frage geographischer oder thematischer Art bestimmt. Die Mitgliedstaaten tragen dafür Sorge, daß ihre einzelstaatliche Politik mit den gemeinsamen Standpunkten in Einklang steht.

Artikel J.6

Zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung findet im Rat eine gegenseitige Unterrichtung und Abstimmung zwischen den Mitgliedstaaten statt, damit gewährleistet ist, daß der Einfluß der Union durch konzertiertes und konvergierendes Handeln möglichst wirksam zum Tragen kommt.

Artikel J.7

(1) Die Gemeinsame Außen- und Sicherheitspolitik umfaßt sämtliche Fragen, welche die Sicherheit der Union betreffen, wozu auch die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik im Sinne des Unterabsatzes 2 gehört, die zu einer gemeinsamen Verteidigung führen könnte, falls der Europäische Rat dies beschließt. Er empfiehlt in diesem Fall den Mitgliedstaaten, einen solchen Beschluß gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.

Die Westeuropäische Union (WEU) ist integraler Bestandteil der Entwicklung der Union; sie eröffnet der Union den Zugang zu einer operativen Kapazität insbesondere im Zusammenhang mit Absatz 2. Sie unterstützt die Union bei der Festlegung der verteidigungspolitischen Aspekte der Gemeinsamen Außen- und Sicherheitspolitik gemäß diesem Artikel. Die Union fördert daher engere institutionelle Beziehungen zur WEU im Hinblick auf die Möglichkeit einer Integration der WEU in die Union, falls der Europäische Rat dies beschließt. Er empfiehlt in diesem Fall den Mitgliedstaaten, einen solchen Beschluß gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.

Die Politik der Union nach diesem Artikel berührt nicht den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten; sie achtet die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der Nordatlantikvertragsorganisation (NATO) verwirklicht sehen, aus dem Nordatlantikvertrag und ist vereinbar mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik.

Die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik wird in einer von den Mitgliedstaaten als angemessen erachteten Weise durch eine rüstungspolitische Zusammenarbeit zwischen ihnen unterstützt.

(2) Die Fragen, auf die in diesem Artikel Bezug genommen wird, schließen humanitäre Aufgaben und Rettungseinsätze, friedenserhaltende Aufgaben sowie Kampfeinsätze bei der Krisenbewältigung einschließlich friedensschaffender Maßnahmen ein.

(3) Die Union wird die WEU in Anspruch nehmen, um die Entscheidungen und Aktionen der Union, die verteidigungspolitische Bezüge haben, auszuarbeiten und durchzuführen.

Die Befugnis des Europäischen Rates zur Festlegung von Leitlinien nach Artikel J.3 gilt auch in bezug auf die WEU bei denjenigen Angelegenheiten, für welche die Union die WEU in Anspruch nimmt.

Nimmt die Union die WEU in Anspruch, um Entscheidungen der Union über die in Absatz 2 genannten Aufgaben auszuarbeiten und durchzuführen, so können sich alle Mitgliedstaaten der Union in vollem Umfang an den betreffenden Aufgaben beteiligen. Der Rat trifft im Einvernehmen mit den Organen der WEU die erforderlichen praktischen Regelungen, damit alle Mitgliedstaaten, die sich an den betreffenden Aufgaben beteiligen, in vollem Umfang und gleichberechtigt an der Planung und Beschlußfassung in der WEU teilnehmen können.

Beschlüsse mit verteidigungspolitischen Bezügen nach diesem Absatz werden unbeschadet der Politiken und Verpflichtungen im Sinne des Absatzes 1 Unterabsatz 3 gefaßt.

(4) Dieser Artikel steht der Entwicklung einer engeren Zusammenarbeit zwischen zwei oder mehr Mitgliedstaaten auf zweiseitiger Ebene sowie im Rahmen der WEU und der Atlantischen Allianz nicht entgegen, soweit sie der nach diesem Titel vorgesehenen Zusammenarbeit nicht zuwiderläuft und diese nicht behindert.

(5) Zur Förderung der Ziele dieses Artikels werden dessen Bestimmungen nach Artikel N überprüft.

Artikel J.8

(1) Der Vorsitz vertritt die Union in Angelegenheiten der Gemeinsamen Außen- und Sicherheitspolitik.

(2) Der Vorsitz ist für die Durchführung der nach diesem Titel gefaßten Beschlüsse verantwortlich; im Rahmen dieser Aufgabe legt er grundsätzlich den Standpunkt der Union in internationalen Organisationen und auf internationalen Konferenzen dar.

(3) Der Vorsitz wird vom Generalsekretär des Rates unterstützt, der die Aufgabe eines Hohen Vertreters für die Gemeinsame Außen- und Sicherheitspolitik wahrnimmt.

(4) Die Kommission wird an den Aufgaben nach den Absätzen 1 und 2 in vollem Umfang beteiligt. Der Vorsitz wird gegebenenfalls von dem Mitgliedstaat, der den nachfolgenden Vorsitz wahrnimmt, bei diesen Aufgaben unterstützt.

(5) Der Rat kann einen Sonderbeauftragten für besondere politische Fragen ernennen, wenn er dies für notwendig hält.

Artikel J.9

(1) Die Mitgliedstaaten koordinieren ihr Handeln in internationalen Organisationen und auf internationalen Konferenzen. Sie treten dort für die gemeinsamen Standpunkte ein.

In den internationalen Organisationen und auf internationalen Konferenzen, bei denen nicht alle Mitgliedstaaten vertreten sind, setzen sich die dort vertretenen Mitgliedstaaten für die gemeinsamen Standpunkte ein.

(2) Unbeschadet des Absatzes 1 und des Artikels J.4 Absatz 3 unterrichten die Mitgliedstaaten, die in internationalen Organisationen oder auf internationalen Konferenzen vertreten sind, die dort nicht vertretenen Mitgliedstaaten laufend über alle Fragen von gemeinsamem Interesse.

Die Mitgliedstaaten, die auch Mitglieder des Sicherheitsrates der Vereinten Nationen sind, werden sich abstimmen und die übrigen Mitgliedstaaten in vollem Umfang unterrichten. Die Mitgliedstaaten, die ständige Mitglieder des Sicherheitsrates sind, werden sich bei der Wahrnehmung ihrer Aufgaben unbeschadet ihrer Verantwortlichkeiten aufgrund der Charta der Vereinten Nationen für die Standpunkte und Interessen der Union einsetzen.

Artikel J.10

Die diplomatischen und konsularischen Vertretungen der Mitgliedstaaten und die Delegationen der Kommission in dritten Ländern und auf internationalen Konferenzen sowie

ihre Vertretungen bei internationalen Organisationen stimmen sich ab, um die Einhaltung und Umsetzung der vom Rat angenommenen gemeinsamen Standpunkte und gemeinsamen Aktionen zu gewährleisten.

Sie intensivieren ihre Zusammenarbeit durch Informationsaustausch, gemeinsame Bewertungen und Beteiligung an der Durchführung des Artikels 8 c des Vertrags zur Gründung der Europäischen Gemeinschaft.

Artikel J.11

Der Vorsitz hört das Europäische Parlament zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik und achtet darauf, daß die Auffassungen des Europäischen Parlaments gebührend berücksichtigt werden. Das Europäische Parlament wird vom Vorsitz und von der Kommission regelmäßig über die Entwicklung der Außen- und Sicherheitspolitik der Union unterrichtet.

Das Europäische Parlament kann Anfragen oder Empfehlungen an den Rat richten. Einmal jährlich führt es eine Aussprache über die Fortschritte bei der Durchführung der Gemeinsamen Außen- und Sicherheitspolitik.

Artikel J.12

(1) Jeder Mitgliedstaat oder die Kommission kann den Rat mit einer Frage der Gemeinsamen Außen- und Sicherheitspolitik befassen und ihm Vorschläge unterbreiten.

(2) In den Fällen, in denen eine rasche Entscheidung notwendig ist, beruft der Vorsitz von sich aus oder auf Antrag der Kommission oder eines Mitgliedstaats innerhalb von 48 Stunden, bei absoluter Notwendigkeit in kürzerer Zeit, eine außerordentliche Tagung des Rates ein.

Artikel J.13

(1) Beschlüsse nach diesem Titel werden vom Rat einstimmig gefaßt. Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen dieser Beschlüsse nicht entgegen.

Bei einer Stimmenthaltung kann jedes Ratsmitglied zu seiner Enthaltung eine förmliche Erklärung im Sinne dieses Unterabsatzes abgeben. In diesem Fall ist es nicht verpflichtet, den Beschluß durchzuführen, akzeptiert jedoch, daß der Beschluß für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterläßt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluß beruhenden Vorgehen der Union zuwiderlaufen oder es behindern könnte, und die anderen Mitgliedstaaten respektieren seinen Standpunkt. Verfügen die Mitglieder des Rates, die sich auf diese Weise enthalten, über mehr als ein Drittel der nach Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gewogenen Stimmen, so wird der Beschluß nicht angenommen.

(2) Abweichend von Absatz 1 beschließt der Rat mit qualifizierter Mehrheit, wenn er

- auf der Grundlage einer gemeinsamen Strategie gemeinsame Aktionen oder gemeinsame Standpunkte annimmt oder andere Beschlüsse faßt,
- einen Beschluß zur Durchführung einer gemeinsamen Aktion oder eines gemeinsamen Standpunktes faßt.

Erklärt ein Mitglied des Rates, daß es aus wichtigen Gründen der nationalen Politik, die es auch nennen muß, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluß abzulehnen, so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, daß die Frage zur einstimmigen Beschlußfassung an den Europäischen Rat verwiesen wird.

Die Stimmen der Mitglieder des Rates werden nach Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gewogen. Beschlüsse kommen mit einer Mindeststimmenzahl von 62 Stimmen zustande, welche die Zustimmung von mindestens zehn Mitgliedern umfassen.

Dieser Absatz gilt nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.

(3) In Verfahrensfragen beschließt der Rat mit der Mehrheit seiner Mitglieder.

Artikel J.14

Ist zur Durchführung dieses Titels der Abschluß einer Übereinkunft mit einem oder mehreren Staaten oder mit internationalen Organisationen erforderlich, so kann der Rat den Vorsitz, der gegebenenfalls von der Kommission unterstützt wird, durch einstimmigen Beschluß ermächtigen, zu diesem Zweck Verhandlungen aufzunehmen. Solche Übereinkünfte werden vom Rat auf der Grundlage eines einstimmigen Beschlusses auf Empfehlung des Vorsitzes geschlossen. Ein Mitgliedstaat, dessen Vertreter im Rat erklärt, daß in seinem Land bestimmte verfassungsrechtliche Vorschriften eingehalten werden müssen, ist durch eine solche Übereinkunft nicht gebunden; die anderen Mitglieder des Rates können übereinkommen, daß die Übereinkunft für sie vorläufig gilt.

Dieser Artikel gilt auch für Angelegenheiten des Titels VI.

Artikel J.15

Unbeschadet des Artikels 151 des Vertrags zur Gründung der Europäischen Gemeinschaft verfolgt ein Politisches Komitee die internationale Lage in den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik und trägt auf Ersuchen des Rates oder von sich aus durch an den Rat gerichtete Stellungnahmen zur Festlegung der Politiken bei. Ferner überwacht es die Durchführung vereinbarter Politiken; dies gilt unbeschadet der Zuständigkeiten des Vorsitzes und der Kommission.

Artikel J.16

Der Generalsekretär des Rates und Hohe Vertreter für die Gemeinsame Außen- und Sicherheitspolitik unterstützt den Rat in Angelegenheiten der Gemeinsamen Außen- und Sicherheitspolitik, indem er insbesondere zur Formulierung, Vorbereitung und Durchführung politischer Entscheidungen beiträgt und gegebenenfalls auf Ersuchen des Vorsitzes im Namen des Rates den politischen Dialog mit Dritten führt.

Artikel J.17

Die Kommission wird in vollem Umfang an den Arbeiten im Bereich der Gemeinsamen Außen- und Sicherheitspolitik beteiligt.

Artikel J.18

(1) Die Artikel 137, 138, 139 bis 142, 146, 147, 150 bis 153, 157 bis 163, 191 a und 217 des Vertrags zur Gründung der Europäischen Gemeinschaft finden auf die Bestimmungen über die in diesem Titel genannten Bereiche Anwendung.

(2) Die Verwaltungsausgaben, die den Organen aus den Bestimmungen über die in diesem Titel genannten Bereiche entstehen, gehen zu Lasten des Haushalts der Europäischen Gemeinschaften.

(3) Die operativen Ausgaben im Zusammenhang mit der Durchführung dieser Bestimmungen gehen ebenfalls zu Lasten des Haushalts der Europäischen Gemeinschaften, mit Ausnahme der Ausgaben aufgrund von Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen und von Fällen, in denen der Rat einstimmig etwas anderes beschließt.

In Fällen, in denen die Ausgaben nicht zu Lasten des Haushalts der Europäischen Gemeinschaften gehen, gehen sie nach dem Bruttosozialprodukt-Schlüssel zu Lasten der Mitgliedstaaten, sofern der Rat nicht einstimmig etwas anderes beschließt. Die Mitgliedstaaten, deren Vertreter im Rat eine förmliche Erklärung nach Artikel J.13 Absatz 1 Unterabsatz 2 abgegeben haben, sind nicht verpflichtet, zur Finanzierung von Ausgaben für Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen beizutragen.

(4) Das im Vertrag zur Gründung der Europäischen Gemeinschaft vorgesehene Haushaltsverfahren findet auf die Ausgaben Anwendung, die zu Lasten des Haushalts der Europäischen Gemeinschaften gehen.“

11. Titel VI erhält folgende Fassung:

„Titel VI

BESTIMMUNGEN ÜBER DIE POLIZEILICHE UND JUSTITIELLE ZUSAMMENARBEIT IN STRAFSACHEN

Artikel K.1

Unbeschadet der Befugnisse der Europäischen Gemeinschaft verfolgt die Union das Ziel, den Bürgern in einem Raum der Freiheit, der Sicherheit und des Rechts ein hohes Maß an Sicherheit zu bieten, indem sie ein gemeinsames Vorgehen der Mitgliedstaaten im Bereich der polizeilichen und justitiellen Zusammenarbeit in Strafsachen entwickelt sowie Rassismus und Fremdenfeindlichkeit verhütet und bekämpft.

Dieses Ziel wird erreicht durch die Verhütung und Bekämpfung der — organisierten oder nicht organisierten — Kriminalität, insbesondere des Terrorismus, des Menschenhandels und der Straftaten gegenüber Kindern, des illegalen Drogen- und Waffenhandels, der Bestechung und Bestechlichkeit sowie des Betrugs im Wege einer

- engeren Zusammenarbeit der Polizei-, Zoll- und anderer zuständiger Behörden in den Mitgliedstaaten, sowohl unmittelbar als auch unter Einschaltung des Europäischen Polizeiamts (Europol), nach den Artikeln K.2 und K.4;
- engeren Zusammenarbeit der Justizbehörden sowie anderer zuständiger Behörden der Mitgliedstaaten nach Artikel K.3 Buchstaben a bis d und Artikel K.4;

- Annäherung der Strafvorschriften der Mitgliedstaaten nach Artikel K.3 Buchstabe e, soweit dies erforderlich ist.

Artikel K.2

(1) Das gemeinsame Vorgehen im Bereich der polizeilichen Zusammenarbeit schließt ein:

- a) die operative Zusammenarbeit der zuständigen Behörden einschließlich der Polizei, des Zolls und anderer spezialisierter Strafverfolgungsbehörden der Mitgliedstaaten bei der Verhütung von Straftaten sowie ihrer Aufdeckung und Ermittlung;
- b) das Einholen, Speichern, Verarbeiten, Analysieren und Austauschen sachdienlicher Informationen, einschließlich Informationen der Strafverfolgungsbehörden zu Meldungen über verdächtige finanzielle Transaktionen, insbesondere unter Einschaltung von Europol, wobei die entsprechenden Vorschriften über den Schutz personenbezogener Daten zu beachten sind;
- c) die Zusammenarbeit sowie gemeinsame Initiativen in den Bereichen Aus- und Weiterbildung, Austausch von Verbindungsbeamten, Abordnungen, Einsatz von Ausrüstungsgegenständen und kriminaltechnische Forschung;
- d) die gemeinsame Bewertung einzelner Ermittlungstechniken in bezug auf die Aufdeckung schwerwiegender Formen der organisierten Kriminalität.

(2) Der Rat fördert die Zusammenarbeit durch Europol und geht innerhalb von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam insbesondere wie folgt vor:

- a) Er ermöglicht es Europol, die Vorbereitung spezifischer Ermittlungsmaßnahmen der zuständigen Behörden der Mitgliedstaaten, einschließlich operativer Aktionen gemeinsamer Teams mit Vertretern von Europol in unterstützender Funktion, zu erleichtern und zu unterstützen und die Koordinierung und Durchführung solcher Ermittlungsmaßnahmen zu fördern;
- b) er legt Maßnahmen fest, die es zum einen Europol ermöglichen, sich an die zuständigen Behörden der Mitgliedstaaten mit dem Ersuchen zu wenden, Ermittlungen in speziellen Fällen vorzunehmen und zu koordinieren, und die es zum anderen gestatten, spezifisches Fachwissen zu entwickeln, das den Mitgliedstaaten zu deren Unterstützung bei Ermittlungen in Fällen organisierter Kriminalität zur Verfügung gestellt werden kann;
- c) er fördert Mechanismen für die Zusammenarbeit zwischen Beamten der Strafverfolgungs-/Ermittlungsbehörden, deren Spezialgebiet die Bekämpfung der organisierten Kriminalität ist und die eng mit Europol zusammenarbeiten;
- d) er richtet ein Netz für Forschung, Dokumentation und Statistik über die grenzüberschreitende Kriminalität ein.

Artikel K.3

Das gemeinsame Vorgehen im Bereich der justitiellen Zusammenarbeit in Strafsachen schließt ein:

- a) die Erleichterung und Beschleunigung der Zusammenarbeit zwischen den zuständigen Ministerien und den Justizbehörden oder entsprechenden Behörden der Mitgliedstaaten bei Gerichtsverfahren und der Vollstreckung von Entscheidungen;
- b) die Erleichterung der Auslieferung zwischen den Mitgliedstaaten;
- c) die Gewährleistung der Vereinbarkeit der jeweils geltenden Vorschriften der Mitgliedstaaten untereinander, soweit dies zur Verbesserung dieser Zusammenarbeit erforderlich ist;
- d) die Vermeidung von Kompetenzkonflikten zwischen Mitgliedstaaten;
- e) die schrittweise Annahme von Maßnahmen zur Festlegung von Mindestvorschriften über die Tatbestandsmerkmale strafbarer Handlungen und die Strafen in den Bereichen organisierte Kriminalität, Terrorismus und illegaler Drogenhandel.

Artikel K.4

Der Rat legt fest, unter welchen Bedingungen und innerhalb welcher Grenzen die in den Artikeln K.2 und K.3 genannten zuständigen Behörden im Hoheitsgebiet eines anderen Mitgliedstaats in Verbindung und in Absprache mit dessen Behörden tätig werden dürfen.

Artikel K.5

Dieser Titel berührt nicht die Wahrnehmung der Zuständigkeiten der Mitgliedstaaten für die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit.

Artikel K.6

- (1) In den Bereichen dieses Titels unterrichten und konsultieren die Mitgliedstaaten einander im Rat, um ihr Vorgehen zu koordinieren. Sie begründen hierfür eine Zusammenarbeit zwischen ihren zuständigen Verwaltungsstellen.
- (2) Der Rat ergreift Maßnahmen und fördert in der geeigneten Form und nach den geeigneten Verfahren, die in diesem Titel festgelegt sind, eine Zusammenarbeit, die den Zielen der Union dient. Hierzu kann er auf Initiative eines Mitgliedstaats oder der Kommission einstimmig
 - a) gemeinsame Standpunkte annehmen, durch die das Vorgehen der Union in einer gegebenen Frage bestimmt wird;
 - b) Rahmenbeschlüsse zur Angleichung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten annehmen. Rahmenbeschlüsse sind für die Mitgliedstaaten hinsichtlich des zu erreichenden Ziels verbindlich, überlassen jedoch den innerstaatlichen Stellen die Wahl der Form und der Mittel. Sie sind nicht unmittelbar wirksam;
 - c) Beschlüsse für jeden anderen Zweck annehmen, der mit den Zielen dieses Titels in Einklang steht, mit Ausnahme von Maßnahmen zur Angleichung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten. Diese Beschlüsse sind verbindlich und nicht unmittelbar wirksam; der Rat nimmt mit qualifizierter Mehrheit Maßnahmen an, die zur Durchführung dieser Beschlüsse auf Unionsebene erforderlich sind;

- d) Übereinkommen erstellen, die er den Mitgliedstaaten zur Annahme gemäß ihren verfassungsrechtlichen Vorschriften empfiehlt. Die Mitgliedstaaten leiten die entsprechenden Verfahren innerhalb einer vom Rat gesetzten Frist ein.

Sofern in den Übereinkommen nichts anderes vorgesehen ist, treten sie, sobald sie von mindestens der Hälfte der Mitgliedstaaten angenommen wurden, für diese Mitgliedstaaten in Kraft. Maßnahmen zur Durchführung der Übereinkommen werden im Rat mit der Mehrheit von zwei Dritteln der Vertragsparteien angenommen.

- (3) Ist für einen Beschluß des Rates die qualifizierte Mehrheit erforderlich, so werden die Stimmen der Mitglieder nach Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gewogen; Beschlüsse kommen mit einer Mindeststimmenzahl von 62 Stimmen zustande, welche die Zustimmung von mindestens zehn Mitgliedern umfassen.

- (4) In Verfahrensfragen beschließt der Rat mit der Mehrheit seiner Mitglieder.

Artikel K.7

- (1) Der Gerichtshof der Europäischen Gemeinschaften entscheidet unter den in diesem Artikel festgelegten Bedingungen im Wege der Vorabentscheidung über die Gültigkeit und die Auslegung der Rahmenbeschlüsse und Beschlüsse, über die Auslegung der Übereinkommen nach diesem Titel und über die Gültigkeit und die Auslegung der dazugehörigen Durchführungsmaßnahmen.

- (2) Jeder Mitgliedstaat kann durch eine bei der Unterzeichnung des Vertrags von Amsterdam oder zu jedem späteren Zeitpunkt abgegebene Erklärung die Zuständigkeit des Gerichtshofs für Vorabentscheidungen nach Absatz 1 anerkennen.

- (3) Ein Mitgliedstaat, der eine Erklärung nach Absatz 2 abgibt, bestimmt, daß

- a) entweder jedes seiner Gerichte, dessen Entscheidungen selbst nicht mehr mit Rechtsmitteln des innerstaatlichen Rechts angefochten werden können, eine Frage, die sich in einem schwebenden Verfahren stellt und die sich auf die Gültigkeit oder die Auslegung eines Rechtsakts nach Absatz 1 bezieht, dem Gerichtshof zur Vorabentscheidung vorlegen kann, wenn es eine Entscheidung darüber zum Erlaß seines Urteils für erforderlich hält,
- b) oder jedes seiner Gerichte eine Frage, die sich in einem schwebenden Verfahren stellt und die sich auf die Gültigkeit oder die Auslegung eines Rechtsakts nach Absatz 1 bezieht, dem Gerichtshof zur Vorabentscheidung vorlegen kann, wenn es eine Entscheidung darüber zum Erlaß seines Urteils für erforderlich hält.

- (4) Jeder Mitgliedstaat kann unabhängig davon, ob er eine Erklärung nach Absatz 2 abgegeben hat oder nicht, beim Gerichtshof in Verfahren nach Absatz 1 Schriftsätze einreichen oder schriftliche Erklärungen abgeben.

- (5) Der Gerichtshof ist nicht zuständig für die Überprüfung der Gültigkeit oder Verhältnismäßigkeit von Maßnahmen der Polizei oder anderer Strafverfolgungsbehörden eines Mitgliedstaats oder der Wahrnehmung der Zuständigkeiten der Mitgliedstaaten für die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit.

(6) Der Gerichtshof ist für die Überprüfung der Rechtmäßigkeit der Rahmenbeschlüsse und Beschlüsse bei Klagen zuständig, die ein Mitgliedstaat oder die Kommission wegen Unzuständigkeit, Verletzung wesentlicher Formvorschriften, Verletzung dieses Vertrags oder einer bei seiner Durchführung anzuwendenden Rechtsnorm oder wegen Ermessensmißbrauchs erhebt. Das in diesem Absatz vorgesehene Gerichtsverfahren ist binnen zwei Monaten nach Veröffentlichung der Maßnahme einzuleiten.

(7) Der Gerichtshof ist für Entscheidungen über alle Streitigkeiten zwischen Mitgliedstaaten bezüglich der Auslegung oder der Anwendung der nach Artikel K.6 Absatz 2 angenommenen Rechtsakte zuständig, die der Rat nicht innerhalb einer Frist von sechs Monaten nach seiner Befassung durch eines seiner Mitglieder beilegen kann. Ferner ist der Gerichtshof für Entscheidungen über alle Streitigkeiten zwischen Mitgliedstaaten und der Kommission bezüglich der Auslegung oder der Anwendung der nach Artikel K.6 Absatz 2 Buchstabe d erstellten Übereinkommen zuständig.

Artikel K.8

(1) Es wird ein aus hohen Beamten bestehender Koordinierungsausschuß eingesetzt. Zusätzlich zu seiner Koordinierungstätigkeit hat er die Aufgabe,

- auf Ersuchen des Rates oder von sich aus Stellungnahmen an den Rat zu richten;
- unbeschadet des Artikels 151 des Vertrags zur Gründung der Europäischen Gemeinschaft zur Vorbereitung der Arbeiten des Rates in den in Artikel K.1 genannten Bereichen beizutragen.

(2) Die Kommission wird in vollem Umfang an den Arbeiten in den in diesem Titel genannten Bereichen beteiligt.

Artikel K.9

Die Mitgliedstaaten vertreten in internationalen Organisationen und auf internationalen Konferenzen, bei denen sie vertreten sind, die im Rahmen dieses Titels angenommenen gemeinsamen Standpunkte.

Die Artikel J.8 und J.9 sind sinngemäß auf die unter diesen Titel fallenden Angelegenheiten anzuwenden.

Artikel K.10

In Übereinkünften nach Artikel J.14 können Angelegenheiten geregelt werden, die unter diesen Titel fallen.

Artikel K.11

(1) Der Rat hört das Europäische Parlament, bevor er eine Maßnahme nach Artikel K.6 Absatz 2 Buchstaben b, c und d annimmt. Das Europäische Parlament gibt seine Stellungnahme innerhalb einer Frist ab, die der Rat festsetzen kann und die mindestens drei Monate beträgt. Ergeht innerhalb dieser Frist keine Stellungnahme, so kann der Rat beschließen.

(2) Der Vorsitz und die Kommission unterrichten das Europäische Parlament regelmäßig über die in den Bereichen dieses Titels durchgeführten Arbeiten.

(3) Das Europäische Parlament kann Anfragen oder Empfehlungen an den Rat richten. Einmal jährlich führt es eine Aussprache über die Fortschritte in den in diesem Titel genannten Bereichen.

Artikel K.12

(1) Die Mitgliedstaaten, die beabsichtigen, untereinander eine verstärkte Zusammenarbeit zu begründen, können vorbehaltlich der Artikel K.15 und K.16 ermächtigt werden, die in den Verträgen vorgesehenen Organe, Verfahren und Mechanismen in Anspruch zu nehmen, sofern die beabsichtigte Zusammenarbeit

- a) die Zuständigkeiten der Europäischen Gemeinschaft sowie die in diesem Titel festgelegten Ziele wahrt,
- b) zum Ziel hat, daß die Union sich rascher zu einem Raum der Freiheit, der Sicherheit und des Rechts entwickeln kann.

(2) Die Ermächtigung nach Absatz 1 wird vom Rat, der mit qualifizierter Mehrheit beschließt, auf Antrag der betreffenden Mitgliedstaaten erteilt, nachdem die Kommission ersucht wurde, hierzu Stellung zu nehmen; der Antrag wird auch dem Europäischen Parlament zugeleitet.

Erklärt ein Mitglied des Rates, daß es aus wichtigen Gründen der nationalen Politik, die es auch nennen muß, die Absicht hat, eine mit qualifizierter Mehrheit zu erteilende Ermächtigung abzulehnen, so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, daß die Frage zur einstimmigen Beschlußfassung an den Europäischen Rat verwiesen wird.

Die Stimmen der Mitglieder des Rates werden nach Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gewogen. Beschlüsse kommen mit einer Mindeststimmenzahl von 62 Stimmen zustande, welche die Zustimmung von mindestens zehn Mitgliedern umfassen.

(3) Jeder Mitgliedstaat, der sich der Zusammenarbeit nach diesem Artikel anschließen will, teilt dem Rat und der Kommission seine Absicht mit; die Kommission legt dem Rat binnen drei Monaten nach Eingang der Mitteilung eine Stellungnahme dazu vor, der gegebenenfalls eine Empfehlung für die spezifischen Regelungen beigefügt ist, die sie für notwendig hält, damit sich der Mitgliedstaat der betreffenden Zusammenarbeit anschließen kann. Innerhalb von vier Monaten vom Zeitpunkt der Mitteilung an gerechnet entscheidet der Rat über den Antrag und über die spezifischen Regelungen, die er für notwendig hält. Die Entscheidung gilt als angenommen, es sei denn, der Rat beschließt mit qualifizierter Mehrheit, sie zurückzustellen; in diesem Fall gibt der Rat die Gründe für seinen Beschluß an und setzt eine Frist für dessen Überprüfung. Für die Zwecke dieses Absatzes beschließt der Rat nach Maßgabe des Artikels K.16.

(4) Die Artikel K.1 bis K.13 gelten für die verstärkte Zusammenarbeit nach diesem Artikel, es sei denn, daß in diesem Artikel und in den Artikeln K.15 und K.16 etwas anderes bestimmt ist.

Die Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft über die Zuständigkeit des Gerichtshofs der Europäischen Gemeinschaften und die Ausübung dieser Zuständigkeit finden auf die Absätze 1, 2 und 3 Anwendung.

(5) Dieser Artikel läßt die Bestimmungen des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union unberührt.

Artikel K.13

(1) Die Artikel 137, 138, 138 e, 139 bis 142, 146, 147, Artikel 148 Absatz 3 sowie die Artikel 150 bis 153, 157 bis 163, 191 a und 217 des Vertrags zur Gründung der Europäischen Gemeinschaft finden auf die Bestimmungen über die in diesem Titel genannten Bereiche Anwendung.

(2) Die Verwaltungsausgaben, die den Organen aus den Bestimmungen über die in diesem Titel genannten Bereiche entstehen, gehen zu Lasten des Haushalts der Europäischen Gemeinschaften.

(3) Die operativen Ausgaben im Zusammenhang mit der Durchführung dieser Bestimmungen gehen ebenfalls zu Lasten des Haushalts der Europäischen Gemeinschaften, mit Ausnahme von Fällen, in denen der Rat einstimmig etwas anderes beschließt. In Fällen, in denen die Ausgaben nicht zu Lasten des Haushalts der Europäischen Gemeinschaften gehen, gehen sie nach dem Bruttosozialprodukt-Schlüssel zu Lasten der Mitgliedstaaten, sofern der Rat nicht einstimmig etwas anderes beschließt.

(4) Das im Vertrag zur Gründung der Europäischen Gemeinschaft vorgesehene Haushaltsverfahren findet auf die Ausgaben Anwendung, die zu Lasten des Haushalts der Europäischen Gemeinschaften gehen.

Artikel K.14

Der Rat kann auf Initiative der Kommission oder eines Mitgliedstaats und nach Anhörung des Europäischen Parlaments einstimmig beschließen, daß Maßnahmen in den in Artikel K.1 genannten Bereichen unter Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft fallen, und gleichzeitig das entsprechende Abstimmungsverfahren festlegen. Er empfiehlt den Mitgliedstaaten, diesen Beschluß gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.“

12. Folgender neuer Titel wird eingefügt:

„Titel VI a

BESTIMMUNGEN ÜBER EINE VERSTÄRKTE ZUSAMMENARBEIT

Artikel K.15

(1) Die Mitgliedstaaten, die beabsichtigen, untereinander eine verstärkte Zusammenarbeit zu begründen, können die in diesem Vertrag und im Vertrag zur Gründung der Europäischen Gemeinschaft vorgesehenen Organe, Verfahren und Mechanismen in Anspruch nehmen, sofern die Zusammenarbeit

- a) darauf ausgerichtet ist, die Ziele der Union zu fördern und ihre Interessen zu schützen und ihnen zu dienen;
- b) die Grundsätze der genannten Verträge und den einheitlichen institutionellen Rahmen der Union beachtet;

- c) nur als letztes Mittel herangezogen wird, wenn die Ziele der genannten Verträge mit den darin festgelegten einschlägigen Verfahren nicht erreicht werden konnten;
- d) mindestens die Mehrheit der Mitgliedstaaten betrifft;
- e) den Besitzstand der Gemeinschaft und die nach Maßgabe der sonstigen Bestimmungen der genannten Verträge getroffenen Maßnahmen nicht beeinträchtigt;
- f) die Zuständigkeiten, Rechte, Pflichten und Interessen der nicht an der Zusammenarbeit beteiligten Mitgliedstaaten nicht beeinträchtigt;
- g) allen Mitgliedstaaten offensteht und es ihnen gestattet, sich der Zusammenarbeit jederzeit anzuschließen, sofern sie dem Grundbeschluß und den in jenem Rahmen bereits gefaßten Beschlüssen nachkommen;
- h) je nach Bereich den spezifischen zusätzlichen Kriterien nach Artikel 5 a des Vertrags zur Gründung der Europäischen Gemeinschaft und Artikel K.12 dieses Vertrags genügt und vom Rat nach den darin festgelegten Verfahren genehmigt wird.

(2) Die Mitgliedstaaten wenden, soweit sie betroffen sind, die Rechtsakte und Beschlüsse an, die für die Durchführung der Zusammenarbeit, an der sie sich beteiligen, angenommen wurden. Die Mitgliedstaaten, die sich an dieser Zusammenarbeit nicht beteiligen, stehen deren Durchführung durch die daran beteiligten Mitgliedstaaten nicht im Wege.

Artikel K.16

(1) Für die Annahme der Rechtsakte und Beschlüsse, die für die Durchführung der Zusammenarbeit nach Artikel K.15 erforderlich sind, gelten die einschlägigen institutionellen Bestimmungen dieses Vertrags und des Vertrags zur Gründung der Europäischen Gemeinschaft. Alle Mitglieder des Rates können an den Beratungen teilnehmen, jedoch nehmen nur die Vertreter der an der Zusammenarbeit beteiligten Mitgliedstaaten an der Beschlußfassung teil. Als qualifizierte Mehrheit gilt derselbe Anteil der gewogenen Stimmen der betreffenden Mitglieder des Rates, der in Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft festgelegt ist. Die Einstimmigkeit bezieht sich allein auf die betroffenen Mitglieder des Rates.

(2) Die sich aus der Durchführung der Zusammenarbeit ergebenden Ausgaben, mit Ausnahme der Verwaltungskosten der Organe, werden von den beteiligten Mitgliedstaaten finanziert, sofern der Rat nicht einstimmig etwas anderes beschließt.

Artikel K.17

Der Rat und die Kommission unterrichten das Europäische Parlament regelmäßig über die Entwicklung der durch diesen Titel begründeten verstärkten Zusammenarbeit.“

13. Artikel L erhält folgende Fassung:

„Artikel L

Die Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft, des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft betreffend die Zuständigkeit

des Gerichtshofs der Europäischen Gemeinschaften und die Ausübung dieser Zuständigkeit gelten nur für folgende Bestimmungen dieses Vertrags:

- a) die Bestimmungen zur Änderung des Vertrags zur Gründung der Europäischen Wirtschaftsgemeinschaft im Hinblick auf die Gründung der Europäischen Gemeinschaft, des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft;
- b) die Bestimmungen des Titels VI nach Maßgabe des Artikels K.7;
- c) die Bestimmungen des Titels VI a nach Maßgabe des Artikels 5 a des Vertrags zur Gründung der Europäischen Gemeinschaft und des Artikels K.12 dieses Vertrags;
- d) Artikel F Absatz 2 in bezug auf Handlungen der Organe, sofern der Gerichtshof im Rahmen der Verträge zur Gründung der Europäischen Gemeinschaften und im Rahmen dieses Vertrags zuständig ist;
- e) die Artikel L bis S.“

14. In Artikel N wird Absatz 2 gestrichen und in Absatz 1 entfällt die Numerierung.

15. Artikel O Absatz 1 erhält folgende Fassung:

„Jeder europäische Staat, der die in Artikel F Absatz 1 genannten Grundsätze achtet, kann beantragen, Mitglied der Union zu werden. Er richtet seinen Antrag an den Rat; dieser beschließt einstimmig nach Anhörung der Kommission und nach Zustimmung des Europäischen Parlaments, das mit der absoluten Mehrheit seiner Mitglieder beschließt.“

16. Dem Artikel S wird folgender neuer Absatz angefügt:

„Nach dem Beitrittsvertrag von 1994 ist der Wortlaut dieses Vertrags auch in finnischer und schwedischer Sprache verbindlich.“

Artikel 2

Der Vertrag zur Gründung der Europäischen Gemeinschaft wird nach Maßgabe dieses Artikels geändert.

1. In der Präambel wird nach dem achten Erwägungsgrund folgender Erwägungsgrund angefügt:

„ENTSCHLOSSEN, durch umfassenden Zugang zur Bildung und durch ständige Weiterbildung auf einen möglichst hohen Wissensstand ihrer Völker hinzuwirken,“

2. Artikel 2 erhält folgende Fassung:

„*Artikel 2*

Aufgabe der Gemeinschaft ist es, durch die Errichtung eines Gemeinsamen Marktes und einer Wirtschafts- und Währungsunion sowie durch die Durchführung der in den Artikeln 3 und 3 a genannten gemeinsamen Politiken und Maßnahmen in der ganzen Gemeinschaft eine harmonische, ausgewogene und nachhaltige Entwicklung des Wirtschaftslebens, ein hohes Beschäftigungsniveau und ein hohes Maß an sozialem Schutz, die Gleichstellung von Männern und Frauen, ein beständiges, nichtinflationäres Wachstum, einen hohen Grad von Wettbewerbsfähigkeit und Konvergenz der Wirtschaftsleistungen, ein hohes Maß an Umweltschutz und Verbesserung der Umweltqualität, die Hebung der Lebenshaltung und der Lebensqualität, den wirtschaftlichen und sozialen Zusammenhalt und die Solidarität zwischen den Mitgliedstaaten zu fördern.“

3. Artikel 3 wird wie folgt geändert:

- a) Der bisherige Wortlaut wird nummeriert und wird Absatz 1.
- b) In dem jetzigen Absatz 1 erhält Buchstabe d folgende Fassung:
„d) Maßnahmen hinsichtlich der Einreise und des Personenverkehrs nach Titel III a;“
- c) In dem jetzigen Absatz 1 wird nach dem Buchstaben h folgender neuer Buchstabe i eingefügt:
„i) die Förderung der Koordinierung der Beschäftigungspolitik der Mitgliedstaaten im Hinblick auf die Verstärkung ihrer Wirksamkeit durch die Entwicklung einer koordinierten Beschäftigungsstrategie;“
- d) In dem jetzigen Absatz 1 wird der bisherige Buchstabe i Buchstabe j, und die nachfolgenden Buchstaben werden entsprechend umnummeriert.
- e) Folgender Absatz wird angefügt:
„(2) Bei allen in diesem Artikel genannten Tätigkeiten wirkt die Gemeinschaft darauf hin, Ungleichheiten zu beseitigen und die Gleichstellung von Männern und Frauen zu fördern.“

4. Folgender Artikel wird eingefügt:

„Artikel 3 c

Die Erfordernisse des Umweltschutzes müssen bei der Festlegung und Durchführung der in Artikel 3 genannten Gemeinschaftspolitiken und -maßnahmen insbesondere zur Förderung einer nachhaltigen Entwicklung einbezogen werden.“

5. Folgender Artikel wird eingefügt:

„Artikel 5 a

(1) Die Mitgliedstaaten, die beabsichtigen, untereinander eine verstärkte Zusammenarbeit zu begründen, können vorbehaltlich der Artikel K.15 und K.16 des Vertrags über die Europäische Union ermächtigt werden, die in diesem Vertrag vorgesehenen Organe, Verfahren und Mechanismen in Anspruch zu nehmen, sofern die beabsichtigte Zusammenarbeit

- a) keine in die ausschließliche Zuständigkeit der Gemeinschaft fallenden Bereiche betrifft;
- b) die Gemeinschaftspolitiken, -aktionen oder -programme nicht beeinträchtigt;
- c) nicht die Unionsbürgerschaft betrifft und auch keine Diskriminierung zwischen Staatsangehörigen der Mitgliedstaaten bedeutet;
- d) die der Gemeinschaft durch diesen Vertrag zugewiesenen Befugnisse nicht überschreitet und
- e) keine Diskriminierung oder Beschränkung des Handels zwischen den Mitgliedstaaten darstellt und die Wettbewerbsbedingungen zwischen diesen nicht verzerrt.

(2) Die Ermächtigung nach Absatz 1 wird vom Rat mit qualifizierter Mehrheit auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments erteilt.

Erklärt ein Mitglied des Rates, daß es aus wichtigen Gründen der nationalen Politik, die es auch nennen muß, die Absicht hat, eine mit qualifizierter Mehrheit zu erteilende Ermächtigung abzulehnen, so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, daß die Frage zur einstimmigen Beschlußfassung an den in der Zusammensetzung der Staats- und Regierungschefs tagenden Rat verwiesen wird.

Die Mitgliedstaaten, die beabsichtigen, eine verstärkte Zusammenarbeit nach Absatz 1 zu begründen, können einen Antrag an die Kommission richten, die dem Rat einen entsprechenden Vorschlag vorlegen kann. Legt die Kommission keinen Vorschlag vor, so unterrichtet sie die betroffenen Mitgliedstaaten und gibt ihre Gründe dafür an.

(3) Jeder Mitgliedstaat, der sich der Zusammenarbeit nach diesem Artikel anschließen will, teilt dem Rat und der Kommission seine Absicht mit; die Kommission legt dem Rat binnen drei Monaten nach Eingang der Mitteilung eine Stellungnahme dazu vor. Innerhalb von vier Monaten vom Tag der Mitteilung an gerechnet beschließt die Kommission über den Antrag und über die spezifischen Regelungen, die sie gegebenenfalls für notwendig hält.

(4) Die für die Durchführung der Tätigkeiten im Rahmen der Zusammenarbeit erforderlichen Rechtsakte und Beschlüsse unterliegen allen einschlägigen Bestimmungen dieses Vertrags, sofern in diesem Artikel und in den Artikeln K.15 und K.16 des Vertrags über die Europäische Union nichts anderes bestimmt ist.

(5) Dieser Artikel läßt das Protokoll zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union unberührt.“

6. Artikel 6 Absatz 2 erhält folgende Fassung:

„Der Rat kann nach dem Verfahren des Artikels 189 b Regelungen für das Verbot solcher Diskriminierungen treffen.“

7. Folgender Artikel wird eingefügt:

„*Artikel 6 a*

Unbeschadet der sonstigen Bestimmungen dieses Vertrags kann der Rat im Rahmen der durch den Vertrag auf die Gemeinschaft übertragenen Zuständigkeiten auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments einstimmig geeignete Vorkehrungen treffen, um Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.“

8. Folgender Artikel wird am Ende des Ersten Teils eingefügt:

„*Artikel 7 d*

Unbeschadet der Artikel 77, 90 und 92 und in Anbetracht des Stellenwerts, den Dienste von allgemeinem wirtschaftlichem Interesse innerhalb der gemeinsamen Werte der Union einnehmen, sowie ihrer Bedeutung bei der Förderung des sozialen und territorialen Zusammenhalts tragen die Gemeinschaft und die Mitgliedstaaten im Rahmen ihrer jeweiligen Befugnisse im Anwendungsbereich dieses Vertrags dafür Sorge, daß die Grundsätze und Bedingungen für das Funktionieren dieser Dienste so gestaltet sind, daß sie ihren Aufgaben nachkommen können.“

9. Artikel 8 Absatz 1 erhält folgende Fassung:

„(1) Es wird eine Unionsbürgerschaft eingeführt. Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt. Die Unionsbürgerschaft ergänzt die nationale Staatsbürgerschaft, ersetzt sie aber nicht.“

10. Artikel 8 a Absatz 2 erhält folgende Fassung:

„(2) Der Rat kann Vorschriften erlassen, mit denen die Ausübung der Rechte nach Absatz 1 erleichtert wird; sofern in diesem Vertrag nichts anderes bestimmt ist, beschließt er gemäß dem Verfahren des Artikels 189 b. Der Rat beschließt im Rahmen dieses Verfahrens einstimmig.“

11. Dem Artikel 8 d wird folgender Absatz angefügt:

„Jeder Unionsbürger kann sich schriftlich in einer der in Artikel 248 genannten Sprachen an jedes Organ oder an jede Einrichtung wenden, die in dem vorliegenden Artikel oder in Artikel 4 genannt sind, und eine Antwort in derselben Sprache erhalten.“

12. Artikel 51 erhält folgende Fassung:

„*Artikel 51*

Der Rat beschließt gemäß dem Verfahren des Artikels 189 b die auf dem Gebiet der sozialen Sicherheit für die Herstellung der Freizügigkeit der Arbeitnehmer notwendigen Maßnahmen; zu diesem Zweck führt er insbesondere ein System ein, welches aus- und einwandernden Arbeitnehmern und deren anspruchsberechtigten Angehörigen folgendes sichert:

- a) die Zusammenrechnung aller nach den verschiedenen innerstaatlichen Rechtsvorschriften berücksichtigten Zeiten für den Erwerb und die Aufrechterhaltung des Leistungsanspruchs sowie für die Berechnung der Leistungen;
- b) die Zahlung der Leistungen an Personen, die in den Hoheitsgebieten der Mitgliedstaaten wohnen.

Der Rat beschließt im Rahmen des Verfahrens des Artikels 189 b einstimmig.“

13. Artikel 56 Absatz 2 erhält folgende Fassung:

„(2) Der Rat erläßt gemäß dem Verfahren des Artikels 189 b Richtlinien für die Koordinierung der genannten Vorschriften.“

14. Artikel 57 Absatz 2 erhält folgende Fassung:

„(2) Zu dem gleichen Zweck erläßt der Rat gemäß dem Verfahren des Artikels 189 b Richtlinien zur Koordinierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten über die Aufnahme und Ausübung selbständiger Tätigkeiten. Der Rat beschließt im Rahmen des Verfahrens des Artikels 189 b einstimmig über Richtlinien, deren Durchführung in mindestens einem Mitgliedstaat eine Änderung bestehender gesetzlicher Grundsätze der Berufsordnung hinsichtlich der Ausbildung und der Bedingungen für den Zugang natürlicher Personen zum Beruf umfaßt. Im übrigen beschließt der Rat mit qualifizierter Mehrheit.“

15. Folgender Titel wird im Dritten Teil eingefügt:

„Titel III a

VISA, ASYL, EINWANDERUNG UND ANDERE POLITIKEN BETREFFEND DEN FREIEN PERSONENVERKEHR

Artikel 73 i

Zum schrittweisen Aufbau eines Raums der Freiheit, der Sicherheit und des Rechts erläßt der Rat

- a) innerhalb eines Zeitraums von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam Maßnahmen zur Gewährleistung des freien Personenverkehrs nach Artikel 7 a in Verbindung mit unmittelbar damit zusammenhängenden flankierenden Maßnahmen in bezug auf die Kontrollen an den Außengrenzen, Asyl und Einwanderung nach Artikel 73 j Nummern 2 und 3, Artikel 73 k Nummer 1 Buchstabe a und Nummer 2 Buchstabe a sowie Maßnahmen zur Verhütung und Bekämpfung der Kriminalität nach Artikel K.3 Buchstabe e des Vertrags über die Europäische Union;
- b) sonstige Maßnahmen in den Bereichen Asyl, Einwanderung und Schutz der Rechte von Staatsangehörigen dritter Länder nach Artikel 73 k;
- c) Maßnahmen im Bereich der justitiellen Zusammenarbeit in Zivilsachen nach Artikel 73 m;
- d) geeignete Maßnahmen zur Förderung und Verstärkung der Zusammenarbeit der Verwaltungen nach Artikel 73 n;
- e) Maßnahmen im Bereich der polizeilichen und justitiellen Zusammenarbeit in Strafsachen, die durch die Verhütung und Bekämpfung der Kriminalität in der Union nach dem Vertrag über die Europäische Union auf ein hohes Maß an Sicherheit abzielen.

Artikel 73 j

Der Rat beschließt nach dem Verfahren des Artikels 73 o innerhalb eines Zeitraums von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam

1. Maßnahmen, die nach Artikel 7 a sicherstellen, daß Personen, seien es Bürger der Union oder Staatsangehörige dritter Länder, beim Überschreiten der Binnengrenzen nicht kontrolliert werden;
2. Maßnahmen bezüglich des Überschreitens der Außengrenzen der Mitgliedstaaten, mit denen folgendes festgelegt wird:
 - a) Normen und Verfahren, die von den Mitgliedstaaten bei der Durchführung der Personenkontrollen an diesen Grenzen einzuhalten sind;
 - b) Vorschriften über Visa für geplante Aufenthalte von höchstens drei Monaten einschließlich
 - i) der Liste der Drittländer, deren Staatsangehörige beim Überschreiten der Außengrenzen im Besitz eines Visums sein müssen, sowie der Drittländer, deren Staatsangehörige von dieser Visumpflicht befreit sind;

- ii) der Verfahren und Voraussetzungen für die Visumerteilung durch die Mitgliedstaaten;
 - iii) der einheitlichen Visumgestaltung;
 - iv) der Vorschriften für ein einheitliches Visum.
3. Maßnahmen zur Festlegung der Bedingungen, unter denen Staatsangehörige dritter Länder im Hoheitsgebiet der Mitgliedstaaten während eines Aufenthalts von höchstens drei Monaten Reisefreiheit genießen.

Artikel 73 k

Der Rat beschließt gemäß dem Verfahren des Artikels 73 o innerhalb eines Zeitraums von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam

1. in Übereinstimmung mit dem Genfer Abkommen vom 28. Juli 1951 und dem Protokoll vom 31. Januar 1967 über die Rechtsstellung der Flüchtlinge sowie einschlägigen anderen Verträgen Asylmaßnahmen in folgenden Bereichen:
 - a) Kriterien und Verfahren zur Bestimmung des Mitgliedstaats, der für die Prüfung eines Asylantrags zuständig ist, den ein Staatsangehöriger eines dritten Landes in einem Mitgliedstaat gestellt hat;
 - b) Mindestnormen für die Aufnahme von Asylbewerbern in den Mitgliedstaaten;
 - c) Mindestnormen für die Anerkennung von Staatsangehörigen dritter Länder als Flüchtlinge;
 - d) Mindestnormen für die Verfahren in den Mitgliedstaaten zur Zuerkennung oder Aberkennung der Flüchtlingseigenschaft;
2. Maßnahmen in bezug auf Flüchtlinge und vertriebene Personen in folgenden Bereichen:
 - a) Mindestnormen für den vorübergehenden Schutz von vertriebenen Personen aus dritten Ländern, die nicht in ihr Herkunftsland zurückkehren können, und von Personen, die anderweitig internationalen Schutz benötigen;
 - b) Förderung einer ausgewogenen Verteilung der Belastungen, die mit der Aufnahme von Flüchtlingen und vertriebenen Personen und den Folgen dieser Aufnahme verbunden sind, auf die Mitgliedstaaten;
3. einwanderungspolitische Maßnahmen in folgenden Bereichen:
 - a) Einreise- und Aufenthaltsvoraussetzungen sowie Normen für die Verfahren zur Erteilung von Visa für einen langfristigen Aufenthalt und Aufenthaltstiteln, einschließlich solcher zur Familienzusammenführung, durch die Mitgliedstaaten;
 - b) illegale Einwanderung und illegaler Aufenthalt, einschließlich der Rückführung solcher Personen, die sich illegal in einem Mitgliedstaat aufhalten;
4. Maßnahmen zur Festlegung der Rechte und der Bedingungen, aufgrund derer sich Staatsangehörige dritter Länder, die sich rechtmäßig in einem Mitgliedstaat aufhalten, in anderen Mitgliedstaaten aufhalten dürfen.

Maßnahmen, die vom Rat nach den Nummern 3 und 4 beschlossen worden sind, hindern die Mitgliedstaaten nicht daran, in den betreffenden Bereichen innerstaatliche Bestimmungen beizubehalten oder einzuführen, die mit diesem Vertrag und mit internationalen Übereinkünften vereinbar sind.

Der vorgenannte Fünfjahreszeitraum gilt nicht für nach Nummer 2 Buchstabe b, Nummer 3 Buchstabe a und Nummer 4 zu beschließende Maßnahmen.

Artikel 73 l

(1) Dieser Titel berührt nicht die Wahrnehmung der Zuständigkeiten der Mitgliedstaaten für die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit.

(2) Sehen sich ein oder mehrere Mitgliedstaaten einer Notlage aufgrund eines plötzlichen Zustroms von Staatsangehörigen dritter Länder gegenüber, so kann der Rat unbeschadet des Absatzes 1 auf Vorschlag der Kommission mit qualifizierter Mehrheit zugunsten der betreffenden Mitgliedstaaten vorläufige Maßnahmen mit einer Geltungsdauer von höchstens sechs Monaten beschließen.

Artikel 73 m

Die Maßnahmen im Bereich der justitiellen Zusammenarbeit in Zivilsachen mit grenzüberschreitenden Bezügen, die, soweit sie für das reibungslose Funktionieren des Binnenmarktes erforderlich sind, nach Artikel 73 o zu treffen sind, schließen ein:

a) Verbesserung und Vereinfachung

- des Systems für die grenzüberschreitende Zustellung gerichtlicher und außergerichtlicher Schriftstücke;
- der Zusammenarbeit bei der Erhebung von Beweismitteln;
- der Anerkennung und Vollstreckung gerichtlicher und außergerichtlicher Entscheidungen in Zivil- und Handelssachen;

b) Förderung der Vereinbarkeit der in den Mitgliedstaaten geltenden Kollisionsnormen und Vorschriften zur Vermeidung von Kompetenzkonflikten;

c) Beseitigung der Hindernisse für eine reibungslose Abwicklung von Zivilverfahren, erforderlichenfalls durch Förderung der Vereinbarkeit der in den Mitgliedstaaten geltenden zivilrechtlichen Verfahrensvorschriften.

Artikel 73 n

Der Rat beschließt gemäß dem Verfahren des Artikels 73 o Maßnahmen, um die Zusammenarbeit zwischen den entsprechenden Dienststellen der Behörden der Mitgliedstaaten in den Bereichen dieses Titels sowie die Zusammenarbeit zwischen diesen Dienststellen und der Kommission zu gewährleisten.

Artikel 73 o

- (1) Der Rat handelt während eines Übergangszeitraums von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam einstimmig auf Vorschlag der Kommission oder auf Initiative eines Mitgliedstaats und nach Anhörung des Europäischen Parlaments.
- (2) Nach Ablauf dieser fünf Jahre
 - handelt der Rat auf der Grundlage von Vorschlägen der Kommission; die Kommission prüft jeden Antrag eines Mitgliedstaats, wonach sie dem Rat einen Vorschlag unterbreiten soll;
 - faßt der Rat einstimmig nach Anhörung des Europäischen Parlaments einen Beschluß, wonach auf alle Bereiche oder Teile der Bereiche, die unter diesen Titel fallen, das Verfahren des Artikels 189 b anzuwenden ist und die Bestimmungen über die Zuständigkeit des Gerichtshofs angepaßt werden.
- (3) Abweichend von den Absätzen 1 und 2 werden die in Artikel 73 j Nummer 2 Buchstabe b Ziffern i und iii genannten Maßnahmen vom Zeitpunkt des Inkrafttretens des Vertrags von Amsterdam an vom Rat mit qualifizierter Mehrheit auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments beschlossen.
- (4) Abweichend von Absatz 2 werden die in Artikel 73 j Nummer 2 Buchstabe b Ziffern ii und iv genannten Maßnahmen nach Ablauf von fünf Jahren nach Inkrafttreten des Vertrags von Amsterdam vom Rat gemäß dem Verfahren des Artikels 189 b beschlossen.

Artikel 73 p

- (1) Artikel 177 findet auf diesen Titel unter folgenden Umständen und Bedingungen Anwendung: Wird eine Frage der Auslegung dieses Titels sowie der Gültigkeit oder Auslegung von auf diesen Titel gestützten Rechtsakten der Organe der Gemeinschaft in einem schwebenden Verfahren bei einem einzelstaatlichen Gericht gestellt, dessen Entscheidungen selbst nicht mehr mit Rechtsmitteln des innerstaatlichen Rechts angefochten werden können, so legt dieses Gericht dem Gerichtshof die Frage zur Entscheidung vor, wenn es eine Entscheidung darüber zum Erlaß seines Urteils für erforderlich hält.
- (2) In jedem Fall ist der Gerichtshof nicht für Entscheidungen über Maßnahmen oder Beschlüsse nach Artikel 73 j Nummer 1 zuständig, die die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit betreffen.
- (3) Der Rat, die Kommission oder ein Mitgliedstaat können dem Gerichtshof eine Frage der Auslegung dieses Titels oder von auf diesen Titel gestützten Rechtsakten der Organe der Gemeinschaft zur Entscheidung vorlegen. Die Entscheidung, die der Gerichtshof auf dieses Ersuchen hin fällt, gilt nicht für Urteile von Gerichten der Mitgliedstaaten, die rechtskräftig geworden sind.

Artikel 73 q

Für die Anwendung dieses Titels gelten unbeschadet des Protokolls über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Ge-

meinschaft auf das Vereinigte Königreich und auf Irland die Bestimmungen des Protokolls über die Position des Vereinigten Königreichs und Irlands und des Protokolls über die Position Dänemarks.“

16. In Artikel 75 Absatz 1 erhält der einleitende Teil folgende Fassung:

„(1) Zur Durchführung des Artikels 74 wird der Rat unter Berücksichtigung der Besonderheiten des Verkehrs gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen“

17. In Artikel 100 a werden die Absätze 3, 4 und 5 durch folgende Absätze ersetzt:

„(3) Die Kommission geht in ihren Vorschlägen nach Absatz 1 in den Bereichen Gesundheit, Sicherheit, Umweltschutz und Verbraucherschutz von einem hohen Schutzniveau aus und berücksichtigt dabei insbesondere alle auf wissenschaftliche Ergebnisse gestützten neuen Entwicklungen. Im Rahmen ihrer jeweiligen Befugnisse streben das Europäische Parlament und der Rat dieses Ziel ebenfalls an.

(4) Hält es ein Mitgliedstaat, wenn der Rat oder die Kommission eine Harmonisierungsmaßnahme erlassen hat, für erforderlich, einzelstaatliche Bestimmungen beizubehalten, die durch wichtige Erfordernisse im Sinne des Artikels 36 oder in Bezug auf den Schutz der Arbeitsumwelt oder den Umweltschutz gerechtfertigt sind, so teilt er diese Bestimmungen sowie die Gründe für ihre Beibehaltung der Kommission mit.

(5) Unbeschadet des Absatzes 4 teilt ein Mitgliedstaat, der es nach dem Erlaß einer Harmonisierungsmaßnahme durch den Rat oder die Kommission für erforderlich hält, auf neue wissenschaftliche Erkenntnisse gestützte einzelstaatliche Bestimmungen zum Schutz der Umwelt oder der Arbeitsumwelt aufgrund eines spezifischen Problems für diesen Mitgliedstaat, das sich nach dem Erlaß der Harmonisierungsmaßnahme ergibt, einzuführen, die in Aussicht genommenen Bestimmungen sowie die Gründe für ihre Einführung der Kommission mit.

(6) Die Kommission beschließt binnen sechs Monaten nach den Mitteilungen nach den Absätzen 4 und 5, die betreffenden einzelstaatlichen Bestimmungen zu billigen oder abzulehnen, nachdem sie geprüft hat, ob sie ein Mittel zur willkürlichen Diskriminierung und eine verschleierte Beschränkung des Handels zwischen den Mitgliedstaaten darstellen und ob sie das Funktionieren des Binnenmarkts behindern.

Trifft die Kommission innerhalb dieses Zeitraums keine Entscheidung, so gelten die in den Absätzen 4 und 5 genannten einzelstaatlichen Bestimmungen als gebilligt.

Die Kommission kann, sofern dies aufgrund des schwierigen Sachverhalts gerechtfertigt ist und keine Gefahr für die menschliche Gesundheit besteht, dem betreffenden Mitgliedstaat mitteilen, daß der in diesem Absatz genannte Zeitraum gegebenenfalls um einen weiteren Zeitraum von bis zu sechs Monaten verlängert wird.

(7) Wird es einem Mitgliedstaat nach Absatz 6 gestattet, von der Harmonisierungsmaßnahme abweichende einzelstaatliche Bestimmungen beizubehalten oder einzuführen, so prüft die Kommission unverzüglich, ob sie eine Anpassung dieser Maßnahme vorschlägt.

(8) Wirft ein Mitgliedstaat in einem Bereich, der zuvor bereits Gegenstand von Harmonisierungsmaßnahmen war, ein spezielles Gesundheitsproblem auf, so teilt er dies der Kommission mit, die dann umgehend prüft, ob sie dem Rat entsprechende Maßnahmen vorschlägt.

(9) In Abweichung von dem Verfahren der Artikel 169 und 170 kann die Kommission oder ein Mitgliedstaat den Gerichtshof unmittelbar anrufen, wenn die Kommission oder der Staat der Auffassung ist, daß ein anderer Mitgliedstaat die in diesem Artikel vorgesehenen Befugnisse mißbraucht.

(10) Die vorgenannten Harmonisierungsmaßnahmen sind in geeigneten Fällen mit einer Schutzklausel verbunden, welche die Mitgliedstaaten ermächtigt, aus einem oder mehreren der in Artikel 36 genannten nichtwirtschaftlichen Gründe vorläufige Maßnahmen zu treffen, die einem gemeinschaftlichen Kontrollverfahren unterliegen.“

18. Die Artikel 100 c und 100 d werden aufgehoben.

19. Folgender Titel wird nach Titel VI eingefügt:

„Titel VI a

BESCHÄFTIGUNG

Artikel 109 n

Die Mitgliedstaaten und die Gemeinschaft arbeiten nach diesem Titel auf die Entwicklung einer koordinierten Beschäftigungsstrategie und insbesondere auf die Förderung der Qualifizierung, Ausbildung und Anpassungsfähigkeit der Arbeitnehmer sowie der Fähigkeit der Arbeitsmärkte hin, auf die Erfordernisse des wirtschaftlichen Wandels zu reagieren, um die Ziele des Artikels B des Vertrags über die Europäische Union und des Artikels 2 des vorliegenden Vertrags zu erreichen.

Artikel 109 o

(1) Die Mitgliedstaaten tragen durch ihre Beschäftigungspolitik im Einklang mit den nach Artikel 103 Absatz 2 verabschiedeten Grundzügen der Wirtschaftspolitik der Mitgliedstaaten und der Gemeinschaft zur Erreichung der in Artikel 109 n genannten Ziele bei.

(2) Die Mitgliedstaaten betrachten die Förderung der Beschäftigung als Angelegenheit von gemeinsamem Interesse und stimmen ihre diesbezüglichen Tätigkeiten nach Maßgabe des Artikels 109 q im Rat aufeinander ab, wobei die einzelstaatlichen Gepflogenheiten in bezug auf die Verantwortung der Sozialpartner berücksichtigt werden.

Artikel 109 p

(1) Die Gemeinschaft trägt zu einem hohen Beschäftigungsniveau bei, indem sie die Zusammenarbeit zwischen den Mitgliedstaaten fördert und deren Maßnahmen in diesem Bereich unterstützt und erforderlichenfalls ergänzt. Hierbei wird die Zuständigkeit der Mitgliedstaaten beachtet.

(2) Das Ziel eines hohen Beschäftigungsniveaus wird bei der Festlegung und Durchführung der Gemeinschaftspolitik und -maßnahmen berücksichtigt.

Artikel 109 q

- (1) Anhand eines gemeinsamen Jahresberichts des Rates und der Kommission prüft der Europäische Rat jährlich die Beschäftigungslage in der Gemeinschaft und nimmt hierzu Schlußfolgerungen an.
- (2) Anhand der Schlußfolgerungen des Europäischen Rates legt der Rat auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments, des Wirtschafts- und Sozialausschusses, des Ausschusses der Regionen und des in Artikel 109 s genannten Beschäftigungsausschusses jährlich mit qualifizierter Mehrheit Leitlinien fest, welche die Mitgliedstaaten in ihrer Beschäftigungspolitik berücksichtigen. Diese Leitlinien müssen mit den nach Artikel 103 Absatz 2 verabschiedeten Grundzügen im Einklang stehen.
- (3) Jeder Mitgliedstaat übermittelt dem Rat und der Kommission jährlich einen Bericht über die wichtigsten Maßnahmen, die er zur Durchführung seiner Beschäftigungspolitik im Lichte der beschäftigungspolitischen Leitlinien nach Absatz 2 getroffen hat.
- (4) Anhand der in Absatz 3 genannten Berichte und nach Stellungnahme des Beschäftigungsausschusses unterzieht der Rat die Durchführung der Beschäftigungspolitik der Mitgliedstaaten im Lichte der beschäftigungspolitischen Leitlinien jährlich einer Prüfung. Der Rat kann dabei auf Empfehlung der Kommission mit qualifizierter Mehrheit Empfehlungen an die Mitgliedstaaten richten, wenn er dies aufgrund der Ergebnisse dieser Prüfung für angebracht hält.
- (5) Auf der Grundlage der Ergebnisse der genannten Prüfung erstellen der Rat und die Kommission einen gemeinsamen Jahresbericht für den Europäischen Rat über die Beschäftigungslage in der Gemeinschaft und über die Umsetzung der beschäftigungspolitischen Leitlinien.

Artikel 109 r

Der Rat kann gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen Anreizmaßnahmen zur Förderung der Zusammenarbeit zwischen den Mitgliedstaaten und zur Unterstützung ihrer Beschäftigungsmaßnahmen durch Initiativen beschließen, die darauf abzielen, den Austausch von Informationen und bewährten Verfahren zu entwickeln, vergleichende Analysen und Gutachten bereitzustellen sowie innovative Ansätze zu fördern und Erfahrungen zu bewerten, und zwar insbesondere durch den Rückgriff auf Pilotvorhaben.

Diese Maßnahmen schließen keinerlei Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten ein.

Artikel 109 s

Der Rat setzt nach Anhörung des Europäischen Parlaments einen Beschäftigungsausschuß mit beratender Funktion zur Förderung der Koordinierung der Beschäftigungs- und Arbeitsmarktpolitik der Mitgliedstaaten ein. Der Ausschuß hat folgende Aufgaben:

- Er verfolgt die Beschäftigungslage und die Beschäftigungspolitik in den Mitgliedstaaten und der Gemeinschaft;
- er gibt unbeschadet des Artikels 151 auf Ersuchen des Rates oder der Kommission oder von sich aus Stellungnahmen ab und trägt zur Vorbereitung der in Artikel 109 q genannten Beratungen des Rates bei.

Bei der Erfüllung seines Auftrags hört der Ausschuß die Sozialpartner.

Jeder Mitgliedstaat und die Kommission entsenden zwei Mitglieder in den Ausschuß.“

20. Dem Artikel 113 wird folgender Absatz angefügt:

„(5) Der Rat kann auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments durch einstimmigen Beschluß die Anwendung der Absätze 1 bis 4 auf internationale Verhandlungen und Übereinkünfte über Dienstleistungen und Rechte des geistigen Eigentums ausdehnen, soweit sie durch diese Absätze nicht erfaßt sind.“

21. Folgender Titel wird nach Titel VII eingefügt:

„Titel VII a

ZUSAMMENARBEIT IM ZOLLWESEN

Artikel 116

Der Rat trifft im Rahmen des Geltungsbereichs dieses Vertrags gemäß dem Verfahren des Artikels 189 b Maßnahmen zum Ausbau der Zusammenarbeit im Zollwesen zwischen den Mitgliedstaaten sowie zwischen den Mitgliedstaaten und der Kommission. Die Anwendung des Strafrechts der Mitgliedstaaten und ihre Strafrechtspflege bleiben von diesen Maßnahmen unberührt.“

22. Die Artikel 117 bis 120 werden durch die nachstehenden Artikel ersetzt:

„Artikel 117

Die Gemeinschaft und die Mitgliedstaaten verfolgen eingedenk der sozialen Grundrechte, wie sie in der am 18. Oktober 1961 in Turin unterzeichneten Europäischen Sozialcharta und in der Gemeinschaftscharta der sozialen Grundrechte der Arbeitnehmer von 1989 festgelegt sind, folgende Ziele: die Förderung der Beschäftigung, die Verbesserung der Lebens- und Arbeitsbedingungen, um dadurch auf dem Wege des Fortschritts ihre Angleichung zu ermöglichen, einen angemessenen sozialen Schutz, den sozialen Dialog, die Entwicklung des Arbeitskräftepotentials im Hinblick auf ein dauerhaft hohes Beschäftigungsniveau und die Bekämpfung von Ausgrenzungen.

Zu diesem Zweck führen die Gemeinschaft und die Mitgliedstaaten Maßnahmen durch, die der Vielfalt der einzelstaatlichen Gepflogenheiten, insbesondere in den vertraglichen Beziehungen, sowie der Notwendigkeit, die Wettbewerbsfähigkeit der Wirtschaft der Gemeinschaft zu erhalten, Rechnung tragen.

Sie sind der Auffassung, daß sich eine solche Entwicklung sowohl aus dem eine Abstimmung der Sozialordnungen begünstigenden Wirken des Gemeinsamen Marktes als auch aus den in diesem Vertrag vorgesehenen Verfahren sowie aus der Angleichung ihrer Rechts- und Verwaltungsvorschriften ergeben wird.

Artikel 118

(1) Zur Verwirklichung der Ziele des Artikels 117 unterstützt und ergänzt die Gemeinschaft die Tätigkeit der Mitgliedstaaten auf folgenden Gebieten:

- Verbesserung insbesondere der Arbeitsumwelt zum Schutz der Gesundheit und der Sicherheit der Arbeitnehmer,
- Arbeitsbedingungen,
- Unterrichtung und Anhörung der Arbeitnehmer,
- berufliche Eingliederung der aus dem Arbeitsmarkt ausgegrenzten Personen, unbeschadet des Artikels 127,
- Chancengleichheit von Männern und Frauen auf dem Arbeitsmarkt und Gleichbehandlung am Arbeitsplatz.

(2) Zu diesem Zweck kann der Rat unter Berücksichtigung der in den einzelnen Mitgliedstaaten bestehenden Bedingungen und technischen Regelungen durch Richtlinien Mindestvorschriften erlassen, die schrittweise anzuwenden sind. Diese Richtlinien sollen keine verwaltungsmäßigen, finanziellen oder rechtlichen Auflagen vorschreiben, die der Gründung und Entwicklung von kleinen und mittleren Unternehmen entgegenstehen.

Der Rat beschließt gemäß dem Verfahren des Artikels 189 b nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen.

Der Rat kann zur Bekämpfung sozialer Ausgrenzung gemäß diesem Verfahren Maßnahmen annehmen, die dazu bestimmt sind, die Zusammenarbeit zwischen den Mitgliedstaaten durch Initiativen zu fördern, die die Verbesserung des Wissensstandes, die Entwicklung des Austauschs von Informationen und bewährten Verfahren, die Förderung innovativer Ansätze und die Bewertung von Erfahrungen zum Ziel haben.

(3) In folgenden Bereichen beschließt der Rat dagegen einstimmig auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen:

- soziale Sicherheit und sozialer Schutz der Arbeitnehmer,
- Schutz der Arbeitnehmer bei Beendigung des Arbeitsvertrags,
- Vertretung und kollektive Wahrnehmung der Arbeitnehmer- und Arbeitgeberinteressen, einschließlich der Mitbestimmung, vorbehaltlich des Absatzes 6,
- Beschäftigungsbedingungen der Staatsangehörigen dritter Länder, die sich rechtmäßig im Gebiet der Gemeinschaft aufhalten,
- finanzielle Beiträge zur Förderung der Beschäftigung und zur Schaffung von Arbeitsplätzen, und zwar unbeschadet der Bestimmungen über den Sozialfonds.

(4) Ein Mitgliedstaat kann den Sozialpartnern auf deren gemeinsamen Antrag die Durchführung von aufgrund der Absätze 2 und 3 angenommenen Richtlinien übertragen.

In diesem Fall vergewissert sich der Mitgliedstaat, daß die Sozialpartner spätestens zu dem Zeitpunkt, zu dem eine Richtlinie nach Artikel 189 umgesetzt sein muß, im Weg einer Vereinbarung die erforderlichen Vorkehrungen getroffen haben; dabei hat der Mitgliedstaat alle erforderlichen Maßnahmen zu treffen, um jederzeit gewährleisten zu können, daß die durch diese Richtlinie vorgeschriebenen Ergebnisse erzielt werden.

(5) Die aufgrund dieses Artikels erlassenen Bestimmungen hindern die Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder zu treffen, die mit diesem Vertrag vereinbar sind.

(6) Dieser Artikel gilt nicht für das Arbeitsentgelt, das Koalitionsrecht, das Streikrecht sowie das Aussperrungsrecht.

Artikel 118 a

(1) Die Kommission hat die Aufgabe, die Anhörung der Sozialpartner auf Gemeinschaftsebene zu fördern, und erläßt alle zweckdienlichen Maßnahmen, um den Dialog zwischen den Sozialpartnern zu erleichtern, wobei sie für Ausgewogenheit bei der Unterstützung der Parteien sorgt.

(2) Zu diesem Zweck hört die Kommission vor Unterbreitung von Vorschlägen im Bereich der Sozialpolitik die Sozialpartner zu der Frage, wie eine Gemeinschaftsaktion gegebenenfalls ausgerichtet werden sollte.

(3) Hält die Kommission nach dieser Anhörung eine Gemeinschaftsmaßnahme für zweckmäßig, so hört sie die Sozialpartner zum Inhalt des in Aussicht genommenen Vorschlags. Die Sozialpartner übermitteln der Kommission eine Stellungnahme oder gegebenenfalls eine Empfehlung.

(4) Bei dieser Anhörung können die Sozialpartner der Kommission mitteilen, daß sie den Prozeß nach Artikel 118 b in Gang setzen wollen. Die Dauer des Verfahrens darf höchstens neun Monate betragen, sofern die betroffenen Sozialpartner und die Kommission nicht gemeinsam eine Verlängerung beschließen.

Artikel 118 b

(1) Der Dialog zwischen den Sozialpartnern auf Gemeinschaftsebene kann, falls sie es wünschen, zur Herstellung vertraglicher Beziehungen, einschließlich des Abschlusses von Vereinbarungen, führen.

(2) Die Durchführung der auf Gemeinschaftsebene geschlossenen Vereinbarungen erfolgt entweder nach den jeweiligen Verfahren und Gepflogenheiten der Sozialpartner und der Mitgliedstaaten oder — in den durch Artikel 118 erfaßten Bereichen — auf gemeinsamen Antrag der Unterzeichnerparteien durch einen Beschluß des Rates auf Vorschlag der Kommission.

Sofern nicht die betreffende Vereinbarung eine oder mehrere Bestimmungen betreffend einen der in Artikel 118 Absatz 3 genannten Bereiche enthält und somit ein einstimmiger Beschluß erforderlich ist, beschließt der Rat mit qualifizierter Mehrheit.

Artikel 118 c

Unbeschadet der sonstigen Bestimmungen dieses Vertrags fördert die Kommission im Hinblick auf die Erreichung der Ziele des Artikels 117 die Zusammenarbeit zwischen den Mitgliedstaaten und erleichtert die Abstimmung ihres Vorgehens in allen unter dieses Kapitel fallenden Bereichen der Sozialpolitik, insbesondere auf dem Gebiet

— der Beschäftigung,

- des Arbeitsrechts und der Arbeitsbedingungen,
- der beruflichen Ausbildung und Fortbildung,
- der sozialen Sicherheit,
- der Verhütung von Berufsunfällen und Berufskrankheiten,
- des Gesundheitsschutzes bei der Arbeit,
- des Koalitionsrechts und der Kollektivverhandlungen zwischen Arbeitgebern und Arbeitnehmern.

Zu diesem Zweck wird die Kommission in enger Verbindung mit den Mitgliedstaaten durch Untersuchungen, Stellungnahmen und die Vorbereitung von Beratungen tätig, gleichviel ob es sich um innerstaatliche oder um internationalen Organisationen gestellte Probleme handelt.

Vor Abgabe der in diesem Artikel vorgesehenen Stellungnahmen hört die Kommission den Wirtschafts- und Sozialausschuß.

Artikel 119

(1) Jeder Mitgliedstaat stellt die Anwendung des Grundsatzes des gleichen Entgelts für Männer und Frauen bei gleicher oder gleichwertiger Arbeit sicher.

(2) Unter ‚Entgelt‘ im Sinne dieses Artikels sind die üblichen Grund- oder Mindestlöhne und -gehälter sowie alle sonstigen Vergütungen zu verstehen, die der Arbeitgeber aufgrund des Dienstverhältnisses dem Arbeitnehmer unmittelbar oder mittelbar in bar oder in Sachleistungen zahlt.

Gleichheit des Arbeitsentgelts ohne Diskriminierung aufgrund des Geschlechts bedeutet,

- a) daß das Entgelt für eine gleiche nach Akkord bezahlte Arbeit aufgrund der gleichen Maßeinheit festgesetzt wird,
- b) daß für eine nach Zeit bezahlte Arbeit das Entgelt bei gleichem Arbeitsplatz gleich ist.

(3) Der Rat beschließt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses Maßnahmen zur Gewährleistung der Anwendung des Grundsatzes der Chancengleichheit und der Gleichbehandlung von Männern und Frauen in Arbeits- und Beschäftigungsfragen, einschließlich des Grundsatzes des gleichen Entgelts bei gleicher oder gleichwertiger Arbeit.

(4) Im Hinblick auf die effektive Gewährleistung der vollen Gleichstellung von Männern und Frauen im Arbeitsleben hindert der Grundsatz der Gleichbehandlung die Mitgliedstaaten nicht daran, zur Erleichterung der Berufstätigkeit des unterrepräsentierten Geschlechts oder zur Verhinderung bzw. zum Ausgleich von Benachteiligungen in der beruflichen Laufbahn spezifische Vergünstigungen beizubehalten oder zu beschließen.

Artikel 119 a

Die Mitgliedstaaten sind bestrebt, die bestehende Gleichwertigkeit der Ordnungen über die bezahlte Freizeit beizubehalten.

Artikel 120

Die Kommission erstellt jährlich einen Bericht über den Stand der Verwirklichung der in Artikel 117 genannten Ziele sowie über die demographische Lage in der Gemeinschaft. Sie übermittelt diesen Bericht dem Europäischen Parlament, dem Rat und dem Wirtschafts- und Sozialausschuß.

Das Europäische Parlament kann die Kommission um Berichte zu Einzelproblemen ersuchen, welche die soziale Lage betreffen.“

23. Artikel 125 erhält folgende Fassung:

„Artikel 125

Der Rat erläßt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen die den Europäischen Sozialfonds betreffenden Durchführungsbeschlüsse.“

24. Artikel 127 Absatz 4 erhält folgende Fassung:

„(4) Der Rat erläßt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen Maßnahmen, die zur Verwirklichung der Ziele dieses Artikels beitragen, unter Ausschluß jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten.“

25. Artikel 128 Absatz 4 erhält folgende Fassung:

„(4) Die Gemeinschaft trägt bei ihrer Tätigkeit aufgrund anderer Bestimmungen dieses Vertrags den kulturellen Aspekten Rechnung, insbesondere zur Wahrung und Förderung der Vielfalt ihrer Kulturen.“

26. Artikel 129 erhält folgende Fassung:

„Artikel 129

(1) Bei der Festlegung und Durchführung aller Gemeinschaftspolitiken und -maßnahmen wird ein hohes Gesundheitsschutzniveau sichergestellt.

Die Tätigkeit der Gemeinschaft ergänzt die Politik der Mitgliedstaaten und ist auf die Verbesserung der Gesundheit der Bevölkerung, die Verhütung von Humankrankheiten und die Beseitigung von Ursachen für die Gefährdung der menschlichen Gesundheit gerichtet. Sie umfaßt die Bekämpfung der weitverbreiteten schweren Krankheiten; dabei werden die Erforschung der Ursachen, der Übertragung und der Verhütung dieser Krankheiten sowie die Gesundheitsinformation und -erziehung gefördert.

Die Gemeinschaft ergänzt die Maßnahmen der Mitgliedstaaten zur Verringerung drogenkonsumbedingter Gesundheitsschäden einschließlich der Informations- und Vorbeugungsmaßnahmen.

(2) Die Gemeinschaft fördert die Zusammenarbeit zwischen den Mitgliedstaaten in den in diesem Artikel genannten Bereichen und unterstützt erforderlichenfalls deren Tätigkeit.

Die Mitgliedstaaten koordinieren untereinander im Benehmen mit der Kommission ihre Politiken und Programme in den in Absatz 1 genannten Bereichen. Die Kommission kann in enger Verbindung mit den Mitgliedstaaten alle Initiativen ergreifen, die dieser Koordination förderlich sind.

(3) Die Gemeinschaft und die Mitgliedstaaten fördern die Zusammenarbeit mit dritten Ländern und den für das Gesundheitswesen zuständigen internationalen Organisationen.

(4) Der Rat trägt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen mit folgenden Maßnahmen zur Verwirklichung der Ziele dieses Artikels bei:

- a) Maßnahmen zur Festlegung hoher Qualitäts- und Sicherheitsstandards für Organe und Substanzen menschlichen Ursprungs sowie für Blut und Blutderivate; diese Maßnahmen hindern die Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder einzuführen;
- b) abweichend von Artikel 43 Maßnahmen in den Bereichen Veterinärwesen und Pflanzenschutz, die unmittelbar den Schutz der Gesundheit der Bevölkerung zum Ziel haben;
- c) Fördermaßnahmen, die den Schutz und die Verbesserung der menschlichen Gesundheit zum Ziel haben, unter Ausschluß jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten.

Der Rat kann ferner mit qualifizierter Mehrheit auf Vorschlag der Kommission für die in diesem Artikel genannten Zwecke Empfehlungen erlassen.

(5) Bei der Tätigkeit der Gemeinschaft im Bereich der Gesundheit der Bevölkerung wird die Verantwortung der Mitgliedstaaten für die Organisation des Gesundheitswesens und die medizinische Versorgung in vollem Umfang gewahrt. Insbesondere lassen die Maßnahmen nach Absatz 4 Buchstabe a die einzelstaatlichen Regelungen über die Spende oder die medizinische Verwendung von Organen und Blut unberührt.“

27. Artikel 129 a erhält folgende Fassung:

„Artikel 129 a

(1) Zur Förderung der Interessen der Verbraucher und zur Gewährleistung eines hohen Verbraucherschutzniveaus leistet die Gemeinschaft einen Beitrag zum Schutz der Gesundheit, der Sicherheit und der wirtschaftlichen Interessen der Verbraucher sowie zur Förderung ihres Rechtes auf Information, Erziehung und Bildung von Vereinigungen zur Wahrung ihrer Interessen.

(2) Den Erfordernissen des Verbraucherschutzes wird bei der Festlegung und Durchführung der anderen Gemeinschaftspolitiken und -maßnahmen Rechnung getragen.

(3) Die Gemeinschaft leistet einen Beitrag zur Erreichung der in Absatz 1 genannten Ziele durch

- a) Maßnahmen, die sie im Rahmen der Verwirklichung des Binnenmarkts nach Artikel 100 a erläßt;

b) Maßnahmen zur Unterstützung, Ergänzung und Überwachung der Politik der Mitgliedstaaten.

(4) Der Rat beschließt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses die Maßnahmen nach Absatz 3 Buchstabe b.

(5) Die nach Absatz 4 beschlossenen Maßnahmen hindern die einzelnen Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder zu ergreifen. Diese Maßnahmen müssen mit diesem Vertrag vereinbar sein. Sie werden der Kommission mitgeteilt.“

28. In Artikel 129 c Absatz 1 Unterabsatz 1 dritter Gedankenstrich erhält der erste Halbsatz folgende Fassung:

„— sie kann von den Mitgliedstaaten ganz oder teilweise unterstützte Vorhaben von gemeinsamem Interesse, die im Rahmen der Leitlinien gemäß dem ersten Gedankenstrich ausgewiesen sind, insbesondere in Form von Durchführbarkeitsstudien, Anleihebürgschaften oder Zinszuschüssen unterstützen;“

29. Artikel 129 d wird wie folgt geändert:

a) Absatz 1 erhält folgende Fassung:

„Die Leitlinien und die übrigen Maßnahmen nach Artikel 129 c Absatz 1 werden vom Rat gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen festgelegt.“

b) Absatz 3 wird gestrichen.

30. Artikel 130 a Absatz 2 erhält folgende Fassung:

„Die Gemeinschaft setzt sich insbesondere zum Ziel, die Unterschiede im Entwicklungsstand der verschiedenen Regionen und den Rückstand der am stärksten benachteiligten Gebiete oder Inseln, einschließlich der ländlichen Gebiete, zu verringern.“

31. Artikel 130 e Absatz 1 erhält folgende Fassung:

„Die den Europäischen Fonds für regionale Entwicklung betreffenden Durchführungsbeschlüsse werden vom Rat gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen gefaßt.“

32. Artikel 130 i Absatz 1 Unterabsatz 1 erhält folgende Fassung:

„(1) Der Rat stellt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses ein mehrjähriges Rahmenprogramm auf, in dem alle Aktionen der Gemeinschaft zusammengefaßt werden.“

33. Artikel 130 o erhält folgende Fassung:

„*Artikel 130 o*

Der Rat legt auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses mit qualifizierter Mehrheit die in Artikel 130 n vorgesehenen Bestimmungen fest.

Der Rat legt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses die in den Artikeln 130 j, 130 k und 130 l vorgesehenen Bestimmungen fest. Für die Verabschiedung der Zusatzprogramme ist die Zustimmung der daran beteiligten Mitgliedstaaten erforderlich.“

34. Artikel 130 r Absatz 2 erhält folgende Fassung:

„(2) Die Umweltpolitik der Gemeinschaft zielt unter Berücksichtigung der unterschiedlichen Gegebenheiten in den einzelnen Regionen der Gemeinschaft auf ein hohes Schutzniveau ab. Sie beruht auf den Grundsätzen der Vorsorge und Vorbeugung, auf dem Grundsatz, Umweltbeeinträchtigungen mit Vorrang an ihrem Ursprung zu bekämpfen, sowie auf dem Verursacherprinzip.“

Im Hinblick hierauf umfassen die den Erfordernissen des Umweltschutzes entsprechenden Harmonisierungsmaßnahmen gegebenenfalls eine Schutzklausel, mit der die Mitgliedstaaten ermächtigt werden, aus nicht wirtschaftlich bedingten umweltpolitischen Gründen vorläufige Maßnahmen zu treffen, die einem gemeinschaftlichen Kontrollverfahren unterliegen.“

35. Artikel 130 s wird wie folgt geändert:

a) Absatz 1 erhält folgende Fassung:

„(1) Der Rat beschließt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen über das Tätigwerden der Gemeinschaft zur Erreichung der in Artikel 130 r genannten Ziele.“

b) In Absatz 2 erhält der einleitende Teil folgende Fassung:

„(2) Abweichend von dem Beschlußverfahren des Absatzes 1 und unbeschadet des Artikels 100 a erläßt der Rat auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments, des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen einstimmig“

c) Absatz 3 Unterabsatz 1 erhält folgende Fassung:

„(3) Der Rat beschließt gemäß dem Verfahren des Artikels 189 b und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen in anderen Bereichen allgemeine Aktionsprogramme, in denen die vorrangigen Ziele festgelegt werden.“

36. Artikel 130 w Absatz 1 erhält folgende Fassung:

„(1) Unbeschadet der übrigen Bestimmungen dieses Vertrags erläßt der Rat gemäß dem Verfahren des Artikels 189 b die zur Verfolgung der Ziele des Artikels 130 u erforderlichen Maßnahmen. Diese Maßnahmen können die Form von Mehrjahresprogrammen annehmen.“

37. Dem Artikel 137 wird folgender Absatz angefügt:

„Die Anzahl der Mitglieder des Europäischen Parlaments darf 700 nicht überschreiten.“

38. Artikel 138 wird wie folgt geändert:

a) Absatz 3 Unterabsatz 1 erhält folgende Fassung:

„(3) Das Europäische Parlament arbeitet einen Entwurf für allgemeine unmittelbare Wahlen nach einem einheitlichen Verfahren in allen Mitgliedstaaten oder im Einklang mit den allen Mitgliedstaaten gemeinsamen Grundsätzen aus.“

b) Folgender Absatz wird angefügt:

„(4) Das Europäische Parlament legt nach Anhörung der Kommission und mit Zustimmung des Rates, der einstimmig beschließt, die Regelungen und allgemeinen Bedingungen für die Wahrnehmung der Aufgaben seiner Mitglieder fest.“

39. Artikel 151 erhält folgende Fassung:

„*Artikel 151*“

(1) Ein Ausschuß, der sich aus den Ständigen Vertretern der Mitgliedstaaten zusammensetzt, hat die Aufgabe, die Arbeiten des Rates vorzubereiten und die ihm vom Rat übertragenen Aufträge auszuführen. Der Ausschuß kann in Fällen, die in der Geschäftsordnung des Rates festgelegt sind, Verfahrensbeschlüsse fassen.

(2) Der Rat wird von einem Generalsekretariat unterstützt, das einem Generalsekretär und Hohen Vertreter für die Gemeinsame Außen- und Sicherheitspolitik untersteht; diesem steht ein Stellvertretender Generalsekretär zur Seite, der für die organisatorische Leitung des Generalsekretariats verantwortlich ist. Der Generalsekretär und der Stellvertretende Generalsekretär werden vom Rat durch einstimmigen Beschluß ernannt.

Der Rat entscheidet über die Organisation des Generalsekretariats.

(3) Der Rat gibt sich eine Geschäftsordnung.

Der Rat legt zur Anwendung des Artikels 191 a Absatz 3 in seiner Geschäftsordnung die Bedingungen fest, unter denen die Öffentlichkeit Zugang zu Dokumenten des Rates erhält. Für die Zwecke dieses Absatzes bestimmt der Rat die Fälle, in denen davon auszugehen ist, daß er als Gesetzgeber tätig wird, damit in solchen Fällen umfassenderer Zugang zu den Dokumenten gewährt werden kann, gleichzeitig aber die Wirksamkeit des Beschlußfassungsverfahrens gewahrt bleibt. In jedem Fall werden, wenn der Rat als Gesetzgeber tätig wird, die Abstimmungsergebnisse sowie die Erklärungen zur Stimmabgabe und die Protokollerklärungen veröffentlicht.“

40. Artikel 158 Absatz 2 Unterabsätze 1 und 2 erhält folgende Fassung:

„(2) Die Regierungen der Mitgliedstaaten benennen im gegenseitigen Einvernehmen die Persönlichkeit, die sie zum Präsidenten der Kommission zu ernennen beabsichtigen; diese Benennung bedarf der Zustimmung des Europäischen Parlaments.

Die Regierungen der Mitgliedstaaten benennen im Einvernehmen mit dem designierten Präsidenten die übrigen Persönlichkeiten, die sie zu Mitgliedern der Kommission zu ernennen beabsichtigen.“

41. In Artikel 163 wird folgender Absatz als Absatz 1 eingefügt:

„Die Kommission übt ihre Tätigkeit unter der politischen Führung ihres Präsidenten aus.“

42. Artikel 173 Absatz 3 erhält folgende Fassung:

„Der Gerichtshof ist unter den gleichen Voraussetzungen zuständig für Klagen des Europäischen Parlaments, des Rechnungshofs und der EZB, die auf die Wahrung ihrer Rechte abzielen.“

43. Artikel 188 c wird wie folgt geändert:

a) Absatz 1 Unterabsatz 2 erhält folgende Fassung:

„Der Rechnungshof legt dem Europäischen Parlament und dem Rat eine Erklärung über die Zuverlässigkeit der Rechnungsführung sowie die Rechtmäßigkeit und Ordnungsmäßigkeit der zugrundeliegenden Vorgänge vor, die im *Amtsblatt der Europäischen Gemeinschaften* veröffentlicht wird.“

b) Absatz 2 Unterabsatz 1 erhält folgende Fassung:

„(2) Der Rechnungshof prüft die Rechtmäßigkeit und Ordnungsmäßigkeit der Einnahmen und Ausgaben und überzeugt sich von der Wirtschaftlichkeit der Haushaltsführung. Dabei berichtet er insbesondere über alle Fälle von Unregelmäßigkeiten.“

c) Absatz 3 erhält folgende Fassung:

„(3) Die Prüfung wird anhand der Rechnungsunterlagen und erforderlichenfalls an Ort und Stelle bei den anderen Organen der Gemeinschaft, in den Räumlichkeiten der Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, sowie der natürlichen und juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und in den Mitgliedstaaten durchgeführt. Die Prüfung in den Mitgliedstaaten erfolgt in Verbindung mit den einzelstaatlichen Rechnungsprüfungsorganen oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, mit den zuständigen einzelstaatlichen Dienststellen. Der Rechnungshof und die einzelstaatlichen Rechnungsprüfungsorgane arbeiten unter Wahrung ihrer Unabhängigkeit vertrauensvoll zusammen. Diese Organe oder Dienststellen teilen dem Rechnungshof mit, ob sie an der Prüfung teilzunehmen beabsichtigen.

Die anderen Organe der Gemeinschaft, die Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, die natürlichen oder juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und die einzelstaatlichen Rechnungs-

prüfungsorgane oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, die zuständigen einzelstaatlichen Dienststellen übermitteln dem Rechnungshof auf dessen Antrag die für die Erfüllung seiner Aufgabe erforderlichen Unterlagen oder Informationen.

Die Rechte des Rechnungshofs auf Zugang zu Informationen der Europäischen Investitionsbank im Zusammenhang mit deren Tätigkeit bei der Verwaltung von Einnahmen und Ausgaben der Gemeinschaft werden in einer Vereinbarung zwischen dem Rechnungshof, der Bank und der Kommission geregelt. Der Rechnungshof hat auch dann Recht auf Zugang zu den Informationen, die für die Prüfung der von der Bank verwalteten Einnahmen und Ausgaben der Gemeinschaft erforderlich sind, wenn eine entsprechende Vereinbarung nicht besteht.“

44. Artikel 189 b erhält folgende Fassung:

„Artikel 189 b

(1) Wird in diesem Vertrag hinsichtlich der Annahme eines Rechtsakts auf diesen Artikel Bezug genommen, so gilt das nachstehende Verfahren.

(2) Die Kommission unterbreitet dem Europäischen Parlament und dem Rat einen Vorschlag.

Nach Stellungnahme des Europäischen Parlaments verfährt der Rat mit qualifizierter Mehrheit wie folgt:

- Billigt er alle in der Stellungnahme des Europäischen Parlaments enthaltenen Abänderungen, so kann er den vorgeschlagenen Rechtsakt in der abgeänderten Fassung erlassen;
- schlägt das Europäische Parlament keine Abänderungen vor, so kann er den vorgeschlagenen Rechtsakt erlassen;
- anderenfalls legt er einen gemeinsamen Standpunkt fest und übermittelt ihn dem Europäischen Parlament. Der Rat unterrichtet das Europäische Parlament in allen Einzelheiten über die Gründe, aus denen er seinen gemeinsamen Standpunkt festgelegt hat. Die Kommission unterrichtet das Europäische Parlament in allen Einzelheiten über ihren Standpunkt.

Hat das Europäische Parlament binnen drei Monaten nach der Übermittlung

- a) den gemeinsamen Standpunkt gebilligt oder keinen Beschluß gefaßt, so gilt der betreffende Rechtsakt als entsprechend diesem gemeinsamen Standpunkt erlassen;
- b) den gemeinsamen Standpunkt mit der absoluten Mehrheit seiner Mitglieder abgelehnt, so gilt der vorgeschlagene Rechtsakt als nicht erlassen;
- c) mit der absoluten Mehrheit seiner Mitglieder Abänderungen an dem gemeinsamen Standpunkt vorgeschlagen, so wird die abgeänderte Fassung dem Rat und der Kommission zugeleitet; die Kommission gibt eine Stellungnahme zu diesen Abänderungen ab.

(3) Billigt der Rat mit qualifizierter Mehrheit binnen drei Monaten nach Eingang der Abänderungen des Europäischen Parlaments alle diese Abänderungen, so gilt der betreffende Rechtsakt als in der so abgeänderten Fassung des gemeinsamen Standpunkts erlas-

sen; über Abänderungen, zu denen die Kommission eine ablehnende Stellungnahme abgegeben hat, beschließt der Rat jedoch einstimmig. Billigt der Rat nicht alle Abänderungen, so beruft der Präsident des Rates im Einvernehmen mit dem Präsidenten des Europäischen Parlaments binnen sechs Wochen den Vermittlungsausschuß ein.

(4) Der Vermittlungsausschuß, der aus den Mitgliedern des Rates oder deren Vertretern und ebenso vielen Vertretern des Europäischen Parlaments besteht, hat die Aufgabe, mit der qualifizierten Mehrheit der Mitglieder des Rates oder deren Vertretern und der Mehrheit der Vertreter des Europäischen Parlaments eine Einigung über einen gemeinsamen Entwurf zu erzielen. Die Kommission nimmt an den Arbeiten des Vermittlungsausschusses teil und ergreift alle erforderlichen Initiativen, um auf eine Annäherung der Standpunkte des Europäischen Parlaments und des Rates hinzuwirken. Der Vermittlungsausschuß befaßt sich hierbei mit dem gemeinsamen Standpunkt auf der Grundlage der vom Europäischen Parlament vorgeschlagenen Abänderungen.

(5) Billigt der Vermittlungsausschuß binnen sechs Wochen nach seiner Einberufung einen gemeinsamen Entwurf, so verfügen das Europäische Parlament und der Rat ab dieser Billigung über eine Frist von sechs Wochen, um den betreffenden Rechtsakt entsprechend dem gemeinsamen Entwurf zu erlassen, wobei im Europäischen Parlament die absolute Mehrheit der abgegebenen Stimmen und im Rat die qualifizierte Mehrheit erforderlich ist. Nimmt eines der beiden Organe den vorgeschlagenen Rechtsakt nicht innerhalb dieser Frist an, so gilt er als nicht erlassen.

(6) Billigt der Vermittlungsausschuß keinen gemeinsamen Entwurf, so gilt der vorgeschlagene Rechtsakt als nicht erlassen.

(7) Die in diesem Artikel genannten Fristen von drei Monaten bzw. sechs Wochen werden auf Initiative des Europäischen Parlaments oder des Rates um höchstens einen Monat bzw. zwei Wochen verlängert.“

45. Folgender Artikel wird eingefügt:

„Artikel 191 a

(1) Jeder Unionsbürger sowie jede natürliche oder juristische Person mit Wohnsitz oder Sitz in einem Mitgliedstaat hat das Recht auf Zugang zu Dokumenten des Europäischen Parlaments, des Rates und der Kommission vorbehaltlich der Grundsätze und Bedingungen, die nach den Absätzen 2 und 3 festzulegen sind.

(2) Die allgemeinen Grundsätze und die aufgrund öffentlicher oder privater Interessen geltenden Einschränkungen für die Ausübung dieses Rechts auf Zugang zu Dokumenten werden vom Rat binnen zwei Jahren nach Inkrafttreten des Vertrags von Amsterdam gemäß dem Verfahren des Artikels 189 b festgelegt.

(3) Jedes der vorgenannten Organe legt in seiner Geschäftsordnung Sonderbestimmungen hinsichtlich des Zugangs zu seinen Dokumenten fest.“

46. Dem Artikel 198 wird folgender Absatz angefügt:

„Der Ausschuß kann vom Europäischen Parlament gehört werden.“

47. Artikel 198 a Absatz 3 erhält folgende Fassung:

„Die Mitglieder des Ausschusses sowie eine gleiche Anzahl von Stellvertretern werden vom Rat auf Vorschlag der jeweiligen Mitgliedstaaten durch einstimmigen Beschluß auf vier Jahre ernannt. Wiederernennung ist zulässig. Ein Mitglied des Ausschusses darf nicht gleichzeitig Mitglied des Europäischen Parlaments sein.“

48. Artikel 198 b Absatz 2 erhält folgende Fassung:

„Er gibt sich eine Geschäftsordnung.“

49. Artikel 198 c wird wie folgt geändert:

a) Absatz 1 erhält folgende Fassung:

„Der Ausschuß der Regionen wird vom Rat oder von der Kommission in den in diesem Vertrag vorgesehenen Fällen und in allen anderen Fällen gehört, in denen eines dieser beiden Organe dies für zweckmäßig erachtet, insbesondere in Fällen, welche die grenzüberschreitende Zusammenarbeit betreffen.“

b) Nach Absatz 3 wird folgender Absatz eingefügt:

„Der Ausschuß der Regionen kann vom Europäischen Parlament gehört werden.“

50. Artikel 205 Absatz 1 erhält folgende Fassung:

„Die Kommission führt den Haushaltsplan gemäß der nach Artikel 209 festgelegten Haushaltsordnung in eigener Verantwortung und im Rahmen der zugewiesenen Mittel entsprechend dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung aus. Die Mitgliedstaaten arbeiten mit der Kommission zusammen, um sicherzustellen, daß die Mittel nach dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung verwendet werden.“

51. Artikel 206 Absatz 1 erhält folgende Fassung:

„(1) Auf Empfehlung des Rates, der mit qualifizierter Mehrheit beschließt, erteilt das Europäische Parlament der Kommission Entlastung zur Ausführung des Haushaltsplans. Zu diesem Zweck prüft es nach dem Rat die in Artikel 205 a genannte Rechnung und Übersicht sowie den Jahresbericht des Rechnungshofs zusammen mit den Antworten der kontrollierten Organe auf dessen Bemerkungen, die in Artikel 188 c Absatz 1 Unterabsatz 2 genannte Zuverlässigkeitserklärung und die einschlägigen Sonderberichte des Rechnungshofs.“

52. Artikel 209 a erhält folgende Fassung:

„Artikel 209 a

(1) Die Gemeinschaft und die Mitgliedstaaten bekämpfen Betrugereien und sonstige gegen die finanziellen Interessen der Gemeinschaft gerichtete rechtswidrige Handlungen mit Maßnahmen nach diesem Artikel, die abschreckend sind und in den Mitgliedstaaten einen effektiven Schutz bewirken.

(2) Zur Bekämpfung von Betrugereien, die sich gegen die finanziellen Interessen der Gemeinschaft richten, ergreifen die Mitgliedstaaten die gleichen Maßnahmen, die sie auch zur Bekämpfung von Betrugereien ergreifen, die sich gegen ihre eigenen finanziellen Interessen richten.

(3) Die Mitgliedstaaten koordinieren unbeschadet der sonstigen Vertragsbestimmungen ihre Tätigkeit zum Schutz der finanziellen Interessen der Gemeinschaft vor Betrugereien. Sie sorgen zu diesem Zweck zusammen mit der Kommission für eine enge, regelmäßige Zusammenarbeit zwischen den zuständigen Behörden.

(4) Zur Gewährleistung eines effektiven und gleichwertigen Schutzes in den Mitgliedstaaten beschließt der Rat gemäß dem Verfahren des Artikels 189 b nach Anhörung des Rechnungshofs die erforderlichen Maßnahmen zur Verhütung und Bekämpfung von Betrugereien, die sich gegen die finanziellen Interessen der Gemeinschaft richten. Die Anwendung des Strafrechts der Mitgliedstaaten und ihre Strafrechtspflege bleiben von diesen Maßnahmen unberührt.

(5) Die Kommission legt in Zusammenarbeit mit den Mitgliedstaaten dem Europäischen Parlament und dem Rat jährlich einen Bericht über die Maßnahmen vor, die zur Durchführung dieses Artikels getroffen wurden.“

53. Folgender Artikel wird eingefügt:

„Artikel 213 a

(1) Unbeschadet des Artikels 5 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank beschließt der Rat gemäß dem Verfahren des Artikels 189 b Maßnahmen für die Erstellung von Statistiken, wenn dies für die Durchführung der Tätigkeiten der Gemeinschaft erforderlich ist.

(2) Die Erstellung der Gemeinschaftsstatistiken erfolgt unter Wahrung der Unparteilichkeit, der Zuverlässigkeit, der Objektivität, der wissenschaftlichen Unabhängigkeit, der Kostenwirksamkeit und der statistischen Geheimhaltung; der Wirtschaft dürfen dadurch keine übermäßigen Belastungen entstehen.“

54. Folgender Artikel wird eingefügt:

„Artikel 213 b

(1) Ab 1. Januar 1999 finden die Rechtsakte der Gemeinschaft über den Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten und dem freien Verkehr solcher Daten auf die durch diesen Vertrag oder auf der Grundlage dieses Vertrags errichteten Organe und Einrichtungen der Gemeinschaft Anwendung.

(2) Vor dem in Absatz 1 genannten Zeitpunkt beschließt der Rat gemäß dem Verfahren des Artikels 189 b die Errichtung einer unabhängigen Kontrollinstanz, die für die Überwachung der Anwendung solcher Rechtsakte der Gemeinschaft auf die Organe und Einrichtungen der Gemeinschaft verantwortlich ist, und erläßt erforderlichenfalls andere einschlägige Bestimmungen.“

55. Artikel 227 Absatz 2 erhält folgende Fassung:

„(2) Dieser Vertrag gilt für die französischen überseeischen Departements, die Azoren, Madeira und die Kanarischen Inseln.

Unter Berücksichtigung der strukturbedingten sozialen und wirtschaftlichen Lage der französischen überseeischen Departements, der Azoren, Madeiras und der Kanarischen Inseln, die durch die Faktoren Abgelegenheit, Insellage, geringe Größe, schwierige Relief- und Klimabedingungen und wirtschaftliche Abhängigkeit von einigen wenigen Erzeugnissen erschwert wird, die als ständige Gegebenheiten und durch ihr Zusammenwirken die Entwicklung schwer beeinträchtigen, beschließt der Rat jedoch auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments mit qualifizierter Mehrheit spezifische Maßnahmen, die insbesondere darauf abzielen, die Bedingungen für die Anwendung dieses Vertrags auf die genannten Gebiete, einschließlich gemeinsamer Politiken, festzulegen.

Bei Beschlüssen über die in Unterabsatz 2 genannten entsprechenden Maßnahmen berücksichtigt der Rat Bereiche wie Zoll- und Handelspolitik, Steuerpolitik, Freizonen, Agrar- und Fischereipolitik, die Bedingungen für die Versorgung mit Rohstoffen und grundlegenden Verbrauchsgütern, staatliche Beihilfen sowie die Bedingungen für den Zugang zu den Strukturfonds und zu den horizontalen Gemeinschaftsprogrammen.

Der Rat beschließt die in Unterabsatz 2 genannten Maßnahmen unter Berücksichtigung der besonderen Merkmale und Zwänge der Gebiete in äußerster Randlage, ohne dabei die Integrität und Kohärenz der gemeinschaftlichen Rechtsordnung, die auch den Binnenmarkt und die gemeinsamen Politiken umfaßt, auszuhöhlen.“

56. Artikel 228 wird wie folgt geändert:

a) Absatz 1 Unterabsatz 2 erhält folgende Fassung:

„Bei der Ausübung der ihm in diesem Absatz übertragenen Zuständigkeiten beschließt der Rat mit qualifizierter Mehrheit, außer in den Fällen des Absatzes 2 Unterabsatz 1, in denen er einstimmig beschließt.“

b) Absatz 2 erhält folgende Fassung:

„(2) Vorbehaltlich der Zuständigkeiten, welche die Kommission auf diesem Gebiet besitzt, werden die Unterzeichnung, mit der ein Beschluß über die vorläufige Anwendung vor dem Inkrafttreten einhergehen kann, sowie der Abschluß der Abkommen vom Rat mit qualifizierter Mehrheit auf Vorschlag der Kommission beschlossen. Der Rat beschließt einstimmig, wenn das Abkommen einen Bereich betrifft, in dem für die Annahme interner Vorschriften Einstimmigkeit vorgesehen ist, sowie im Fall der in Artikel 238 genannten Abkommen.

Abweichend von Absatz 3 gelten diese Verfahren auch für Beschlüsse zur Aussetzung der Anwendung eines Abkommens oder zur Festlegung von Standpunkten, die im Namen der Gemeinschaft in einem durch ein Abkommen nach Artikel 238 eingesetzten Gremium zu vertreten sind, sobald dieses Gremium rechtswirksame Beschlüsse — mit Ausnahme von Beschlüssen zur Ergänzung oder Änderung des institutionellen Rahmens des betreffenden Abkommens — zu fassen hat.

Das Europäische Parlament wird über alle nach diesem Absatz gefaßten Beschlüsse über die vorläufige Anwendung oder die Aussetzung eines Abkommens oder Festlegung des Standpunkts, den die Gemeinschaft in einem durch ein Abkommen nach Artikel 238 eingesetzten Gremium vertritt, unverzüglich und umfassend unterrichtet.“

57. Folgender Artikel wird eingefügt:

„Artikel 236

(1) Wurde die Aussetzung der Stimmrechte des Vertreters der Regierung eines Mitgliedstaats nach Artikel F.1 Absatz 2 des Vertrags über die Europäische Union beschlossen, so gilt die Aussetzung dieser Stimmrechte auch in bezug auf diesen Vertrag.

(2) Darüber hinaus kann der Rat, wenn nach Artikel F.1 Absatz 1 des Vertrags über die Europäische Union eine schwerwiegende und anhaltende Verletzung von in Artikel F Absatz 1 jenes Vertrags genannten Grundsätzen festgestellt worden ist, mit qualifizierter Mehrheit beschließen, bestimmte Rechte auszusetzen, die sich aus der Anwendung dieses Vertrags auf den betroffenen Mitgliedstaat herleiten. Dabei berücksichtigt er die möglichen Auswirkungen einer solchen Aussetzung auf die Rechte und Pflichten natürlicher und juristischer Personen.

Die sich aus diesem Vertrag ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall weiterhin verbindlich.

(3) Der Rat kann zu einem späteren Zeitpunkt mit qualifizierter Mehrheit beschließen, nach Absatz 2 getroffene Maßnahmen abzuändern oder aufzuheben, wenn in der Lage, die zur Verhängung dieser Maßnahmen geführt hat, Änderungen eingetreten sind.

(4) Bei Beschlüssen nach den Absätzen 2 und 3 handelt der Rat ohne Berücksichtigung der Stimmen des Vertreters der Regierung des betroffenen Mitgliedstaats. Abweichend von Artikel 148 Absatz 2 gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der betreffenden Mitglieder des Rates, der in Artikel 148 Absatz 2 festgelegt ist.

Dieser Absatz gilt auch, wenn Stimmrechte nach Absatz 1 ausgesetzt werden. In solchen Fällen wird ein Beschluß, der Einstimmigkeit erfordert, ohne die Stimme des Vertreters der Regierung des betroffenen Mitgliedstaats angenommen.“

58. Das Protokoll über die Sozialpolitik und das diesem beigefügte Abkommen über die Sozialpolitik werden aufgehoben.

59. Das Protokoll betreffend den Wirtschafts- und Sozialausschuß und den Ausschuß der Regionen wird aufgehoben.

Artikel 3

Der Vertrag über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl wird nach Maßgabe dieses Artikels geändert.

1. Artikel 10 Absatz 2 Unterabsätze 1 und 2 erhält folgende Fassung:

„(2) Die Regierungen der Mitgliedstaaten benennen im gegenseitigen Einvernehmen die Persönlichkeit, die sie zum Präsidenten der Kommission zu ernennen beabsichtigen; diese Benennung bedarf der Zustimmung des Europäischen Parlaments.

Die Regierungen der Mitgliedstaaten benennen im Einvernehmen mit dem designierten Präsidenten die übrigen Persönlichkeiten, die sie zu Mitgliedern der Kommission zu ernennen beabsichtigen.“

2. In Artikel 13 wird folgender Absatz als Absatz 1 eingefügt:

„Die Kommission übt ihre Tätigkeit unter der politischen Führung ihres Präsidenten aus.“

3. Dem Artikel 20 wird folgender Absatz angefügt:

„Die Anzahl der Mitglieder des Europäischen Parlaments darf 700 nicht überschreiten.“

4. Artikel 21 wird wie folgt geändert:

a) Absatz 3 Unterabsatz 1 erhält folgende Fassung:

„(3) Das Europäische Parlament arbeitet einen Entwurf für allgemeine unmittelbare Wahlen nach einem einheitlichen Verfahren in allen Mitgliedstaaten oder im Einklang mit den allen Mitgliedstaaten gemeinsamen Grundsätzen aus.“

b) Folgender Absatz wird angefügt:

„(4) Das Europäische Parlament legt nach Anhörung der Kommission und nach Zustimmung des Rates, der einstimmig beschließt, die Regelungen und allgemeinen Bedingungen für die Ausübung der Aufgaben seiner Mitglieder fest.“

5. Artikel 30 erhält folgende Fassung:

„Artikel 30

(1) Ein Ausschuß, der sich aus den Ständigen Vertretern der Mitgliedstaaten zusammensetzt, hat die Aufgabe, die Arbeiten des Rates vorzubereiten und die ihm vom Rat übertragenen Aufträge auszuführen. Der Ausschuß kann in Fällen, die in der Geschäftsordnung des Rates festgelegt sind, Verfahrensbeschlüsse fassen.

(2) Der Rat wird von einem Generalsekretariat unterstützt, das einem Generalsekretär und Hohen Vertreter für die Gemeinsame Außen- und Sicherheitspolitik untersteht; diesem steht ein Stellvertretender Generalsekretär zur Seite, der für die organisatorische Leitung des Generalsekretariats verantwortlich ist. Der Generalsekretär und der Stellvertretende Generalsekretär werden vom Rat durch einstimmigen Beschluß ernannt.

Der Rat entscheidet über die Organisation des Generalsekretariats.

(3) Der Rat gibt sich eine Geschäftsordnung.“

6. Artikel 33 Absatz 4 erhält folgende Fassung:

„Der Gerichtshof ist unter den gleichen Voraussetzungen zuständig für Klagen des Europäischen Parlaments und des Rechnungshofs, die auf die Wahrung ihrer Rechte abzielen.“

7. Artikel 45 c wird wie folgt geändert:

a) Absatz 1 Unterabsatz 2 erhält folgende Fassung:

„Der Rechnungshof legt dem Europäischen Parlament und dem Rat eine Erklärung über die Zuverlässigkeit der Rechnungsführung sowie die Rechtmäßigkeit und Ordnungsmäßigkeit der zugrundeliegenden Vorgänge vor, die im *Amtsblatt der Europäischen Gemeinschaften* veröffentlicht wird.“

b) Absatz 2 Unterabsatz 1 erhält folgende Fassung:

„(2) Der Rechnungshof prüft die Rechtmäßigkeit und Ordnungsmäßigkeit der Einnahmen und Ausgaben und überzeugt sich von der Wirtschaftlichkeit der Haushaltsführung. Dabei berichtet er insbesondere über alle Fälle von Unregelmäßigkeiten.“

c) Absatz 3 erhält folgende Fassung:

„(3) Die Prüfung wird anhand der Rechnungsunterlagen und erforderlichenfalls an Ort und Stelle bei den anderen Organen der Gemeinschaft, in den Räumlichkeiten der Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, sowie der natürlichen und juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und in den Mitgliedstaaten durchgeführt. Die Prüfung in den Mitgliedstaaten erfolgt in Verbindung mit den einzelstaatlichen Rechnungsprüfungsorganen oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, mit den zuständigen einzelstaatlichen Dienststellen. Der Rechnungshof und die einzelstaatlichen Rechnungsprüfungsorgane arbeiten unter Wahrung ihrer Unabhängigkeit vertrauensvoll zusammen. Diese Organe oder Dienststellen teilen dem Rechnungshof mit, ob sie an der Prüfung teilzunehmen beabsichtigen.“

Die anderen Organe der Gemeinschaft, die Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, die natürlichen oder juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und die einzelstaatlichen Rechnungsprüfungsorgane oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, die zuständigen einzelstaatlichen Dienststellen übermitteln dem Rechnungshof auf dessen Antrag die für die Erfüllung seiner Aufgabe erforderlichen Unterlagen oder Informationen.

Die Rechte des Rechnungshofs auf Zugang zu Informationen der Europäischen Investitionsbank im Zusammenhang mit deren Tätigkeit bei der Verwaltung von Einnahmen und Ausgaben der Gemeinschaft werden in einer Vereinbarung zwischen dem Rechnungshof, der Bank und der Kommission geregelt. Der Rechnungshof hat auch dann Recht auf Zugang zu den Informationen, die für die Prüfung der von der Bank verwalteten Einnahmen und Ausgaben der Gemeinschaft erforderlich sind, wenn eine entsprechende Vereinbarung nicht besteht.“

8. Artikel 78 c Absatz 1 erhält folgende Fassung:

„Die Kommission führt den Haushaltsplan gemäß der nach Artikel 78 h festgelegten Haushaltsordnung in eigener Verantwortung und im Rahmen der zugewiesenen Mittel entsprechend dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung aus. Die Mitgliedstaaten arbeiten mit der Kommission zusammen, um sicherzustellen, daß die Mittel nach dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung verwendet werden.“

9. Artikel 78 g Absatz 1 erhält folgende Fassung:

„(1) Auf Empfehlung des Rates, der mit qualifizierter Mehrheit beschließt, erteilt das Europäische Parlament der Kommission Entlastung zur Ausführung des Haushaltsplans. Zu diesem Zweck prüft es nach dem Rat die in Artikel 78 d genannte Rechnung und Übersicht sowie den Jahresbericht des Rechnungshofs zusammen mit den Antworten der kontrollierten Organe auf dessen Bemerkungen, die in Artikel 45 c § 1 Unterabsatz 2 genannte Zuverlässigkeitserklärung und die einschlägigen Sonderberichte des Rechnungshofs.“

10. Folgender Artikel wird eingefügt:

„Artikel 96

(1) Wurde die Aussetzung der Stimmrechte des Vertreters der Regierung eines Mitgliedstaats nach Artikel F.1 Absatz 2 des Vertrags über die Europäische Union beschlossen, so gilt die Aussetzung dieser Stimmrechte auch in bezug auf diesen Vertrag.

(2) Darüber hinaus kann der Rat, wenn nach Artikel F.1 Absatz 1 des Vertrags über die Europäische Union eine schwerwiegende und anhaltende Verletzung von in Artikel F Absatz 1 jenes Vertrags genannten Grundsätzen festgestellt worden ist, mit qualifizierter Mehrheit beschließen, bestimmte Rechte auszusetzen, die sich aus der Anwendung dieses Vertrags auf den betroffenen Mitgliedstaat herleiten. Dabei berücksichtigt er die möglichen Auswirkungen einer solchen Aussetzung auf die Rechte und Pflichten natürlicher und juristischer Personen.

Die sich aus diesem Vertrag ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall weiterhin verbindlich.

(3) Der Rat kann später mit qualifizierter Mehrheit beschließen, nach Absatz 2 getroffene Maßnahmen abzuändern oder aufzuheben, wenn in der Lage, die zur Verhängung dieser Maßnahmen geführt hat, Änderungen eingetreten sind.

(4) Bei Beschlüssen nach den Absätzen 2 und 3 handelt der Rat ohne Berücksichtigung der Stimmen des Vertreters der Regierung des betroffenen Mitgliedstaats. Abweichend von Artikel 28 Absatz 4 gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der betreffenden Mitglieder des Rates, der in Artikel 28 Absatz 4 festgelegt ist.

Dieser Absatz gilt auch, wenn Stimmrechte nach Absatz 1 ausgesetzt werden. In solchen Fällen wird ein Beschluß, der Einstimmigkeit erfordert, ohne die Stimme des Vertreters der Regierung des betroffenen Mitgliedstaats angenommen.“

Artikel 4

Der Vertrag zur Gründung der Europäischen Atomgemeinschaft wird nach Maßgabe dieses Artikels geändert.

1. Dem Artikel 107 wird folgender Absatz angefügt:

„Die Anzahl der Mitglieder des Europäischen Parlaments darf 700 nicht überschreiten.“

2. Artikel 108 wird wie folgt geändert:

a) Absatz 3 Unterabsatz 1 erhält folgende Fassung:

„(3) Das Europäische Parlament arbeitet einen Entwurf für allgemeine unmittelbare Wahlen nach einem einheitlichen Verfahren in allen Mitgliedstaaten oder im Einklang mit den allen Mitgliedstaaten gemeinsamen Grundsätzen aus.“

b) Folgender Absatz wird angefügt:

„(4) Das Europäische Parlament legt nach Anhörung der Kommission und nach Zustimmung des Rates, der einstimmig beschließt, die Regelungen und allgemeinen Bedingungen für die Ausübung der Aufgaben seiner Mitglieder fest.“

3. Artikel 121 erhält folgende Fassung:

„Artikel 121

(1) Ein Ausschuß, der sich aus den Ständigen Vertretern der Mitgliedstaaten zusammensetzt, hat die Aufgabe, die Arbeiten des Rates vorzubereiten und die ihm vom Rat übertragenen Aufträge auszuführen. Der Ausschuß kann in Fällen, die in der Geschäftsordnung des Rates festgelegt sind, Verfahrensbeschlüsse fassen.

(2) Der Rat wird von einem Generalsekretariat unterstützt, das einem Generalsekretär und Hohen Vertreter für die Gemeinsame Außen- und Sicherheitspolitik untersteht; diesem steht ein Stellvertretender Generalsekretär zur Seite, der für die organisatorische Leitung des Generalsekretariats verantwortlich ist. Der Generalsekretär und der Stellvertretende Generalsekretär werden vom Rat durch einstimmigen Beschluß ernannt.

Der Rat entscheidet über die Organisation des Generalsekretariats.

(3) Der Rat gibt sich eine Geschäftsordnung.“

4. Artikel 127 Absatz 2 Unterabsätze 1 und 2 erhält folgende Fassung:

„(2) Die Regierungen der Mitgliedstaaten benennen im gegenseitigen Einvernehmen die Persönlichkeit, die sie zum Präsidenten der Kommission zu ernennen beabsichtigen; diese Benennung bedarf der Zustimmung des Europäischen Parlaments.

Die Regierungen der Mitgliedstaaten benennen im Einvernehmen mit dem designierten Präsidenten die übrigen Persönlichkeiten, die sie zu Mitgliedern der Kommission zu ernennen beabsichtigen.“

5. In Artikel 132 wird folgender Absatz als Absatz 1 eingefügt:

„Die Kommission übt ihre Tätigkeit unter der politischen Führung ihres Präsidenten aus.“

6. Artikel 146 Absatz 3 erhält folgende Fassung:

„Der Gerichtshof ist unter den gleichen Voraussetzungen zuständig für Klagen des Europäischen Parlaments und des Rechnungshofs, die auf die Wahrung ihrer Rechte abzielen.“

7. Artikel 160 c wird wie folgt geändert:

a) Absatz 1 Unterabsatz 2 erhält folgende Fassung:

„Der Rechnungshof legt dem Europäischen Parlament und dem Rat eine Erklärung über die Zuverlässigkeit der Rechnungsführung sowie die Rechtmäßigkeit und Ordnungsmäßigkeit der zugrundeliegenden Vorgänge vor, die im *Amtsblatt der Europäischen Gemeinschaften* veröffentlicht wird.“

b) Absatz 2 Unterabsatz 1 erhält folgende Fassung:

„(2) Der Rechnungshof prüft die Rechtmäßigkeit und Ordnungsmäßigkeit der Einnahmen und Ausgaben und überzeugt sich von der Wirtschaftlichkeit der Haushaltsführung. Dabei berichtet er insbesondere über alle Fälle von Unregelmäßigkeiten.“

c) Absatz 3 erhält folgende Fassung:

„(3) Die Prüfung wird anhand der Rechnungsunterlagen und erforderlichenfalls an Ort und Stelle bei den anderen Organen der Gemeinschaft, in den Räumlichkeiten der Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, sowie der natürlichen und juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und in den Mitgliedstaaten durchgeführt. Die Prüfung in den Mitgliedstaaten erfolgt in Verbindung mit den einzelstaatlichen Rechnungsprüfungsorganen oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, mit den zuständigen einzelstaatlichen Dienststellen. Der Rechnungshof und die einzelstaatlichen Rechnungsprüfungsorgane arbeiten unter Wahrung ihrer Unabhängigkeit vertrauensvoll zusammen. Diese Organe oder Dienststellen teilen dem Rechnungshof mit, ob sie an der Prüfung teilzunehmen beabsichtigen.“

Die anderen Organe der Gemeinschaft, die Einrichtungen, die Einnahmen oder Ausgaben für Rechnung der Gemeinschaft verwalten, die natürlichen oder juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und die einzelstaatlichen Rechnungsprüfungsorgane oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, die zuständigen einzelstaatlichen Dienststellen übermitteln dem Rechnungshof auf dessen Antrag die für die Erfüllung seiner Aufgabe erforderlichen Unterlagen oder Informationen.

Die Rechte des Rechnungshofs auf Zugang zu Informationen der Europäischen Investitionsbank im Zusammenhang mit deren Tätigkeit bei der Verwaltung von Einnahmen und Ausgaben der Gemeinschaft werden in einer Vereinbarung zwischen dem Rechnungshof, der Bank und der Kommission geregelt. Der Rechnungshof hat auch dann Recht auf Zugang zu den Informationen, die für die Prüfung der von der Bank verwalteten Einnahmen und Ausgaben der Gemeinschaft erforderlich sind, wenn eine entsprechende Vereinbarung nicht besteht.“

8. Dem Artikel 170 wird folgender Absatz angefügt:

„Der Ausschuß kann vom Europäischen Parlament gehört werden.“

9. Artikel 179 Absatz 1 erhält folgende Fassung:

„Die Kommission führt den Haushaltsplan gemäß der nach Artikel 183 festgelegten Haushaltsordnung in eigener Verantwortung und im Rahmen der zugewiesenen Mittel entsprechend dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung aus. Die Mitgliedstaaten arbeiten mit der Kommission zusammen, um sicherzustellen, daß die Mittel nach dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung verwendet werden.“

10. Artikel 180 b Absatz 1 erhält folgende Fassung:

„(1) Auf Empfehlung des Rates, der mit qualifizierter Mehrheit beschließt, erteilt das Europäische Parlament der Kommission Entlastung zur Ausführung des Haushaltsplans. Zu diesem Zweck prüft es nach dem Rat die in Artikel 179 a genannte Rechnung und Übersicht sowie den Jahresbericht des Rechnungshofs zusammen mit den Antworten der kontrollierten Organe auf dessen Bemerkungen, die in Artikel 160 c Absatz 1 Unterabsatz 2 genannte Zuverlässigkeitserklärung und die einschlägigen Sonderberichte des Rechnungshofs.“

11. Folgender Artikel wird eingefügt:

„Artikel 204

(1) Wurde die Aussetzung der Stimmrechte des Vertreters der Regierung eines Mitgliedstaats nach Artikel F.1 Absatz 2 des Vertrags über die Europäische Union beschlossen, so gilt die Aussetzung dieser Stimmrechte auch in Bezug auf diesen Vertrag.

(2) Darüber hinaus kann der Rat, wenn nach Artikel F.1 Absatz 1 des Vertrags über die Europäische Union eine schwerwiegende und anhaltende Verletzung von in Artikel F Absatz 1 jenes Vertrags genannten Grundsätzen festgestellt worden ist, mit qualifizierter Mehrheit beschließen, bestimmte Rechte auszusetzen, die sich aus der Anwendung dieses Vertrags auf den betroffenen Mitgliedstaat herleiten. Dabei berücksichtigt er die möglichen Auswirkungen einer solchen Aussetzung auf die Rechte und Pflichten natürlicher und juristischer Personen.

Die sich aus diesem Vertrag ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall weiterhin verbindlich.

(3) Der Rat kann später mit qualifizierter Mehrheit beschließen, nach Absatz 2 getroffene Maßnahmen abzuändern oder aufzuheben, wenn in der Lage, die zur Verhängung dieser Maßnahmen geführt hat, Änderungen eingetreten sind.

(4) Bei Beschlüssen nach den Absätzen 2 und 3 handelt der Rat ohne Berücksichtigung der Stimmen des Vertreters der Regierung des betroffenen Mitgliedstaats. Abweichend von Artikel 118 Absatz 2 gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der betreffenden Mitglieder des Rates, der in Artikel 118 Absatz 2 festgelegt ist.

Dieser Absatz gilt auch, wenn Stimmrechte nach Absatz 1 ausgesetzt werden. In solchen Fällen wird ein Beschluß, der Einstimmigkeit erfordert, ohne die Stimme des Vertreters der Regierung des betroffenen Mitgliedstaats angenommen.“

Artikel 5

Der Akt zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments im Anhang zum Beschluß des Rates vom 20. September 1976 wird nach Maßgabe dieses Artikels geändert.

1. Dem Artikel 2 wird folgender Absatz angefügt:

„Wird dieser Artikel geändert, so muß durch die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten eine angemessene Vertretung der Völker der in der Gemeinschaft zusammengeschlossenen Staaten gewährleistet sein.“

2. In Artikel 6 Absatz 1 wird nach dem fünften Gedankenstrich folgender Gedankenstrich eingefügt:

„— Mitglied des Ausschusses der Regionen;“

3. Artikel 7 Absatz 2 erhält folgende Fassung:

„(2) Bis zum Inkrafttreten eines einheitlichen Wahlverfahrens oder eines auf gemeinsamen Grundsätzen beruhenden Verfahrens und vorbehaltlich der sonstigen Vorschriften dieses Akts bestimmt sich das Wahlverfahren in jedem Mitgliedstaat nach den innerstaatlichen Vorschriften.“

4. Artikel 11 erhält folgende Fassung:

„*Artikel 11*

Bis zum Inkrafttreten des in Artikel 7 vorgesehenen einheitlichen Wahlverfahrens oder des auf gemeinsamen Grundsätzen beruhenden Verfahrens prüft das Europäische Parlament die Mandate der Abgeordneten. Zu diesem Zweck nimmt das Europäische Parlament die von den Mitgliedstaaten amtlich bekanntgegebenen Wahlergebnisse zur Kenntnis und befindet über die Anfechtungen, die gegebenenfalls aufgrund der Vorschriften dieses Akts — mit Ausnahme der innerstaatlichen Vorschriften, auf die darin verwiesen wird — vorgebracht werden könnten.“

5. Artikel 12 Absatz 1 erhält folgende Fassung:

„(1) Bis zum Inkrafttreten des in Artikel 7 vorgesehenen einheitlichen Wahlverfahrens oder des auf gemeinsamen Grundsätzen beruhenden Verfahrens und vorbehaltlich der sonstigen Vorschriften dieses Akts legt jeder Mitgliedstaat für den Fall des Freiwerdens eines Sitzes während der in Artikel 3 genannten fünfjährigen Wahlperiode die geeigneten Verfahren fest, um diesen Sitz für den verbleibenden Zeitraum zu besetzen.“

ZWEITER TEIL

VEREINFACHUNG

Artikel 6

Der Vertrag zur Gründung der Europäischen Gemeinschaft einschließlich seiner Anhänge und Protokolle wird entsprechend den Bestimmungen dieses Artikels mit dem Ziel geändert, hinfällig gewordene Bestimmungen des Vertrags zu streichen und einige seiner Bestimmungen entsprechend anzupassen.

I. VERTRAGSBESTIMMUNGEN

1. In Artikel 3 Buchstabe a werden die Worte „die Abschaffung der Zölle“ ersetzt durch „das Verbot von Zöllen“.
2. Artikel 7 wird aufgehoben.
3. Artikel 7 a wird wie folgt geändert:
 - a) Die Absätze 1 und 2 werden mit „(1)“ und „(2)“ numeriert.
 - b) Im neu nummerierten Absatz 1 werden die Bezugnahmen auf Artikel 7 b, Artikel 70 Absatz 1 sowie auf Artikel 100 b gestrichen; die Bezugnahmen lauten danach wie folgt:

„gemäß dem vorliegenden Artikel, den Artikeln 7 c und 28, Artikel 57 Absatz 2 und den Artikeln 59, 84, 99 und 100 a“.
 - c) Es wird ein Absatz 3 mit dem Wortlaut des Artikels 7 b Absatz 2 angefügt; dieser Absatz lautet wie folgt:

„(3) Der Rat legt mit qualifizierter Mehrheit auf Vorschlag der Kommission die Leitlinien und Bedingungen fest, die erforderlich sind, um in allen betroffenen Sektoren einen ausgewogenen Fortschritt zu gewährleisten.“
4. Artikel 7 b wird aufgehoben.
5. Artikel 8 b wird wie folgt geändert:
 - a) In Absatz 1 werden die Worte „vor dem 31. Dezember 1994“ gestrichen und die Worte „festzulegen sind“ ersetzt durch „festgelegt werden“.
 - b) In Absatz 2 Satz 1 wird die Bezugnahme auf „Artikel 138 Absatz 3“ ersetzt durch „Artikel 138 Absatz 4“.
 - c) In Absatz 2 Satz 2 werden die Worte „vor dem 31. Dezember 1993“ gestrichen und die Worte „festzulegen sind“ ersetzt durch „festgelegt werden“.
6. In Artikel 8 c Satz 2 werden die Worte „vor dem 31. Dezember 1993“ gestrichen.
7. In Artikel 8 e Absatz 1 werden die Worte „vor dem 31. Dezember 1993 und sodann“ gestrichen.

8. In Artikel 9 Absatz 2 werden die Worte „Kapitel I Abschnitt 1 und Kapitel 2“ ersetzt durch „Artikel 12 und Kapitel 2“.
9. In Artikel 10 wird Absatz 2 gestrichen und in Absatz 1 entfällt die Numerierung.
10. Artikel 11 wird aufgehoben.
11. In Kapitel 1, „Die Zollunion“, wird die Überschrift „Abschnitt 1 — Die Abschaffung der Zölle zwischen den Mitgliedstaaten“ gestrichen.
12. Artikel 12 erhält folgende Fassung:
„Artikel 12
Ein- und Ausfuhrzölle oder Abgaben gleicher Wirkung sind zwischen den Mitgliedstaaten verboten. Dieses Verbot gilt auch für Finanzaufschläge.“
13. Die Artikel 13 bis 17 werden aufgehoben.
14. Die Überschrift „Abschnitt 2 — Die Aufstellung des Gemeinsamen Zollltarifs“ wird gestrichen.
15. Die Artikel 18 bis 27 werden aufgehoben.
16. Artikel 28 erhält folgende Fassung:
„Artikel 28
Der Rat legt die Sätze des Gemeinsamen Zollltarifs mit qualifizierter Mehrheit auf Vorschlag der Kommission fest.“
17. Im Einleitungsteil des Artikels 29 werden die Worte „aufgrund dieses Abschnitts“ ersetzt durch „aufgrund dieses Kapitels“.
18. Im Titel des Kapitels 2 werden die Worte „Beseitigung der mengenmäßigen Beschränkungen“ ersetzt durch „Verbot von mengenmäßigen Beschränkungen“.
19. In Artikel 30 werden die Worte „unbeschadet der nachfolgenden Bestimmungen“ gestrichen.
20. Die Artikel 31, 32 und 33 werden aufgehoben.
21. Artikel 34 Absatz 2 wird gestrichen und in Absatz 1 entfällt die Numerierung.
22. Artikel 35 wird aufgehoben.
23. In Artikel 36 werden die Worte „Die Bestimmungen der Artikel 30 bis 34“ ersetzt durch „Die Bestimmungen der Artikel 30 und 34“.

24. Artikel 37 wird wie folgt geändert:

- a) In Absatz 1 Unterabsatz 1 werden die Worte „schrittweise“ und „am Ende der Übergangszeit“ gestrichen.
- b) In Absatz 2 werden die Worte „die Abschaffung der Zölle“ ersetzt durch „das Verbot von Zöllen“.
- c) Die Absätze 3, 5 und 6 werden gestrichen und Absatz 4 wird Absatz 3.
- d) In dem jetzigen Absatz 3 wird der Satzteil „hierbei sind die im Zeitablauf möglichen Anpassungen und erforderlichen Spezialisierungen zu berücksichtigen.“ gestrichen und das Semikolon vor diesem Satzteil wird durch einen Punkt ersetzt.

25. Artikel 38 wird wie folgt geändert:

- a) In Absatz 3 Satz 1 wird die Bezugnahme auf „Anhang II“ ersetzt durch „Anhang I“ und wird Satz 2, der mit „Binnen zwei Jahren . . .“ beginnt, gestrichen.
- b) In Absatz 4 werden die Worte „der Mitgliedstaaten“ gestrichen.

26. Artikel 40 wird wie folgt geändert:

- a) Absatz 1 wird gestrichen und die Absätze 2, 3 und 4 werden die Absätze 1, 2 und 3.
- b) (Betrifft nicht den deutschen Wortlaut)
- c) In dem jetzigen Absatz 2 wird die Bezugnahme auf „Absatz 2“ ersetzt durch „Absatz 1“.
- d) In dem jetzigen Absatz 3 wird die Bezugnahme auf „Absatz 2“ ersetzt durch „Absatz 1“.

27. Artikel 43 wird wie folgt geändert:

- a) In Absatz 2 Unterabsatz 3 werden die Worte „während der beiden ersten Stufen einstimmig und danach“ gestrichen.
- b) In den Absätzen 2 und 3 wird die Bezugnahme auf „Artikel 40 Absatz 2“ ersetzt durch „Artikel 40 Absatz 1“.

28. Die Artikel 44 und 45 sowie Artikel 47 werden aufgehoben.

29. Artikel 48 Absatz 1 erhält folgende Fassung:

„(1) Innerhalb der Gemeinschaft ist die Freizügigkeit der Arbeitnehmer gewährleistet.“

30. Artikel 49 wird wie folgt geändert:

- a) Im Eingangsteil werden die Worte „Unmittelbar nach Inkrafttreten dieses Vertrags trifft der Rat“ ersetzt durch „Der Rat trifft“, und das Wort „fortschreitend“ wird gestrichen.
- b) In den Buchstaben b und c werden jeweils die Worte „planmäßig fortschreitende“ gestrichen.

31. Artikel 52 Absatz 1 wird wie folgt geändert:

- a) In Satz 1 werden die Worte „werden während der Übergangszeit nach Maßgabe der folgenden Bestimmungen schrittweise aufgehoben“ ersetzt durch „sind nach Maßgabe der folgenden Bestimmungen verboten“.
- b) (Betrifft nicht die deutsche Fassung)

32. Artikel 53 wird aufgehoben.

33. Artikel 54 wird wie folgt geändert:

- a) Absatz 1 wird gestrichen und die Absätze 2 und 3 werden die Absätze 1 und 2.
- b) In dem jetzigen Absatz 1 werden die Worte „zur Verwirklichung des allgemeinen Programms oder — falls ein solches nicht besteht — zur Durchführung einer Stufe der Niederlassungsfreiheit“ ersetzt durch „zur Verwirklichung der Niederlassungsfreiheit“.

34. In Artikel 59 Absatz 1 werden die Worte „werden während der Übergangszeit nach Maßgabe der folgenden Bestimmungen schrittweise aufgehoben“ ersetzt durch „sind nach Maßgabe der folgenden Bestimmungen verboten“.

35. In Artikel 61 Absatz 2 werden die Worte „mit der schrittweisen Liberalisierung des Kapitalverkehrs“ ersetzt durch „mit der Liberalisierung des Kapitalverkehrs“.

36. Artikel 62 wird aufgehoben.

37. Artikel 63 wird wie folgt geändert:

- a) Absatz 1 wird gestrichen und die Absätze 2 und 3 werden die Absätze 1 und 2.
- b) In dem jetzigen Absatz 1 werden die Worte „Der Rat erläßt bis zum Ende der ersten Stufe einstimmig und danach mit qualifizierter Mehrheit“ ersetzt durch „Der Rat erläßt mit qualifizierter Mehrheit“; die Worte „Richtlinien zur Verwirklichung des allgemeinen Programms oder — falls ein solches nicht besteht — zur Durchführung einer Liberalisierungsstufe für eine bestimmte Dienstleistung“ werden ersetzt durch „Richtlinien zur Liberalisierung einer bestimmten Dienstleistung“.
- c) In dem jetzigen Absatz 2 werden die Worte „Bei den in den Absätzen 1 und 2 genannten Vorschlägen und Entscheidungen“ ersetzt durch „Bei den in Absatz 1 genannten Richtlinien“.

38. In Artikel 64 Absatz 1 wird die Bezugnahme auf „Artikel 63 Absatz 2“ ersetzt durch „Artikel 63 Absatz 1“.

39. Die Artikel 67 bis 73 a, Artikel 73 e sowie Artikel 73 h werden aufgehoben.

40. Artikel 75 Absatz 2 wird gestrichen, und Absatz 3 wird Absatz 2.

41. In Artikel 76 werden die Worte „bei Inkrafttreten dieses Vertrags“ ersetzt durch „am 1. Januar 1958 oder, im Falle später beigetretener Staaten, zum Zeitpunkt ihres Beitritts“.

42. Artikel 79 wird wie folgt geändert:

- a) In Absatz 1 werden die Worte „spätestens vor dem Ende der zweiten Stufe“ gestrichen.
- b) In Absatz 3 werden die Worte „Binnen zwei Jahren nach Inkrafttreten dieses Vertrags trifft der Rat“ ersetzt durch „Der Rat trifft“.

43. In Artikel 80 Absatz 1 werden die Worte „Mit Beginn der zweiten Stufe sind im Verkehr innerhalb der Gemeinschaft die von einem Mitgliedstaat“ ersetzt durch „Im Verkehr innerhalb der Gemeinschaft sind die von einem Mitgliedstaat“.

44. In Artikel 83 werden die Worte „die Befugnisse der fachlichen Gruppe Verkehr des Wirtschafts- und Sozialausschusses“ ersetzt durch „die Befugnisse des Wirtschafts- und Sozialausschusses“.

45. In Artikel 84 Absatz 2 Unterabsatz 2 werden die Worte „Verfahrensvorschriften des Artikels 75 Absätze 1 und 3“ ersetzt durch „Verfahrensvorschriften des Artikels 75“.

46. In Artikel 87 werden die beiden Unterabsätze des Absatzes 1 zu einem einzigen Absatz zusammengefaßt; dieser neue Absatz hat folgende Fassung:

„(1) Die zweckdienlichen Verordnungen oder Richtlinien zur Verwirklichung der in den Artikeln 85 und 86 niedergelegten Grundsätze werden vom Rat mit qualifizierter Mehrheit auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments beschlossen.“

47. In Artikel 89 Absatz 1 werden die Worte „, sobald sie ihre Tätigkeit aufgenommen hat,“ gestrichen.

48. Nach Artikel 90 wird die Überschrift „Abschnitt 2 — Dumping“ gestrichen.

49. Artikel 91 wird aufgehoben.

50. Vor Artikel 92 wird die Überschrift „Abschnitt 3“ ersetzt durch „Abschnitt 2“.

51. In Artikel 92 Absatz 3 Buchstabe c wird der mit „Beihilfen für den Schiffbau“ beginnende und mit „schrittweise abgebaut“ endende Satz 2 gestrichen; der verbleibende Text des Buchstabens c endet mit einem Semikolon.

52. Artikel 95 Absatz 3 wird gestrichen.

53. Die Artikel 97 und 100 b werden aufgehoben.

54. In Artikel 101 Absatz 2 werden die Worte „so erläßt der Rat während der ersten Stufe einstimmig und danach mit qualifizierter Mehrheit“ ersetzt durch „so erläßt der Rat mit qualifizierter Mehrheit“.

55. In Artikel 109 e Absatz 2 Buchstabe a erster Gedankenstrich werden die Worte „— unbeschadet des Artikels 73 e —“ gestrichen.

56. Artikel 109 f wird wie folgt geändert:

- a) In Absatz 1 Unterabsatz 2 werden die Worte „auf Empfehlung des Ausschusses der Präsidenten der Zentralbanken der Mitgliedstaaten (im folgenden als ‚Ausschuß der Präsidenten der Zentralbanken‘ bezeichnet) bzw. des Rates des EWI“ ersetzt durch „auf Empfehlung des Rates des EWI“.
- b) In Absatz 1 wird Unterabsatz 4 mit dem Wortlaut „Der Ausschuß der Präsidenten der Zentralbanken wird mit Beginn der zweiten Stufe aufgelöst.“ gestrichen.
- c) In Absatz 8 wird Unterabsatz 2 mit dem Wortlaut „In den Fällen, in denen dieser Vertrag eine beratende Funktion für das EWI vorsieht, ist vor dem 1. Januar 1994 unter diesem der Ausschuß der Präsidenten der Zentralbanken zu verstehen.“ gestrichen.

57. Artikel 112 wird wie folgt geändert:

- a) In Absatz 1 Unterabsatz 1 werden die Worte „vor dem Ende der Übergangszeit“ gestrichen.
- b) In Absatz 1 Unterabsatz 2 werden die Worte „erläßt der Rat die hierzu erforderlichen Richtlinien, und zwar bis zum Ende der zweiten Stufe einstimmig, danach mit qualifizierter Mehrheit.“ ersetzt durch „erläßt der Rat die hierzu erforderlichen Richtlinien mit qualifizierter Mehrheit.“.

58. In Artikel 129 c Absatz 1 Unterabsatz 1 dritter Gedankenstrich werden die Worte „über den Kohäsionsfonds, der nach Artikel 130 d bis zum 31. Dezember 1993 zu errichten ist,“ ersetzt durch „über den nach Artikel 130 d errichteten Kohäsionsfonds“.

59. In Artikel 130 d Absatz 2 werden die Worte „Der Rat errichtet nach demselben Verfahren vor dem 31. Dezember 1993 einen Kohäsionsfonds, durch den zu Vorhaben ... finanziell beigetragen wird.“ ersetzt durch „Ein vom Rat nach demselben Verfahren errichteter Kohäsionsfonds trägt zu Vorhaben ... finanziell bei.“.

60. In Artikel 130 s Absatz 5 zweiter Gedankenstrich werden die Worte „aus dem Kohäsionsfonds, der nach Artikel 130 d bis zum 31. Dezember 1993 zu errichten ist.“ ersetzt durch „aus dem nach Artikel 130 d errichteten Kohäsionsfonds.“.

61. In Artikel 130 w Absatz 3 werden die Worte „des AKP—EWG-Abkommens“ ersetzt durch „des AKP—EG-Abkommens“.

62. In Artikel 131 Absatz 1 werden die Worte „Belgien“ und „Italien“ gestrichen, und die Bezugnahme auf „Anhang IV“ wird ersetzt durch „Anhang II“.

63. Artikel 133 wird wie folgt geändert:

- a) In Absatz 1 werden die Worte „Die Zölle bei der Einfuhr von Waren aus den Ländern und Hoheitsgebieten in die Mitgliedstaaten werden vollständig abgeschafft;“ ersetzt durch „Zölle bei der Einfuhr von Waren aus den Ländern und Hoheitsgebieten in die Mitgliedstaaten sind verboten;“, und die Worte „nach Maßgabe der in diesem Vertrag vorgesehenen schrittweisen Abschaffung der Zölle“ werden durch „nach Maßgabe des in diesem Vertrag vorgesehenen Verbots von Zöllen“ ersetzt.

- b) In Absatz 2 werden die Worte „In jedem Land und Hoheitsgebiet werden die Zölle ... nach Maßgabe der Artikel 12, 13, 14, 15 und 17 schrittweise abgeschafft.“ ersetzt durch „In jedem Land und Hoheitsgebiet sind Zölle ... nach Maßgabe des Artikels 12 verboten.“.
- c) In Absatz 3 Unterabsatz 2 werden die Worte „Die in Unterabsatz 1 genannten Zölle werden schrittweise auf den Stand der Sätze gesenkt, die“ ersetzt durch „Die in Unterabsatz 1 genannten Zölle dürfen nicht höher sein als diejenigen, die“, und der mit den Worten „Hinsichtlich dieser Herabsetzung“ beginnende Satz 2 wird gestrichen.
- d) In Absatz 4 werden die Worte „bei Inkrafttreten dieses Vertrags“ gestrichen.

64. Artikel 136 erhält folgende Fassung:

„Artikel 136

Der Rat legt aufgrund der im Rahmen der Assoziierung der Länder und Hoheitsgebiete an die Gemeinschaft erzielten Ergebnisse und der Grundsätze dieses Vertrags die Bestimmungen über die Einzelheiten und das Verfahren für die Assoziierung der Länder und Hoheitsgebiete an die Gemeinschaft einstimmig fest.“

65. Artikel 138 wird zur Einbeziehung des Artikels 1, des Artikels 2 in der Fassung des Artikels 5 des vorliegenden Vertrags sowie des Artikels 3 Absatz 1 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments im Anhang des Beschlusses des Rates vom 20. September 1976 wie folgt geändert, wobei Anhang II jenes Akts weiterhin anwendbar bleibt:

- a) An der Stelle der nach Artikel 14 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments außer Kraft getretenen Absätze 1 und 2 wird der Wortlaut der Artikel 1 und 2 jenes Akts als Absätze 1 und 2 eingefügt; diese neuen Absätze 1 und 2 haben folgende Fassung:

„(1) Die Abgeordneten der Völker der in der Gemeinschaft vereinigten Staaten im Europäischen Parlament werden in allgemeiner unmittelbarer Wahl gewählt.

(2) Die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten wird wie folgt festgesetzt:

Belgien	25
Dänemark	16
Deutschland	99
Griechenland	25
Spanien	64
Frankreich	87
Irland	15
Italien	87
Luxemburg	6
Niederlande	31
Österreich	21
Portugal	25
Finnland	16
Schweden	22
Vereinigtes Königreich	87.

Wird dieser Absatz geändert, so muß durch die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten eine angemessene Vertretung der Völker der in der Gemeinschaft zusammengeschlossenen Staaten gewährleistet sein.“

- b) Nach den neuen Absätzen 1 und 2 wird der Wortlaut des Artikels 3 Absatz 1 des genannten Akts als Absatz 3 eingefügt; dieser neue Absatz 3 hat folgende Fassung:

„(3) Die Abgeordneten werden auf fünf Jahre gewählt.“

- c) Der bisherige Absatz 3 in der Fassung des Artikels 2 des vorliegenden Vertrags wird Absatz 4.

- d) Der durch Artikel 2 des vorliegenden Vertrags angefügte Absatz 4 wird Absatz 5.

66. Artikel 158 Absatz 3 wird gestrichen.

67. In Artikel 166 Absatz 1 werden die Worte „Für die Zeit vom Beitritt bis“ ersetzt durch „Für die Zeit vom 1. Januar 1995 bis“.

68. In Artikel 188 b Absatz 3 wird der mit „Vier Mitglieder des Rechnungshofes“ beginnende Unterabsatz 2 gestrichen.

69. In Artikel 197 wird der mit „Er enthält insbesondere“ beginnende Absatz 2 gestrichen.

70. In Artikel 207 werden die Absätze 2, 3, 4 und 5 gestrichen.

71. An der Stelle des Artikels 212 wird der Wortlaut des Artikels 24 Absatz 1 Unterabsatz 2 des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften eingefügt; dieser neue Artikel 212 hat folgende Fassung:

„Artikel 212

Der Rat erläßt auf Vorschlag der Kommission und nach Anhörung der anderen beteiligten Organe mit qualifizierter Mehrheit das Statut der Beamten der Europäischen Gemeinschaften und die Beschäftigungsbedingungen für die sonstigen Bediensteten dieser Gemeinschaften.“

72. An der Stelle des Artikels 218 wird der angepaßte Wortlaut des Artikels 28 Absatz 1 des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften eingefügt; dieser neue Artikel 218 hat folgende Fassung:

„Artikel 218

Die Gemeinschaft genießt im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen nach Maßgabe des Protokolls vom 8. April 1965 über die Vorrechte und Befreiungen der Europäischen Gemeinschaften. Dasselbe gilt für die Europäische Zentralbank, das Europäische Währungsinstitut und die Europäische Investitionsbank.“

73. In Artikel 221 werden die Worte „binnen drei Jahren nach seinem Inkrafttreten“ gestrichen.

74. In Artikel 223 werden die Absätze 2 und 3 zusammengefaßt und erhalten folgende Fassung:

„(2) Der Rat kann die von ihm am 15. April 1958 festgelegte Liste der Waren, auf die Absatz 1 Buchstabe b Anwendung findet, einstimmig auf Vorschlag der Kommission ändern.“

75. Artikel 226 wird aufgehoben.

76. Artikel 227 wird wie folgt geändert:

a) In Absatz 3 wird die Bezugnahme auf „Anhang IV“ ersetzt durch „Anhang II“.

b) Nach Absatz 4 wird folgender neuer Absatz eingefügt:

„(5) Dieser Vertrag findet entsprechend den Bestimmungen des Protokolls Nr. 2 zur Akte über die Bedingungen des Beitritts der Republik Österreich, der Republik Finnland und des Königreichs Schweden auf die Ålandinseln Anwendung.“

c) Der bisherige Absatz 5 wird Absatz 6 und der Wortlaut des Eingangssatzes „Abweichend von den Absätzen 1 bis 4 gilt:“ wird ersetzt durch „Abweichend von den vorstehenden Absätzen gilt:“. Buchstabe d betreffend die Ålandinseln wird gestrichen.

77. In Artikel 229 Absatz 1 werden die Worte „zu den Organen der Vereinten Nationen, ihrer Fachorganisationen und des Allgemeinen Zoll- und Handelsabkommens“ ersetzt durch „zu den Organen der Vereinten Nationen und ihrer Fachorganisationen“.

78. In Artikel 234 Absatz 1 werden die Worte „vor Inkrafttreten dieses Vertrags“ ersetzt durch „vor dem 1. Januar 1958 oder, im Falle später beigetretener Staaten, vor dem Zeitpunkt ihres Beitritts“.

79. Vor Artikel 241 wird die Überschrift „Einsetzung der Organe“ gestrichen.

80. Die Artikel 241 bis 246 werden aufgehoben.

81. In Artikel 248 wird folgender neuer Absatz angefügt:

„Nach den Beitrittsverträgen ist der Wortlaut dieses Vertrags auch in dänischer, englischer, finnischer, griechischer, irischer, portugiesischer, schwedischer und spanischer Sprache verbindlich.“

II. ANHÄNGE

1. Anhang I „Listen A bis G zu den Artikeln 19 und 20 dieses Vertrags“ wird gestrichen.

2. Anhang II „Liste zu Artikel 38 dieses Vertrags“ wird Anhang I und die Bezugnahme auf „Anhang II des Vertrags“ in den Positionen ex 22.08 und ex 22.09 wird ersetzt durch „Anhang I des Vertrags“.

3. Anhang III „Liste der unsichtbaren Transaktionen zu Artikel 73 h dieses Vertrags“ wird gestrichen.

4. Anhang IV „Überseeische Länder und Hoheitsgebiete, auf welche der Vierte Teil des Vertrags Anwendung findet“ wird Anhang II. Er wird auf den neuesten Stand gebracht und erhält folgende Fassung:

„ANHANG II

ÜBERSEEISCHE LÄNDER UND HOHEITSGEBIETE

auf welche der Vierte Teil des Vertrags Anwendung findet

- | | |
|---|--|
| — Grönland, | — Anguilla, |
| — Neukaledonien und Nebengebiete, | — Kaimaninseln, |
| — Französisch-Polynesien, | — Falklandinseln, |
| — Französische Süd- und Antarktisgebiete, | — Südgeorgien und südliche Sandwichinseln, |
| — Wallis und Futuna, | — Montserrat, |
| — Mayotte, | — Pitcairn, |
| — St. Pierre und Miquelon, | — St. Helena und Nebengebiete, |
| — Aruba, | — Britisches Antarktis-Territorium, |
| — Niederländische Antillen: | — Britisches Territorium im Indischen Ozean, |
| — Bonaire, | — Turks- und Caicosinseln, |
| — Curaçao, | — Britische Jungferninseln, |
| — Saba, | — Bermuda.“ |
| — Sint Eustatius, | |
| — Sint Maarten, | |

III. PROTOKOLLE UND SONSTIGE RECHTSAKTE

1. Die folgenden Protokolle und Rechtsakte werden aufgehoben:
 - a) Protokoll zur Änderung des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften;
 - b) Protokoll über den innerdeutschen Handel und die damit zusammenhängenden Fragen;
 - c) Protokoll über bestimmte Vorschriften betreffend Frankreich;
 - d) Protokoll betreffend das Großherzogtum Luxemburg;
 - e) Protokoll über die Regelung für die Waren, die unter die Zuständigkeit der Europäischen Gemeinschaft für Kohle und Stahl fallen, hinsichtlich Algeriens und der überseeischen Departements der Französischen Republik;
 - f) Protokoll über die Mineralöle und einige Mineralölerzeugnisse;

- g) Protokoll über die Anwendung des Vertrags zur Gründung der Europäischen Gemeinschaft auf die außereuropäischen Teile des Königreichs der Niederlande;
 - h) Durchführungsabkommen über die Assoziierung der überseeischen Länder und Hoheitsgebiete mit der Gemeinschaft;
 - Protokoll über das Zollkontingent für die Einfuhr von Bananen (ex 08.01 der Brüsseler Nomenklatur);
 - Protokoll über das Zollkontingent für die Einfuhr von ungebranntem Kaffee (ex 09.01 der Brüsseler Nomenklatur).
2. Am Ende des Protokolls über die Satzung der Europäischen Investitionsbank wird die Liste der Unterzeichner gestrichen.
 3. Das Protokoll über die Satzung des Gerichtshofs der Europäischen Gemeinschaft wird wie folgt geändert:
 - a) Die Worte „HABEN zu diesem Zweck zu ihren Bevollmächtigten ERNANNT:“ sowie die Liste der Staatschefs und ihrer Bevollmächtigten werden gestrichen.
 - b) Die Worte „DIESE SIND nach Austausch ihrer in guter und gehöriger Form befundenen Vollmachten“ werden gestrichen und der nachfolgende Absatz beginnt wie folgt: „SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die“.
 - c) In Artikel 3 wird der angepaßte Wortlaut des Artikels 21 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften als Absatz 4 angefügt; dieser neue Absatz 4 hat folgende Fassung:

„Die Artikel 12 bis 15 und 18 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften finden auf die Richter, die Generalanwälte, den Kanzler und die Hilfsberichterstatter des Gerichtshofes Anwendung; die Bestimmungen der Absätze 1 bis 3 betreffend die Befreiung der Richter von der Gerichtsbarkeit bleiben hiervon unberührt.“
 - d) Artikel 57 wird aufgehoben.
 - e) Die Schlußformel „ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.“ wird gestrichen.
 - f) Die Liste der Unterzeichner wird gestrichen.
 4. In Artikel 40 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank werden die Worte „im Anhang zum Vertrag zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften“ gestrichen.
 5. In Artikel 21 des Protokolls über die Satzung des Europäischen Währungsinstituts werden die Worte „im Anhang zum Vertrag zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften“ gestrichen.
 6. Das Protokoll betreffend Italien wird wie folgt geändert:
 - a) Im letzten mit den Worten „ERKENNEN INSBESONDERE AN“ beginnenden Absatz wird die Bezugnahme auf die „Artikel 108 und 109“ ersetzt durch „Artikel 109 h und 109 i“.

- b) Die Liste der Unterzeichner wird gestrichen.
7. Das Protokoll über die Waren aus bestimmten Ursprungs- und Herkunftsländern, für die bei der Einfuhr in einen Mitgliedstaat eine Sonderregelung gilt, wird wie folgt geändert:
- a) Im Eingangsteil der Nummer 1 werden folgende Änderungen vorgenommen:
- Die Worte „bei Inkrafttreten dieses Vertrags“ werden ersetzt durch „am 1. Januar 1958“.
 - Nach den Worten „für die Einfuhr“ wird der Wortlaut des Buchstabens a unmittelbar angefügt; der sich aus dieser Anfügung ergebende Wortlaut hat folgende Fassung:
„für die Einfuhr nach den Benelux-Ländern von Waren, deren Ursprungs- und Herkunftsländer Suriname oder die Niederländischen Antillen sind.“
- b) In Nummer 1 werden die Buchstaben a, b und c gestrichen.
- c) In Nummer 3 werden die Worte „Vor Ende des ersten Jahres nach Inkrafttreten dieses Vertrags teilen die Mitgliedstaaten“ ersetzt durch „Die Mitgliedstaaten teilen“.
- d) Die Liste der Unterzeichner wird gestrichen.
8. Das Protokoll über die Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse in die Europäische Gemeinschaft wird wie folgt geändert:
- a) Die Schlußformel „ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschrift unter dieses Protokoll gesetzt“ wird gestrichen.
- b) Die Liste der Unterzeichner wird gestrichen.
9. Im Protokoll über die Sonderregelung für Grönland wird Artikel 3 aufgehoben.

Artikel 7

Der Vertrag über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl einschließlich seiner Anhänge, Protokolle und sonstigen beigefügten Rechtsakte wird entsprechend den Bestimmungen dieses Artikels mit dem Ziel geändert, hinfällig gewordene Bestimmungen des Vertrags zu streichen und einige seiner Bestimmungen entsprechend anzupassen.

I. VERTRAGSBESTIMMUNGEN

1. In Artikel 2 Absatz 2 werden die Worte „in fortschreitender Entwicklung“ gestrichen.
2. Im Eingangsteil des Artikels 4 werden die Worte „aufgehoben und“ gestrichen.
3. Artikel 7 wird wie folgt geändert:
 - a) Im ersten Gedankenstrich werden die Worte „die HOHE BEHÖRDE, im folgenden als ‚Kommission‘ bezeichnet;“ ersetzt durch „die KOMMISSION;“.

- b) Im zweiten Gedankenstrich werden die Worte „die GEMEINSAME VERSAMMLUNG, im folgenden als ‚Europäisches Parlament‘ bezeichnet;“ ersetzt durch „das EUROPÄISCHE PARLAMENT;“.
- c) Im dritten Gedankenstrich werden die Worte „der BESONDERE MINISTERRAT, im folgenden als ‚Rat‘ bezeichnet;“ ersetzt durch „der RAT;“.

4. Artikel 10 § 3 wird gestrichen.

5. Artikel 16 Absätze 1 und 2 werden gestrichen.

6. Artikel 21 wird zur Einbeziehung des Artikels 1, des Artikels 2 in der Fassung des Artikels 5 des vorliegenden Vertrags sowie des Artikels 3 Absatz 1 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments im Anhang des Beschlusses des Rates vom 20. September 1976 wie folgt geändert, wobei Anhang II jenes Akts weiterhin anwendbar bleibt:

- a) An der Stelle der nach Artikel 14 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments außer Kraft getretenen Absätze 1 und 2 wird der Wortlaut der Artikel 1 und 2 jenes Akts als Absätze 1 und 2 eingefügt; diese neuen Absätze 1 und 2 haben folgende Fassung:

„(1) Die Abgeordneten der Völker der in der Gemeinschaft vereinigten Staaten im Europäischen Parlament werden in allgemeiner unmittelbarer Wahl gewählt.

(2) Die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten wird wie folgt festgesetzt:

Belgien	25
Dänemark	16
Deutschland	99
Griechenland	25
Spanien	64
Frankreich	87
Irland	15
Italien	87
Luxemburg	6
Niederlande	31
Österreich	21
Portugal	25
Finnland	16
Schweden	22
Vereinigtes Königreich	87.

Wird dieser Absatz geändert, so muß durch die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten eine angemessene Vertretung der Völker der in der Gemeinschaft zusammengeschlossenen Staaten gewährleistet sein.“

- b) Nach den neuen Absätzen 1 und 2 wird der Wortlaut des Artikels 3 Absatz 1 des genannten Akts als Absatz 3 eingefügt; dieser neue Absatz 3 hat folgende Fassung:

„(3) Die Abgeordneten werden auf fünf Jahre gewählt.“

- c) Der bisherige Absatz 3 in der Fassung des Artikels 3 des vorliegenden Vertrags wird Absatz 4.

- d) Der durch Artikel 3 des vorliegenden Vertrags hinzugefügte Absatz 4 wird Absatz 5.

7. In Artikel 32 a Absatz 1 werden die Worte „Für die Zeit vom Beitritt“ ersetzt durch „Für die Zeit vom 1. Januar 1995“.

8. In Artikel 45 b § 3 wird der mit „Vier Mitglieder des Rechnungshofs“ beginnende Unterabsatz 2 gestrichen.

9. In Artikel 50 wird der angepaßte Wortlaut des Artikels 20 Absätze 2 und 3 des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften als neue §§ 4 und 5 eingesetzt; diese neuen §§ 4 und 5 haben folgende Fassung:

„§ 4 Der Teil der Ausgaben des Gesamthaushaltsplans der Gemeinschaften, der aus Umlagen nach Artikel 49 aufgebracht wird, ist auf 18 Millionen Rechnungseinheiten festgesetzt.

Die Kommission legt dem Rat alljährlich einen Bericht vor, aufgrund dessen der Rat prüft, ob dieser Betrag der Entwicklung des Gesamthaushaltsplans anzupassen ist. Der Rat beschließt mit der in Artikel 28 Absatz 4 Satz 1 vorgesehenen Mehrheit. Diese Anpassung erfolgt aufgrund einer Beurteilung der sich aus der Anwendung dieses Vertrags ergebenden Entwicklung der Ausgaben.

§ 5 Der zur Deckung der Ausgaben des Haushalts der Gemeinschaften dienende Teil der Umlagen wird von der Kommission für die Ausführung des Haushaltsplans in der Zeitfolge bereitgestellt, die sich aus den nach Artikel 209 Buchstabe b des Vertrags zur Gründung der Europäischen Gemeinschaft und Artikel 183 Buchstabe b des Vertrags zur Gründung der Europäischen Atomgemeinschaft festgelegten Haushaltsordnungen ergibt.“

10. Artikel 52 wird aufgehoben.

11. An der Stelle des Artikels 76 wird der angepaßte Wortlaut des Artikels 28 Absatz 1 des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften eingefügt; dieser neue Artikel 76 hat folgende Fassung:

„Artikel 76

Die Gemeinschaft genießt im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen nach Maßgabe des Protokolls vom 8. April 1965 über die Vorrechte und Befreiungen der Europäischen Gemeinschaften.“

12. Artikel 79 wird wie folgt geändert:

- a) In Absatz 1 Satz 2 wird der mit „bezüglich der Saar“ beginnende Halbsatz gestrichen, und das Semikolon davor wird durch einen Punkt ersetzt.

b) Nach Absatz 1 wird ein Absatz 2 mit folgendem Wortlaut eingefügt:

„Dieser Vertrag findet entsprechend den Bestimmungen des Protokolls Nr. 2 zur Akte über die Bedingungen des Beitritts der Republik Österreich, der Republik Finnland und des Königreichs Schweden auf die Ålandinseln Anwendung.“

c) Im bisherigen Absatz 2 wird der Wortlaut des Eingangssatzes „Abweichend von Absatz 1 gilt:“ ersetzt durch „Abweichend von den vorstehenden Absätzen gilt:“.

d) Im bisherigen Absatz 2 wird Buchstabe d betreffend die Ålandinseln gestrichen.

13. In Artikel 84 werden die Worte „und seiner Anlagen, der Zusatzprotokolle und des Abkommens über die Übergangsbestimmungen“ ersetzt durch „und seiner Anlagen sowie der Zusatzprotokolle“.

14. Artikel 85 wird aufgehoben.

15. In Artikel 93 werden die Worte „Organisation für europäische wirtschaftliche Zusammenarbeit“ ersetzt durch „Organisation für wirtschaftliche Zusammenarbeit und Entwicklung“.

16. In Artikel 95 Absatz 3 werden die Worte „nach Ablauf der in dem Abkommen über die Übergangsbestimmungen vorgesehenen Übergangszeit“ gestrichen.

17. In Artikel 97 wird der Wortlaut „Dieser Vertrag gilt für die Dauer von fünfzig Jahren vom Zeitpunkt seines Inkrafttretens an.“ ersetzt durch „Die Geltungsdauer dieses Vertrags endet am 23. Juli 2002.“.

II. ANLAGE III „Edelstähle“

Am Ende der Anlage III werden die Initialen der Bevollmächtigten der Staats- und Regierungschefs gestrichen.

III. PROTOKOLLE UND ANDERE DEM VERTRAG BEIGEFÜGTE RECHTSAKTE

1. Die folgenden Rechtsakte werden aufgehoben:

a) Briefwechsel zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Französischen Republik über die Saar.

b) Abkommen über die Übergangsbestimmungen.

2. Das Protokoll über die Satzung des Gerichtshofs der Europäischen Gemeinschaft für Kohle und Stahl wird wie folgt geändert:

a) Die Titel I und II des Protokolls werden durch den Wortlaut der Titel I und II des Protokolls über die Satzung des Gerichtshofs der Europäischen Gemeinschaft im Anhang zum Vertrag zur Gründung der Europäischen Gemeinschaft ersetzt.

- b) Artikel 56 wird aufgehoben und die ihm vorangehende Überschrift „Übergangsbestimmungen“ wird gestrichen.
 - c) Die Liste der Unterzeichner wird gestrichen.
3. Das Protokoll über die Beziehungen zum Europarat wird wie folgt geändert:
- a) Artikel 1 wird aufgehoben.
 - b) Die Liste der Unterzeichner wird gestrichen.

Artikel 8

Der Vertrag zur Gründung der Europäischen Atomgemeinschaft einschließlich seiner Anhänge und Protokolle wird entsprechend den Bestimmungen dieses Artikels mit dem Ziel geändert, hinfällig gewordene Bestimmungen des Vertrags zu streichen und einige seiner Bestimmungen entsprechend anzupassen.

I. VERTRAGSBESTIMMUNGEN

1. In Artikel 76 Absatz 2 werden die Worte „Nach Ablauf von sieben Jahren nach Inkrafttreten des Vertrags.“ ersetzt durch „Nach Ablauf von sieben Jahren ab dem 1. Januar 1958.“.
2. Im Eingangsteil des Artikels 93 Absatz 1 werden die Worte „Die Mitgliedstaaten beseitigen untereinander ein Jahr nach Inkrafttreten dieses Vertrags alle Einfuhr- und Ausfuhrzölle“ ersetzt durch „Die Mitgliedstaaten verbieten untereinander alle Ein- und Ausfuhrzölle“.
3. Die Artikel 94 und 95 werden aufgehoben.
4. In Artikel 98 Absatz 2 werden die Worte „innerhalb von zwei Jahren nach Inkrafttreten dieses Vertrags“ gestrichen.
5. Artikel 100 wird aufgehoben.
6. Artikel 104 wird wie folgt geändert:
 - a) In Absatz 1 werden die Worte „nach Inkrafttreten dieses Vertrags“ ersetzt durch „nach dem 1. Januar 1958 oder, im Falle später beigetretener Staaten, nach dem Zeitpunkt ihres Beitritts“.
 - b) In Absatz 2 werden die Worte „nach Inkrafttreten dieses Vertrags in dessen Anwendungsbereich von Personen oder Unternehmen“ ersetzt durch „nach den in Absatz 1 genannten Zeitpunkten im Anwendungsbereich dieses Vertrags von Personen oder Unternehmen“.

7. Artikel 105 wird wie folgt geändert:

- a) In Absatz 1 werden die Worte „die vor Inkrafttreten dieses Vertrags von einem Mitgliedstaat“ ersetzt durch „die vor dem 1. Januar 1958 oder, im Falle später beigetreter Staaten, vor dem Zeitpunkt ihres Beitritts von einem Mitgliedstaat“; am Ende desselben Absatzes werden die Worte „nach Inkrafttreten dieses Vertrags“ ersetzt durch „nach den genannten Zeitpunkten“.
- b) In Absatz 2 werden die Worte „wenn sie nach Unterzeichnung und vor Inkrafttreten des Vertrags“ ersetzt durch „wenn sie zwischen dem 25. März 1957 und dem 1. Januar 1958 oder, im Falle später beigetreter Staaten, zwischen der Unterzeichnung der Beitrittsakte und dem Zeitpunkt ihres Beitritts“.

8. In Artikel 106 Absatz 1 werden die Worte „vor Inkrafttreten dieses Vertrags“ ersetzt durch „vor dem 1. Januar 1958 oder, im Falle später beigetreter Staaten, vor dem Zeitpunkt ihres Beitritts“.

9. Artikel 108 wird zur Einbeziehung des Artikels 1, des Artikels 2 in der Fassung des Artikels 5 des vorliegenden Vertrags sowie des Artikels 3 Absatz 1 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments im Anhang des Beschlusses des Rates vom 20. September 1976 wie folgt geändert, wobei Anhang II jenes Akts weiterhin anwendbar bleibt:

- a) An der Stelle der nach Artikel 14 des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments außer Kraft getretenen Absätze 1 und 2 wird der Wortlaut der Artikel 1 und 2 jenes Akts als Absätze 1 und 2 eingefügt; diese neuen Absätze 1 und 2 haben folgende Fassung:

„(1) Die Abgeordneten der Völker der in der Gemeinschaft vereinigten Staaten im Europäischen Parlament werden in allgemeiner unmittelbarer Wahl gewählt.

(2) Die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten wird wie folgt festgesetzt:

Belgien	25
Dänemark	16
Deutschland	99
Griechenland	25
Spanien	64
Frankreich	87
Irland	15
Italien	87
Luxemburg	6
Niederlande	31
Österreich	21
Portugal	25
Finnland	16
Schweden	22
Vereinigtes Königreich	87.

Wird dieser Absatz geändert, so muß durch die Zahl der in jedem Mitgliedstaat gewählten Abgeordneten eine angemessene Vertretung der Völker der in der Gemeinschaft zusammengeschlossenen Staaten gewährleistet sein.“

- b) Nach den neuen Absätzen 1 und 2 wird der Wortlaut des Artikels 3 Absatz 1 des genannten Akts als Absatz 3 eingefügt; dieser neue Absatz 3 hat folgende Fassung:

„(3) Die Abgeordneten werden auf fünf Jahre gewählt.“

- c) Der bisherige Absatz 3 in der Fassung des Artikels 4 des vorliegenden Vertrags wird Absatz 4.

- d) Der durch Artikel 4 des vorliegenden Vertrags hinzugefügte Absatz 4 wird Absatz 5.

10. Artikel 127 Absatz 3 wird gestrichen.

11. In Artikel 138 Absatz 1 werden die Worte „Für die Zeit vom Beitritt bis zum“ ersetzt durch „Für die Zeit vom 1. Januar 1995 bis zum“.

12. In Artikel 160 b Absatz 3 wird der mit „Vier Mitglieder des Rechnungshofs“ beginnende Unterabsatz 2 gestrichen.

13. Artikel 181 Absätze 2, 3 und 4 werden gestrichen.

14. An der Stelle des Artikels 191 wird der angepaßte Wortlaut des Artikels 28 Absatz 1 des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften eingefügt; dieser neue Artikel 191 hat folgenden Wortlaut:

„Artikel 191

Die Gemeinschaft genießt im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen nach Maßgabe des Protokolls vom 8. April 1965 über die Vorrechte und Befreiungen der Europäischen Gemeinschaften.“

15. Artikel 198 wird wie folgt geändert:

- a) Nach Absatz 2 wird folgender Absatz 3 eingefügt:

„Dieser Vertrag findet entsprechend den Bestimmungen des Protokolls Nr. 2 zur Akte über die Bedingungen des Beitritts der Republik Österreich, der Republik Finnland und des Königreichs Schweden auf die Ålandinseln Anwendung.“

- b) Im bisherigen Absatz 3 wird der Wortlaut des Eingangssatzes „Abweichend von den Absätzen 1 und 2 gilt:“ ersetzt durch „Abweichend von den vorstehenden Absätzen gilt:“. Buchstabe e betreffend die Ålandinseln wird gestrichen.

16. In Artikel 199 Absatz 1 werden die Worte „und des Allgemeinen Zoll- und Handelsabkommens“ ersetzt durch „und der Welthandelsorganisation“.

17. Titel VI „Vorschriften über die Anlaufzeit“ einschließlich des Abschnitts 1 „Einsetzung der Organe“, des Abschnitts 2 „Erste Durchführungsbestimmungen zu diesem Vertrag“ und des Abschnitts 3 „Übergangsbestimmungen“ sowie der Artikel 209 bis 223 wird gestrichen.
18. Dem Artikel 225 wird folgender neuer Absatz angefügt:
 „Nach den Beitrittsverträgen ist der Wortlaut dieses Vertrags auch in dänischer, englischer, finnischer, griechischer, irischer, portugiesischer, schwedischer und spanischer Sprache verbindlich.“.

II. ANHÄNGE

Anhang V „Erstes Forschungs- und Ausbildungsprogramm gemäß Artikel 215 des Vertrags“ sowie die Tabelle „Aufgliederung ...“ werden gestrichen.

III. PROTOKOLLE

1. Das Protokoll über die Anwendung des Vertrags zur Gründung der Europäischen Atomgemeinschaft auf die außereuropäischen Teile des Königreichs der Niederlande wird aufgehoben.
2. Das Protokoll über die Satzung des Gerichtshofs der Europäischen Atomgemeinschaft wird wie folgt geändert:
 - a) Die Worte „HABEN zu diesem Zweck zu ihren Bevollmächtigten ERNANNT:“ sowie die Liste der Staatschefs und ihrer Bevollmächtigten werden gestrichen.
 - b) Die Worte „DIESE SIND nach Austausch ihrer in guter und gehöriger Form befundenen Vollmachten“ werden gestrichen und der nachfolgende Absatz beginnt wie folgt:
 „SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die“.
 - c) In Artikel 3 wird der angepaßte Wortlaut des Artikels 21 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften als Absatz 4 angefügt; dieser neue Absatz 4 hat folgende Fassung:
 „Die Artikel 12 bis 15 und 18 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften finden auf die Richter, die Generalanwälte, den Kanzler und die Hilfsberichterstatter des Gerichtshofes Anwendung; die Bestimmungen der Absätze 1 bis 3 betreffend die Befreiung der Richter von der Gerichtsbarkeit bleiben hiervon unberührt.“
 - d) Artikel 58 wird aufgehoben.
 - e) Die Schlußformel „ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.“ wird gestrichen.
 - f) Die Liste der Unterzeichner wird gestrichen.

Artikel 9

- (1) Unbeschadet der nachfolgenden Absätze, mit denen die wesentlichen Elemente ihrer Bestimmungen beibehalten werden sollen, werden das Abkommen vom 25. März 1957 über gemeinsame Organe für die Europäischen Gemeinschaften und der Vertrag vom 8. April 1965

zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften, jedoch mit Ausnahme des in Absatz 5 genannten Protokolls, aufgehoben.

(2) Die dem Europäischen Parlament, dem Rat, der Kommission, dem Gerichtshof und dem Rechnungshof durch den Vertrag zur Gründung der Europäischen Gemeinschaft, den Vertrag über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und den Vertrag zur Gründung der Europäischen Atomgemeinschaft übertragenen Zuständigkeiten werden durch gemeinsame Organe unter den in den genannten Verträgen sowie in diesem Artikel jeweils vorgesehenen Bedingungen ausgeübt.

Die dem Wirtschafts- und Sozialausschuß durch den Vertrag zur Gründung der Europäischen Gemeinschaft und den Vertrag zur Gründung der Europäischen Atomgemeinschaft übertragenen Aufgaben werden unter den in den genannten Verträgen jeweils vorgesehenen Bedingungen durch einen gemeinsamen Ausschuß ausgeübt. Die Bestimmungen der Artikel 193 und 197 des Vertrags zur Gründung der Europäischen Gemeinschaft finden auf diesen Ausschuß Anwendung.

(3) Die Beamten und sonstigen Bediensteten der Europäischen Gemeinschaften gehören der einzigen Verwaltung dieser Gemeinschaften an; auf sie finden die nach Artikel 212 des Vertrags zur Gründung der Europäischen Gemeinschaft erlassenen Bestimmungen Anwendung.

(4) Die Europäischen Gemeinschaften genießen im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen unter den in dem in Absatz 5 genannten Protokoll festgelegten Bedingungen. Dasselbe gilt für die Europäische Zentralbank, das Europäische Währungsinstitut und die Europäische Investitionsbank.

(5) In das Protokoll vom 8. April 1965 über die Vorrechte und Befreiungen der Europäischen Gemeinschaften wird ein Artikel 23 entsprechend dem Protokoll zur Änderung des genannten Protokolls eingefügt; dieser Artikel hat folgende Fassung:

„Artikel 23

Dieses Protokoll gilt auch für die Europäische Zentralbank, die Mitglieder ihrer Beschlußorgane und ihre Bediensteten; die Bestimmungen des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank bleiben hiervon unberührt.

Die Europäische Zentralbank ist außerdem von allen Steuern und sonstigen Abgaben anlässlich der Erhöhungen ihres Kapitals sowie von den verschiedenen Förmlichkeiten befreit, die hiermit in dem Staat, in dem sie ihren Sitz hat, verbunden sind. Ferner unterliegt die Tätigkeit der Bank und ihrer Beschlußorgane, soweit sie nach Maßgabe der Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank ausgeübt wird, nicht der Umsatzsteuer.

Die vorstehenden Bestimmungen gelten auch für das Europäische Währungsinstitut. Bei seiner Auflösung oder Liquidation werden keine Abgaben erhoben.“

(6) Die Einnahmen und Ausgaben der Europäischen Gemeinschaft, die Verwaltungsausgaben der Europäischen Gemeinschaft für Kohle und Stahl und die betreffenden Einnahmen sowie die Einnahmen und Ausgaben der Europäischen Atomgemeinschaft mit Ausnahme derjenigen der Versorgungsagentur und der gemeinsamen Unternehmen werden unter den in den jeweiligen Verträgen zur Gründung dieser drei Gemeinschaften festgelegten Bedingungen in den Haushaltsplan der Europäischen Gemeinschaften eingesetzt.

(7) Unbeschadet der Anwendung des Artikels 216 des Vertrags zur Gründung der Europäischen Gemeinschaft, des Artikels 77 des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl, des Artikels 189 des Vertrags zur Gründung der Europäischen Atomgemeinschaft und des Artikels 1 Absatz 2 des Protokolls über die Satzung der Europäischen Investitionsbank erlassen die Vertreter der Regierungen der Mitgliedstaaten im gegenseitigen Einvernehmen die Vorschriften, die zur Regelung einiger besonderer Probleme des Großherzogtums Luxemburg erforderlich sind, welche sich aus der Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften ergeben.

Artikel 10

(1) Die in diesem Teil vorgenommenen Aufhebungen und Streichungen hinfällig gewordener Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft, des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft in ihrer vor Inkrafttreten dieses Vertrags von Amsterdam gültigen Fassung und die entsprechende Anpassung einiger ihrer Bestimmungen lassen sowohl die Rechtswirkungen der Bestimmungen jener Verträge, insbesondere die Rechtswirkungen aus den darin enthaltenen Fristen, als auch die Rechtswirkungen der Beitrittsverträge unberührt.

(2) Die Rechtswirkungen der geltenden Rechtsakte, die auf der Grundlage jener Verträge erlassen wurden, bleiben unberührt.

(3) Dasselbe gilt für die Aufhebung des Abkommens vom 25. März 1957 über gemeinsame Organe für die Europäischen Gemeinschaften und für die Aufhebung des Vertrags vom 8. April 1965 zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften.

Artikel 11

Die Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft, des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft betreffend die Zuständigkeit des Gerichtshofs der Europäischen Gemeinschaften und die Ausübung dieser Zuständigkeit gelten für diesen Teil und für das in Artikel 9 Absatz 5 genannte Protokoll über Vorrechte und Befreiungen.

DRITTER TEIL

ALLGEMEINE UND SCHLUSSBESTIMMUNGEN

Artikel 12

(1) Die Artikel, Titel und Abschnitte des Vertrags über die Europäische Union und des Vertrags zur Gründung der Europäischen Gemeinschaft, in der Fassung der Bestimmungen dieses Vertrags, werden entsprechend den Übereinstimmungstabellen im Anhang zu diesem Vertrag umnummeriert; dieser Anhang ist Bestandteil dieses Vertrags.

(2) Die Querverweisungen auf andere Artikel, Titel und Abschnitte im Vertrag über die Europäische Union und im Vertrag zur Gründung der Europäischen Gemeinschaft sowie die Querverweisungen zwischen ihnen werden entsprechend angepaßt. Dasselbe gilt für die Bezugnahmen auf diese Verträge in den anderen Gemeinschaftsverträgen.

(3) Die in anderen Rechtsinstrumenten oder Rechtsakten enthaltenen Verweisungen auf Artikel, Titel und Abschnitte der in Absatz 2 genannten Verträge sind als Verweisungen auf die nach Absatz 1 unnummerierten Artikel, Titel und Abschnitte zu lesen; die Verweisungen auf die Absätze jener Artikel sind als Verweisungen auf die in einigen Bestimmungen des Artikels 6 unnummerierten Absätze zu lesen.

(4) Die in anderen Rechtsinstrumenten oder Rechtsakten enthaltenen Verweisungen auf Absätze der in den Artikeln 7 und 8 bezeichneten Artikel der Verträge sind als Verweisungen auf diese in einigen Bestimmungen der genannten Artikel 7 und 8 unnummerierten Absätze zu lesen.

Artikel 13

Dieser Vertrag gilt auf unbegrenzte Zeit.

Artikel 14

(1) Dieser Vertrag bedarf der Ratifikation durch die Hohen Vertragsparteien gemäß ihren verfassungsrechtlichen Vorschriften. Die Ratifikationsurkunden werden bei der Regierung der Italienischen Republik hinterlegt.

(2) Dieser Vertrag tritt am ersten Tag des zweiten auf die Hinterlegung der letzten Ratifikationsurkunde folgenden Monats in Kraft.

Artikel 15

Dieser Vertrag ist in einer Urschrift in dänischer, deutscher, englischer, finnischer, französischer, griechischer, irischer, italienischer, niederländischer, portugiesischer, schwedischer und spanischer Sprache abgefaßt, wobei jeder Wortlaut gleichermaßen verbindlich ist; die Urschrift wird im Archiv der Regierung der Italienischen Republik hinterlegt; diese übermittelt der Regierung jedes anderen Unterzeichnerstaats eine beglaubigte Abschrift.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Tratado.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne traktat.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι υπέγραψαν τὴν παρούσα Συνθήκη.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent traité.

Dá fhianú sin, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an gConradh seo.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente trattato.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Verdrag hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no presente Tratado.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

Til bevis härpå har undertecknade befullmäktigade undertecknat detta fördrag.

Hecho en Amsterdam, el dos de octubre de mil novecientos noventa y siete.

Udfærdiget i Amsterdam, den anden oktober nittenhundrede og syvoghalvfems.

Geschehen zu Amsterdam am zweiten Oktober neunzehnhundertsiebenundneunzig.

Έγινε στο Άμστερνταμ, στις δύο Οκτωβρίου του έτους χίλια εννιακόσια ενενήντα επτά.

Done at Amsterdam this second day of October in the year one thousand nine hundred and ninety-seven.

Fait à Amsterdam, le deux octobre de l'an mil neuf cent quatre-vingt-dix-sept.

Arna dhéanamh in Amstardam ar an dara lá de Dheireadh Fómhair sa bhliain míle naoi gcéad nócha a seacht.

Fatto ad Amsterdam, addì due ottobre millenovecentonovantasette.

Gedaan te Amsterdam, de tweede oktober negentienhonderd zevenennegentig.

Feito em Amesterdão, em dois de Outubro de mil novecentos e noventa e sete.

Tehty Amsterdmissa 2 päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Utfärdat i Amsterdam den andra oktober år nittonhundranittiosju.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

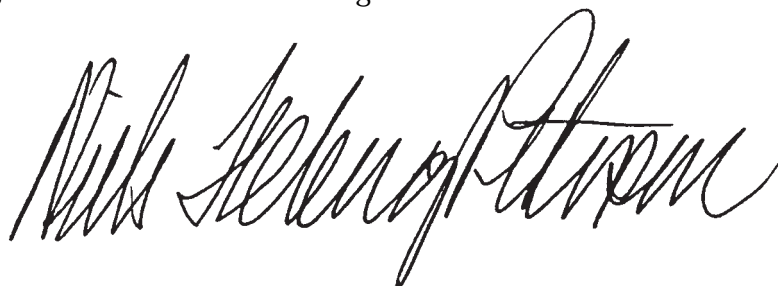
A handwritten signature in black ink, appearing to be 'Amor' with a period at the end.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

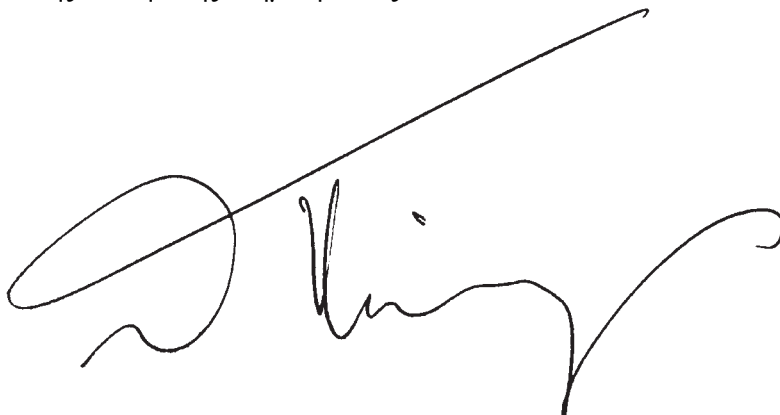
For Hendes Majestæt Danmarks Dronning

A large, stylized handwritten signature in black ink, appearing to be 'Margrethe II'.

Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, appearing to be 'H. Köhler'.

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



Por Su Majestad el Rey de España

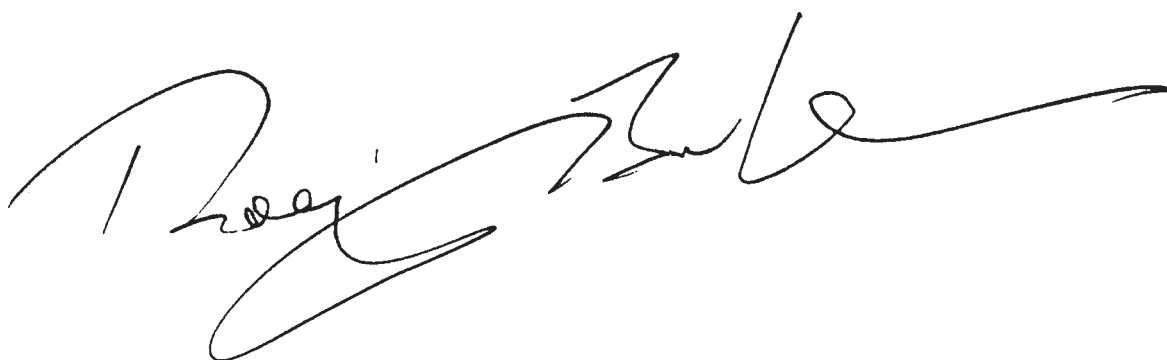


Pour le Président de la République française



Thar ceann an Choimisiúin arna údarú le hAirteagal 14 de Bhunreacht na hÉireann chun cumhachtaí agus feidhmeanna Uachtarán na hÉireann a oibriú agus a chomhlíonadh

For the Commission authorised by Article 14 of the Constitution of Ireland to exercise and perform the powers and functions of the President of Ireland



Per il Presidente della Repubblica italiana

A handwritten signature in dark ink, appearing to read 'Scalfaro', written in a cursive style.

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A handwritten signature in dark ink, appearing to read 'Jean', written in a cursive style.

Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature in dark ink, appearing to read 'Beatrix', written in a cursive style.

Für den Bundespräsidenten der Republik Österreich

A handwritten signature in dark ink, appearing to read 'Franz Josef Strauss', written in a cursive style.

Pelo Presidente da República Portuguesa

João Gama

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

Tarja Halonen

För Hans Majestät Konungen av Sverige

Lena Hjelm-Wallin

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Lauren T. Henderson.

ANHANG

ÜBEREINSTIMMUNGSTABELLEN GEMÄSS ARTIKEL 12 DES VERTRAGS VON AMSTERDAM

A. Vertrag über die Europäische Union

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
TITEL I	TITEL I	TITEL VI (***)	TITEL VI
Artikel A	Artikel 1	Artikel K.1	Artikel 29
Artikel B	Artikel 2	Artikel K.2	Artikel 30
Artikel C	Artikel 3	Artikel K.3	Artikel 31
Artikel D	Artikel 4	Artikel K.4	Artikel 32
Artikel E	Artikel 5	Artikel K.5	Artikel 33
Artikel F	Artikel 6	Artikel K.6	Artikel 34
Artikel F.1 (*)	Artikel 7	Artikel K.7	Artikel 35
TITEL II	TITEL II	Artikel K.8	Artikel 36
Artikel G	Artikel 8	Artikel K.9	Artikel 37
TITEL III	TITEL III	Artikel K.10	Artikel 38
Artikel H	Artikel 9	Artikel K.11	Artikel 39
TITEL IV	TITEL IV	Artikel K.12	Artikel 40
Artikel I	Artikel 10	Artikel K.13	Artikel 41
TITEL V (***)	TITEL V	Artikel K.14	Artikel 42
Artikel J.1	Artikel 11	TITEL VIa (**)	TITEL VII
Artikel J.2	Artikel 12	Artikel K.15 (*)	Artikel 43
Artikel J.3	Artikel 13	Artikel K.16 (*)	Artikel 44
Artikel J.4	Artikel 14	Artikel K.17 (*)	Artikel 45
Artikel J.5	Artikel 15	TITEL VII	TITEL VIII
Artikel J.6	Artikel 16	Artikel L	Artikel 46
Artikel J.7	Artikel 17	Artikel M	Artikel 47
Artikel J.8	Artikel 18	Artikel N	Artikel 48
Artikel J.9	Artikel 19	Artikel O	Artikel 49
Artikel J.10	Artikel 20	Artikel P	Artikel 50
Artikel J.11	Artikel 21	Artikel Q	Artikel 51
Artikel J.12	Artikel 22	Artikel R	Artikel 52
Artikel J.13	Artikel 23	Artikel S	Artikel 53
Artikel J.14	Artikel 24		
Artikel J.15	Artikel 25		
Artikel J.16	Artikel 26		
Artikel J.17	Artikel 27		
Artikel J.18	Artikel 28		

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

(**) Neuer Titel, eingefügt durch den Vertrag von Amsterdam.

(***) Titel, umstrukturiert durch den Vertrag von Amsterdam.

B. Vertrag zur Gründung der Europäischen Gemeinschaft

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
ERSTER TEIL	ERSTER TEIL	Artikel 15 (aufgehoben)	—
Artikel 1	Artikel 1	Artikel 16 (aufgehoben)	—
Artikel 2	Artikel 2	Artikel 17 (aufgehoben)	—
Artikel 3	Artikel 3	Abschnitt 2 (gestrichen)	—
Artikel 3 a	Artikel 4	Artikel 18 (aufgehoben)	—
Artikel 3 b	Artikel 5	Artikel 19 (aufgehoben)	—
Artikel 3 c (*)	Artikel 6	Artikel 20 (aufgehoben)	—
Artikel 4	Artikel 7	Artikel 21 (aufgehoben)	—
Artikel 4 a	Artikel 8	Artikel 22 (aufgehoben)	—
Artikel 4 b	Artikel 9	Artikel 23 (aufgehoben)	—
Artikel 5	Artikel 10	Artikel 24 (aufgehoben)	—
Artikel 5 a (*)	Artikel 11	Artikel 25 (aufgehoben)	—
Artikel 6	Artikel 12	Artikel 26 (aufgehoben)	—
Artikel 6 a (*)	Artikel 13	Artikel 27 (aufgehoben)	—
Artikel 7 (aufgehoben)	—	Artikel 28	Artikel 26
Artikel 7 a	Artikel 14	Artikel 29	Artikel 27
Artikel 7 b (aufgehoben)	—		
Artikel 7 c	Artikel 15		
Artikel 7 d (*)	Artikel 16		
ZWEITER TEIL	ZWEITER TEIL		
Artikel 8	Artikel 17		
Artikel 8 a	Artikel 18		
Artikel 8 b	Artikel 19		
Artikel 8 c	Artikel 20		
Artikel 8 d	Artikel 21		
Artikel 8 e	Artikel 22		
DRITTER TEIL	DRITTER TEIL		
TITEL I	TITEL I	KAPITEL 2	KAPITEL 2
Artikel 9	Artikel 23	Artikel 30	Artikel 28
Artikel 10	Artikel 24	Artikel 31 (aufgehoben)	—
Artikel 11 (aufgehoben)	—	Artikel 32 (aufgehoben)	—
KAPITEL 1	KAPITEL 1	Artikel 33 (aufgehoben)	—
Abschnitt 1 (gestrichen)	—	Artikel 34	Artikel 29
Artikel 12	Artikel 25	Artikel 35 (aufgehoben)	—
Artikel 13 (aufgehoben)	—	Artikel 36	Artikel 30
Artikel 14 (aufgehoben)	—	Artikel 37	Artikel 31

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
TITEL II	TITEL II	Artikel 69 (aufgehoben)	—
Artikel 38	Artikel 32	Artikel 70 (aufgehoben)	—
Artikel 39	Artikel 33	Artikel 71 (aufgehoben)	—
Artikel 40	Artikel 34	Artikel 72 (aufgehoben)	—
Artikel 41	Artikel 35	Artikel 73 (aufgehoben)	—
Artikel 42	Artikel 36	Artikel 73 a (aufgehoben)	—
Artikel 43	Artikel 37	Artikel 73 b	Artikel 56
Artikel 44 (aufgehoben)	—	Artikel 73 c	Artikel 57
Artikel 45 (aufgehoben)	—	Artikel 73 d	Artikel 58
Artikel 46	Artikel 38	Artikel 73 e (aufgehoben)	—
Artikel 47 (aufgehoben)	—	Artikel 73 f	Artikel 59
TITEL III	TITEL III	Artikel 73 g	Artikel 60
KAPITEL 1	KAPITEL 1	Artikel 73 h (aufgehoben)	—
Artikel 48	Artikel 39	TITEL IIIa (**)	TITEL IV
Artikel 49	Artikel 40	Artikel 73 i (*)	Artikel 61
Artikel 50	Artikel 41	Artikel 73 j (*)	Artikel 62
Artikel 51	Artikel 42	Artikel 73 k (*)	Artikel 63
KAPITEL 2	KAPITEL 2	Artikel 73 l (*)	Artikel 64
Artikel 52	Artikel 43	Artikel 73 m (*)	Artikel 65
Artikel 53 (aufgehoben)	—	Artikel 73 n (*)	Artikel 66
Artikel 54	Artikel 44	Artikel 73 o (*)	Artikel 67
Artikel 55	Artikel 45	Artikel 73 p (*)	Artikel 68
Artikel 56	Artikel 46	Artikel 73 q (*)	Artikel 69
Artikel 57	Artikel 47	TITEL IV	TITEL V
Artikel 58	Artikel 48	Artikel 74	Artikel 70
KAPITEL 3	KAPITEL 3	Artikel 75	Artikel 71
Artikel 59	Artikel 49	Artikel 76	Artikel 72
Artikel 60	Artikel 50	Artikel 77	Artikel 73
Artikel 61	Artikel 51	Artikel 78	Artikel 74
Artikel 62 (aufgehoben)	—	Artikel 79	Artikel 75
Artikel 63	Artikel 52	Artikel 80	Artikel 76
Artikel 64	Artikel 53	Artikel 81	Artikel 77
Artikel 65	Artikel 54	Artikel 82	Artikel 78
Artikel 66	Artikel 55	Artikel 83	Artikel 79
KAPITEL 4	KAPITEL 4	Artikel 84	Artikel 80
Artikel 67 (aufgehoben)	—		
Artikel 68 (aufgehoben)	—		

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

(**) Neuer Titel, eingefügt durch den Vertrag von Amsterdam.

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
TITEL V	TITEL VI	Artikel 104	Artikel 101
KAPITEL 1	KAPITEL 1	Artikel 104 a	Artikel 102
ABSCHNITT 1	ABSCHNITT 1	Artikel 104 b	Artikel 103
Artikel 85	Artikel 81	Artikel 104 c	Artikel 104
Artikel 86	Artikel 82	KAPITEL 2	KAPITEL 2
Artikel 87	Artikel 83	Artikel 105	Artikel 105
Artikel 88	Artikel 84	Artikel 105 a	Artikel 106
Artikel 89	Artikel 85	Artikel 106	Artikel 107
Artikel 90	Artikel 86	Artikel 107	Artikel 108
Abschnitt 2 (gestrichen)	—	Artikel 108	Artikel 109
Artikel 91 (aufgehoben)	—	Artikel 108 a	Artikel 110
ABSCHNITT 3	ABSCHNITT 2	Artikel 109	Artikel 111
Artikel 92	Artikel 87	KAPITEL 3	KAPITEL 3
Artikel 93	Artikel 88	Artikel 109 a	Artikel 112
Artikel 94	Artikel 89	Artikel 109 b	Artikel 113
KAPITEL 2	KAPITEL 2	Artikel 109 c	Artikel 114
Artikel 95	Artikel 90	Artikel 109 d	Artikel 115
Artikel 96	Artikel 91	KAPITEL 4	KAPITEL 4
Artikel 97 (aufgehoben)	—	Artikel 109 e	Artikel 116
Artikel 98	Artikel 92	Artikel 109 f	Artikel 117
Artikel 99	Artikel 93	Artikel 109 g	Artikel 118
KAPITEL 3	KAPITEL 3	Artikel 109 h	Artikel 119
Artikel 100	Artikel 94	Artikel 109 i	Artikel 120
Artikel 100 a	Artikel 95	Artikel 109 j	Artikel 121
Artikel 100 b (aufgehoben)	—	Artikel 109 k	Artikel 122
Artikel 100 c (aufgehoben)	—	Artikel 109 l	Artikel 123
Artikel 100 d (aufgehoben)	—	Artikel 109 m	Artikel 124
Artikel 101	Artikel 96	TITEL VIa (**)	TITEL VIII
Artikel 102	Artikel 97	Artikel 109 n (*)	Artikel 125
TITEL VI	TITEL VII	Artikel 109 o (*)	Artikel 126
KAPITEL 1	KAPITEL 1	Artikel 109 p (*)	Artikel 127
Artikel 102 a	Artikel 98	Artikel 109 q (*)	Artikel 128
Artikel 103	Artikel 99	Artikel 109 r (*)	Artikel 129
Artikel 103 a	Artikel 100	Artikel 109 s (*)	Artikel 130
		TITEL VII	TITEL IX
		Artikel 110	Artikel 131
		Artikel 111 (aufgehoben)	—
		Artikel 112	Artikel 132
		Artikel 113	Artikel 133

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(**) Neuer Titel, eingefügt durch den Vertrag von Amsterdam.

Bisherige Numerierung	Neue Numerierung
Artikel 114 (aufgehoben)	—
Artikel 115	Artikel 134
TITEL VIIa (**)	TITEL X
Artikel 116 (*)	Artikel 135
TITEL VIII KAPITEL 1 (***)	TITEL XI KAPITEL 1
Artikel 117	Artikel 136
Artikel 118	Artikel 137
Artikel 118 a	Artikel 138
Artikel 118 b	Artikel 139
Artikel 118 c	Artikel 140
Artikel 119	Artikel 141
Artikel 119 a	Artikel 142
Artikel 120	Artikel 143
Artikel 121	Artikel 144
Artikel 122	Artikel 145
KAPITEL 2	KAPITEL 2
Artikel 123	Artikel 146
Artikel 124	Artikel 147
Artikel 125	Artikel 148
KAPITEL 3	KAPITEL 3
Artikel 126	Artikel 149
Artikel 127	Artikel 150
TITEL IX	TITEL XII
Artikel 128	Artikel 151
TITEL X	TITEL XIII
Artikel 129	Artikel 152
TITEL XI	TITEL XIV
Artikel 129 a	Artikel 153
TITEL XII	TITEL XV
Artikel 129 b	Artikel 154
Artikel 129 c	Artikel 155
Artikel 129 d	Artikel 156
TITEL XIII	TITEL XVI
Artikel 130	Artikel 157

Bisherige Numerierung	Neue Numerierung
TITEL XIV	TITEL XVII
Artikel 130 a	Artikel 158
Artikel 130 b	Artikel 159
Artikel 130 c	Artikel 160
Artikel 130 d	Artikel 161
Artikel 130 e	Artikel 162
TITEL XV	TITEL XVIII
Artikel 130 f	Artikel 163
Artikel 130 g	Artikel 164
Artikel 130 h	Artikel 165
Artikel 130 i	Artikel 166
Artikel 130 j	Artikel 167
Artikel 130 k	Artikel 168
Artikel 130 l	Artikel 169
Artikel 130 m	Artikel 170
Artikel 130 n	Artikel 171
Artikel 130 o	Artikel 172
Artikel 130 p	Artikel 173
Artikel 130 q (aufgehoben)	—
TITEL XVI	TITEL XIX
Artikel 130 r	Artikel 174
Artikel 130 s	Artikel 175
Artikel 130 t	Artikel 176
TITEL XVII	TITEL XX
Artikel 130 u	Artikel 177
Artikel 130 v	Artikel 178
Artikel 130 w	Artikel 179
Artikel 130 x	Artikel 180
Artikel 130 y	Artikel 181
VIERTER TEIL	VIERTER TEIL
Artikel 131	Artikel 182
Artikel 132	Artikel 183
Artikel 133	Artikel 184
Artikel 134	Artikel 185
Artikel 135	Artikel 186
Artikel 136	Artikel 187
Artikel 136 a	Artikel 188

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

(**) Neuer Titel, eingefügt durch den Vertrag von Amsterdam.

(***) Kapitel 1, umstrukturiert durch den Vertrag von Amsterdam.

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
FÜNFTER TEIL	FÜNFTER TEIL	Artikel 166	Artikel 222
TITEL I	TITEL I	Artikel 167	Artikel 223
KAPITEL 1	KAPITEL 1	Artikel 168	Artikel 224
ABSCHNITT 1	ABSCHNITT 1	Artikel 168 a	Artikel 225
Artikel 137	Artikel 189	Artikel 169	Artikel 226
Artikel 138	Artikel 190	Artikel 170	Artikel 227
Artikel 138 a	Artikel 191	Artikel 171	Artikel 228
Artikel 138 b	Artikel 192	Artikel 172	Artikel 229
Artikel 138 c	Artikel 193	Artikel 173	Artikel 230
Artikel 138 d	Artikel 194	Artikel 174	Artikel 231
Artikel 138 e	Artikel 195	Artikel 175	Artikel 232
Artikel 139	Artikel 196	Artikel 176	Artikel 233
Artikel 140	Artikel 197	Artikel 177	Artikel 234
Artikel 141	Artikel 198	Artikel 178	Artikel 235
Artikel 142	Artikel 199	Artikel 179	Artikel 236
Artikel 143	Artikel 200	Artikel 180	Artikel 237
Artikel 144	Artikel 201	Artikel 181	Artikel 238
ABSCHNITT 2	ABSCHNITT 2	Artikel 182	Artikel 239
Artikel 145	Artikel 202	Artikel 183	Artikel 240
Artikel 146	Artikel 203	Artikel 184	Artikel 241
Artikel 147	Artikel 204	Artikel 185	Artikel 242
Artikel 148	Artikel 205	Artikel 186	Artikel 243
Artikel 149	—	Artikel 187	Artikel 244
(aufgehoben)		Artikel 188	Artikel 245
Artikel 150	Artikel 206	ABSCHNITT 5	ABSCHNITT 5
Artikel 151	Artikel 207	Artikel 188 a	Artikel 246
Artikel 152	Artikel 208	Artikel 188 b	Artikel 247
Artikel 153	Artikel 209	Artikel 188 c	Artikel 248
Artikel 154	Artikel 210		
ABSCHNITT 3	ABSCHNITT 3	KAPITEL 2	KAPITEL 2
Artikel 155	Artikel 211	Artikel 189	Artikel 249
Artikel 156	Artikel 212	Artikel 189 a	Artikel 250
Artikel 157	Artikel 213	Artikel 189 b	Artikel 251
Artikel 158	Artikel 214	Artikel 189 c	Artikel 252
Artikel 159	Artikel 215	Artikel 190	Artikel 253
Artikel 160	Artikel 216	Artikel 191	Artikel 254
Artikel 161	Artikel 217	Artikel 191 a (*)	Artikel 255
Artikel 162	Artikel 218	Artikel 192	Artikel 256
Artikel 163	Artikel 219		
ABSCHNITT 4	ABSCHNITT 4	KAPITEL 3	KAPITEL 3
Artikel 164	Artikel 220	Artikel 193	Artikel 257
Artikel 165	Artikel 221	Artikel 194	Artikel 258
		Artikel 195	Artikel 259
		Artikel 196	Artikel 260
		Artikel 197	Artikel 261
		Artikel 198	Artikel 262

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

Bisherige Numerierung	Neue Numerierung	Bisherige Numerierung	Neue Numerierung
KAPITEL 4	KAPITEL 4	Artikel 216	Artikel 289
Artikel 198 a	Artikel 263	Artikel 217	Artikel 290
Artikel 198 b	Artikel 264	Artikel 218 (*)	Artikel 291
Artikel 198 c	Artikel 265	Artikel 219	Artikel 292
		Artikel 220	Artikel 293
		Artikel 221	Artikel 294
KAPITEL 5	KAPITEL 5	Artikel 222	Artikel 295
Artikel 198 d	Artikel 266	Artikel 223	Artikel 296
Artikel 198 e	Artikel 267	Artikel 224	Artikel 297
		Artikel 225	Artikel 298
		Artikel 226	—
TITEL II	TITEL II	(aufgehoben)	
Artikel 199	Artikel 268	Artikel 227	Artikel 299
Artikel 200	—	Artikel 228	Artikel 300
(aufgehoben)		Artikel 228 a	Artikel 301
Artikel 201	Artikel 269	Artikel 229	Artikel 302
Artikel 201 a	Artikel 270	Artikel 230	Artikel 303
Artikel 202	Artikel 271	Artikel 231	Artikel 304
Artikel 203	Artikel 272	Artikel 232	Artikel 305
Artikel 204	Artikel 273	Artikel 233	Artikel 306
Artikel 205	Artikel 274	Artikel 234	Artikel 307
Artikel 205 a	Artikel 275	Artikel 235	Artikel 308
Artikel 206	Artikel 276	Artikel 236 (*)	Artikel 309
Artikel 206 a	—	Artikel 237	—
(aufgehoben)		(aufgehoben)	
Artikel 207	Artikel 277	Artikel 238	Artikel 310
Artikel 208	Artikel 278	Artikel 239	Artikel 311
Artikel 209	Artikel 279	Artikel 240	Artikel 312
Artikel 209 a	Artikel 280	Artikel 241	—
		(aufgehoben)	
		Artikel 242	—
		(aufgehoben)	
		Artikel 243	—
		(aufgehoben)	
		Artikel 244	—
		(aufgehoben)	
		Artikel 245	—
		(aufgehoben)	
		Artikel 246	—
		(aufgehoben)	
SECHSTER TEIL	SECHSTER TEIL		
Artikel 210	Artikel 281	SCHLUSS-	SCHLUSS-
Artikel 211	Artikel 282	BESTIMMUNGEN	BESTIMMUNGEN
Artikel 212 (*)	Artikel 283	Artikel 247	Artikel 313
Artikel 213	Artikel 284	Artikel 248	Artikel 314
Artikel 213 a (*)	Artikel 285		
Artikel 213 b (*)	Artikel 286		
Artikel 214	Artikel 287		
Artikel 215	Artikel 288		

(*) Neuer Artikel, eingefügt durch den Vertrag von Amsterdam.

PROTOKOLLE

A. PROTOKOLL ZUM VERTRAG ÜBER DIE EUROPÄISCHE UNION

Protokoll zu Artikel J.7 des Vertrags über die Europäische Union

DIE HOHEN VERTRAGSPARTEIEN —

IN ANBETRACHT der Notwendigkeit, den Artikel J.7 Absatz 1 Unterabsatz 2 und Absatz 3 des Vertrags über die Europäische Union in vollem Umfang umzusetzen,

IN ANBETRACHT der Tatsache, daß die Politik der Union nach Artikel J.7 den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten nicht berührt, die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der NATO verwirklicht sehen, aus dem Nordatlantikvertrag achtet und mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik vereinbar ist —

SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union beigelegt ist:

Die Europäische Union erarbeitet binnen eines Jahres nach Inkrafttreten des Vertrags von Amsterdam zusammen mit der Westeuropäischen Union Regelungen für eine verstärkte Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union.

B. PROTOKOLLE ZUM VERTRAG ÜBER DIE EUROPÄISCHE UNION UND ZUM VERTRAG ZUR GRÜNDUNG DER EUROPÄISCHEN GEMEINSCHAFT

Protokoll zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

DIE HOHEN VERTRAGSPARTEIEN —

ANGESICHTS dessen, daß die von einigen Mitgliedstaaten der Europäischen Union am 14. Juni 1985 und am 19. Juni 1990 in Schengen unterzeichneten Übereinkommen betreffend den schrittweisen Abbau der Kontrollen an den gemeinsamen Grenzen sowie damit zusammenhängende Übereinkommen und die auf deren Grundlage erlassenen Regelungen darauf abzielen, die europäische Integration zu vertiefen und insbesondere der Europäischen Union die Möglichkeit zu geben, sich schneller zu einem Raum der Freiheit, der Sicherheit und des Rechts zu entwickeln,

IN DEM WUNSCH, die genannten Übereinkommen und Regelungen in den Rahmen der Europäischen Union einzubeziehen,

IN BEKRÄFTIGUNG dessen, daß die Bestimmungen des Schengen-Besitzstands nur in dem Maße anwendbar sind, in dem sie mit den Rechtsvorschriften der Europäischen Union und der Gemeinschaft vereinbar sind,

MIT RÜCKSICHT auf die besondere Position Dänemarks,

MIT RÜCKSICHT darauf, daß Irland und das Vereinigte Königreich Großbritannien und Nordirland nicht Vertragsparteien der genannten Übereinkommen sind und diese nicht unterzeichnet haben, daß es diesen Mitgliedstaaten jedoch ermöglicht werden sollte, einzelne oder alle Bestimmungen dieser Übereinkommen anzunehmen,

IN DER ERKENNTNIS, daß es infolgedessen erforderlich ist, auf die im Vertrag über die Europäische Union und im Vertrag zur Gründung der Europäischen Gemeinschaft enthaltenen Bestimmungen über eine verstärkte Zusammenarbeit zwischen einigen Mitgliedstaaten zurückzugreifen, und daß diese Bestimmungen nur als letztes Mittel genutzt werden sollten,

MIT RÜCKSICHT darauf, daß es notwendig ist, ein besonderes Verhältnis zur Republik Island und zum Königreich Norwegen aufrechtzuerhalten, nachdem diese beiden Staaten ihre Absicht bekräftigt haben, sich durch die obengenannten Bestimmungen auf der Grundlage des am 19. Dezember 1996 in Luxemburg unterzeichneten Übereinkommens zu binden —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag zur Gründung der Europäischen Gemeinschaft beigelegt sind:

Artikel 1

Das Königreich Belgien, das Königreich Dänemark, die Bundesrepublik Deutschland, die Griechische Republik, das Königreich Spanien, die Französische Republik, die Italienische Republik, das Großherzogtum Luxemburg, das Königreich der Niederlande, die Republik Österreich, die Portugiesische Republik, die Republik Finnland und das Königreich Schweden als Unterzeichner der Schengener Übereinkommen werden ermächtigt, untereinander eine verstärkte Zusammenarbeit im Rahmen dieser Übereinkommen und damit zusammenhängender Bestimmungen, die im Anhang zu diesem Protokoll aufgeführt sind, — im folgenden als „Schengen-Besitzstand“ bezeichnet — zu begründen. Diese Zusammenarbeit erfolgt innerhalb des institutionellen und rechtlichen Rahmens der Europäischen Union und unter Beachtung der einschlägigen Bestimmungen des Vertrags über die Europäische Union und des Vertrags zur Gründung der Europäischen Gemeinschaft.

Artikel 2

(1) Ab dem Zeitpunkt des Inkrafttretens des Vertrags von Amsterdam ist der Schengen-Besitzstand, der auch die vor diesem Zeitpunkt erlassenen Beschlüsse des durch die Schengener Übereinkommen eingesetzten Exekutivausschusses umfaßt, unbeschadet des Absatzes 2 dieses Artikels für die in Artikel 1 aufgeführten dreizehn Mitgliedstaaten sofort anwendbar. Ab demselben Zeitpunkt wird der Rat an die Stelle des genannten Exekutivausschusses treten.

Der Rat trifft durch einstimmigen Beschluß seiner in Artikel 1 genannten Mitglieder alle Maßnahmen, die für die Durchführung dieses Absatzes erforderlich sind. Der Rat legt einstimmig gemäß den einschlägigen Bestimmungen der Verträge die Rechtsgrundlage für jede Bestimmung und jeden Beschluß fest, die den Schengen-Besitzstand bilden.

Hinsichtlich solcher Bestimmungen und Beschlüsse nimmt der Gerichtshof der Europäischen Gemeinschaften im Einklang mit dieser Festlegung die Zuständigkeit wahr, die ihm nach den einschlägigen geltenden Bestimmungen der Verträge zukommt. Der Gerichtshof ist keinesfalls zuständig für Maßnahmen oder Beschlüsse, die die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit betreffen.

Solange die genannten Maßnahmen nicht getroffen worden sind, gelten die Bestimmungen und Beschlüsse, die den Schengen-Besitzstand bilden, unbeschadet des Artikels 5 Absatz 2 als Rechtsakte, die auf Titel VI des Vertrags über die Europäische Union gestützt sind.

(2) Absatz 1 gilt für diejenigen Mitgliedstaaten, die Protokolle über den Beitritt zu den Schengener Übereinkommen unterzeichnet haben, jeweils ab dem Zeitpunkt, der vom Rat mit einstimmigem Beschluß seiner in Artikel 1 genannten Mitglieder festgelegt wird, sofern die Bedingungen für den Beitritt eines dieser Staaten zum Schengen-Besitzstand nicht schon vor Inkrafttreten des Vertrags von Amsterdam erfüllt sind.

Artikel 3

Im Anschluß an die Festlegung nach Artikel 2 Absatz 1 Unterabsatz 2 behält Dänemark in bezug auf diejenigen Teile des Schengen-Besitzstands, für die Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft als Rechtsgrundlage festgelegt ist, dieselben Rechte und Pflichten im Verhältnis zu den übrigen Unterzeichnern der Schengener Übereinkommen wie vor dieser Festlegung.

In bezug auf diejenigen Teile des Schengen-Besitzstands, für die Titel VI des Vertrags über die Europäische Union als Rechtsgrundlage festgelegt ist, behält Dänemark dieselben Rechte und Pflichten wie die übrigen Unterzeichnerstaaten der Schengener Übereinkommen.

Artikel 4

Irland und das Vereinigte Königreich Großbritannien und Nordirland, die durch den Schengen-Besitzstand nicht gebunden sind, können jederzeit beantragen, daß einzelne oder alle Bestimmungen dieses Besitzstands auch auf sie Anwendung finden sollen.

Der Rat beschließt einstimmig über einen solchen Antrag, wobei die Einstimmigkeit mit den Stimmen seiner in Artikel 1 genannten Mitglieder und der Stimme des Vertreters der Regierung des betreffenden Staates zustandekommt.

Artikel 5

(1) Vorschläge und Initiativen auf der Grundlage des Schengen-Besitzstands unterliegen den einschlägigen Bestimmungen der Verträge.

In diesem Zusammenhang gilt, sofern Irland oder das Vereinigte Königreich oder beide Länder dem Präsidenten des Rates nicht innerhalb eines vertretbaren Zeitraums schriftlich mitgeteilt haben, daß sie sich beteiligen möchten, die Ermächtigung nach Artikel 5 a des Vertrags zur Gründung der Europäischen Gemeinschaft und Artikel K.12 des Vertrags über die Europäische Union gegenüber den in Artikel 1 genannten Mitgliedstaaten sowie gegenüber Irland oder dem Vereinigten Königreich als erteilt, sofern eines dieser beiden Länder sich in den betreffenden Bereichen der Zusammenarbeit beteiligen möchte.

(2) Die einschlägigen Bestimmungen der Verträge nach Absatz 1 Unterabsatz 1 finden auch dann Anwendung, wenn der Rat die in Artikel 2 Absatz 1 Unterabsatz 2 genannten Maßnahmen nicht beschlossen hat.

Artikel 6

Die Republik Island und das Königreich Norwegen werden bei der Durchführung des Schengen-Besitzstands und bei seiner weiteren Entwicklung auf der Grundlage des am 19. Dezember 1996 in Luxemburg unterzeichneten Übereinkommens assoziiert. Die entsprechenden Verfahren hierfür werden in einem Übereinkommen mit diesen Staaten festgelegt, das vom Rat mit einstimmigem Beschluß seiner in Artikel 1 genannten Mitglieder geschlossen wird. Das Übereinkommen enthält auch Bestimmungen über den Beitrag Islands und Norwegens zu etwaigen finanziellen Folgen der Durchführung dieses Protokolls.

Mit Island und Norwegen schließt der Rat mit einstimmigem Beschluß ein gesondertes Übereinkommen zur Festlegung der Rechte und Pflichten zwischen Irland und dem Vereinigten Königreich Großbritannien und Nordirland einerseits und Island und Norwegen andererseits in den für diese Staaten geltenden Bereichen des Schengen-Besitzstands.

Artikel 7

Der Rat beschließt mit qualifizierter Mehrheit die Einzelheiten der Eingliederung des Schengen-Sekretariats in das Generalsekretariat des Rates.

Artikel 8

Bei den Verhandlungen über die Aufnahme neuer Mitgliedstaaten in die Europäische Union gelten der Schengen-Besitzstand und weitere Maßnahmen, welche die Organe im Rahmen seines Anwendungsbereichs getroffen haben, als ein Besitzstand, der von allen Staaten, die Beitrittskandidaten sind, vollständig zu übernehmen ist.

ANHANG

SCHENGEN-BESITZSTAND

1. Das am 14. Juni 1985 in Schengen unterzeichnete Übereinkommen zwischen den Regierungen der Staaten der Benelux-Wirtschaftsunion, der Bundesrepublik Deutschland und der Französischen Republik betreffend den schrittweisen Abbau der Kontrollen an den gemeinsamen Grenzen.
2. Das am 19. Juni 1990 in Schengen unterzeichnete Übereinkommen zwischen dem Königreich Belgien, der Bundesrepublik Deutschland, der Französischen Republik, dem Großherzogtum Luxemburg und dem Königreich der Niederlande zur Durchführung des am 14. Juni 1985 in Schengen unterzeichneten Übereinkommens betreffend den schrittweisen Abbau der Kontrollen an den gemeinsamen Grenzen mit der dazugehörigen Schlußakte und den dazu abgegebenen gemeinsamen Erklärungen.
3. Die Beitrittsprotokolle und -übereinkommen zu dem Übereinkommen von 1985 und dem Durchführungsübereinkommen von 1990, die mit Italien (unterzeichnet am 27. November 1990 in Paris), Spanien und Portugal (unterzeichnet am 25. Juni 1991 in Bonn), Griechenland (unterzeichnet am 6. November 1992 in Madrid), Österreich (unterzeichnet am 28. April 1995 in Brüssel) sowie Dänemark, Finnland und Schweden (unterzeichnet am 19. Dezember 1996 in Luxemburg) geschlossen wurden, mit den dazugehörigen Schlußakten und Erklärungen.
4. Beschlüsse und Erklärungen des aufgrund des Durchführungsübereinkommens von 1990 eingesetzten Exekutivausschusses sowie Rechtsakte zur Durchführung des Übereinkommens, die von den Organen erlassen worden sind, denen der Exekutivausschuß Entscheidungsbefugnisse übertragen hat.

Protokoll über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft auf das Vereinigte Königreich und auf Irland

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, bestimmte das Vereinigte Königreich und Irland betreffende Fragen zu regeln,

IM HINBLICK darauf, daß seit vielen Jahren zwischen dem Vereinigten Königreich und Irland besondere Reiseregeln bestehen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft und dem Vertrag über die Europäische Union beigelegt sind:

Artikel 1

Das Vereinigte Königreich darf ungeachtet des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft, andere Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union, im Rahmen dieser Verträge beschlossener Maßnahmen oder von der Gemeinschaft oder der Gemeinschaft und ihren Mitgliedstaaten mit einem oder mehreren Drittstaaten geschlossener internationaler Übereinkünfte an seinen Grenzen mit anderen Mitgliedstaaten bei Personen, die in das Vereinigte Königreich einreisen wollen, Kontrollen durchführen, die nach seiner Auffassung erforderlich sind

- a) zur Überprüfung des Rechts auf Einreise in das Vereinigte Königreich bei Staatsangehörigen von Staaten, die Vertragsparteien des Abkommens über den Europäischen Wirtschaftsraum sind, und ihren unterhaltsberechtigten Angehörigen, welche die ihnen nach dem Gemeinschaftsrecht zustehende Rechte wahrnehmen, sowie bei Staatsangehörigen anderer Staaten, denen solche Rechte aufgrund einer Übereinkunft zustehen, an die das Vereinigte Königreich gebunden ist, und
- b) zur Entscheidung darüber, ob anderen Personen die Genehmigung zur Einreise in das Vereinigte Königreich erteilt wird.

Artikel 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft oder die anderen Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder die im Rahmen dieser Verträge beschlossenen Maßnahmen berühren in keiner Weise das Recht des Vereinigten Königreichs, solche Kontrollen ein- oder durchzuführen. Wird im vorliegenden Artikel auf das Vereinigte Königreich Bezug genommen, so gilt diese Bezugnahme auch für die Gebiete, für deren Außenbeziehungen das Vereinigte Königreich verantwortlich ist.

Artikel 2

Das Vereinigte Königreich und Irland können weiterhin untereinander Regelungen über den freien Personenverkehr zwischen ihren Hoheitsgebieten („einheitliches Reisegebiet“) treffen, sofern die Rechte der in Artikel 1 Absatz 1 Buchstabe a dieses Protokolls genannten Personen in vollem Umfang gewahrt bleiben. Dementsprechend findet, solange sie solche Regelungen

beibehalten, Artikel 1 dieses Protokolls unter denselben Bedingungen und Voraussetzungen wie im Falle des Vereinigten Königreichs auf Irland Anwendung. Artikel 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft oder andere Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder im Rahmen dieser Verträge beschlossene Maßnahmen berühren diese Regelungen in keiner Weise.

Artikel 3

Die übrigen Mitgliedstaaten dürfen an ihren Grenzen oder an allen Orten, an denen ihr Hoheitsgebiet betreten werden kann, solche Kontrollen bei Personen durchführen, die aus dem Vereinigten Königreich oder aus Gebieten, deren Außenbeziehungen für die in Artikel 1 dieses Protokolls genannten Zwecke in seiner Verantwortung liegen, oder aber, solange Artikel 1 dieses Protokolls für Irland gilt, aus Irland in ihr Hoheitsgebiet einreisen wollen.

Artikel 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft oder andere Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder im Rahmen dieser Verträge beschlossene Maßnahmen berühren in keiner Weise das Recht der übrigen Mitgliedstaaten, solche Kontrollen ein- oder durchzuführen.

Protokoll über die Position des Vereinigten Königreichs und Irlands

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, bestimmte das Vereinigte Königreich und Irland betreffende Fragen zu regeln,

UNTER BERÜCKSICHTIGUNG des Protokolls über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft auf das Vereinigte Königreich und auf Irland —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft und dem Vertrag über die Europäische Union beigelegt sind:

Artikel 1

Vorbehaltlich des Artikels 3 beteiligen sich das Vereinigte Königreich und Irland nicht an der Annahme von Maßnahmen durch den Rat, die nach Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft vorgeschlagen werden. Abweichend von Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der Mitglieder des Rates, der in dem genannten Artikel 148 Absatz 2 festgelegt ist. Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme der Vertreter der Regierungen des Vereinigten Königreichs und Irlands erforderlich.

Artikel 2

Entsprechend Artikel 1 und vorbehaltlich der Artikel 3, 4 und 6 sind Vorschriften des Titels III a des Vertrags zur Gründung der Europäischen Gemeinschaft, nach jenem Titel beschlossene Maßnahmen, Vorschriften internationaler Übereinkünfte, die von der Gemeinschaft nach jenem Titel geschlossen werden, sowie Entscheidungen des Gerichtshofs, in denen solche Vorschriften oder Maßnahmen ausgelegt werden, für das Vereinigte Königreich oder Irland nicht bindend oder anwendbar; und diese Vorschriften, Maßnahmen oder Entscheidungen berühren in keiner Weise die Zuständigkeiten, Rechte und Pflichten dieser Staaten; ebenso wenig berühren diese Vorschriften, Maßnahmen oder Entscheidungen in irgendeiner Weise den gemeinschaftlichen Besitzstand oder sind sie Teil des Gemeinschaftsrechts, soweit sie auf das Vereinigte Königreich und Irland Anwendung finden.

Artikel 3

(1) Das Vereinigte Königreich oder Irland kann dem Präsidenten des Rates innerhalb von drei Monaten nach der Vorlage eines Vorschlags oder einer Initiative gemäß Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft beim Rat schriftlich mitteilen, daß es sich an der Annahme und Anwendung der betreffenden Maßnahme beteiligen möchte, was dem betreffenden Staat daraufhin gestattet ist. Abweichend von Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der Mitglieder des Rates, der in dem genannten Artikel 148 Absatz 2 festgelegt ist.

Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung aller Mitglieder des Rates mit Ausnahme der Mitglieder, die keine solche Mitteilung gemacht haben, erforderlich. Eine nach diesem Absatz beschlossene Maßnahme ist für alle an der Annahme beteiligten Mitgliedstaaten bindend.

(2) Kann eine Maßnahme nach Absatz 1 nicht innerhalb eines angemessenen Zeitraums mit Beteiligung des Vereinigten Königreichs oder Irlands angenommen werden, so kann der Rat die betreffende Maßnahme nach Artikel 1 ohne Beteiligung des Vereinigten Königreichs oder Irlands annehmen. In diesem Fall findet Artikel 2 Anwendung.

Artikel 4

Das Vereinigte Königreich oder Irland kann nach der Annahme einer Maßnahme gemäß Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft durch den Rat dem Rat und der Kommission jederzeit mitteilen, daß es die Maßnahme anzunehmen wünscht. In diesem Fall findet das in Artikel 5 a Absatz 3 des Vertrags zur Gründung der Europäischen Gemeinschaft vorgesehene Verfahren sinngemäß Anwendung.

Artikel 5

Ein Mitgliedstaat, der durch eine nach Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft beschlossene Maßnahme nicht gebunden ist, hat außer den für die Organe sich ergebenden Verwaltungskosten keine finanziellen Folgen dieser Maßnahme zu tragen.

Artikel 6

In Fällen, in denen nach diesem Protokoll das Vereinigte Königreich oder Irland durch eine vom Rat nach Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft beschlossene Maßnahme gebunden ist, gelten hinsichtlich dieser Maßnahme für den betreffenden Staat die einschlägigen Bestimmungen des genannten Vertrags, einschließlich des Artikels 73 p.

Artikel 7

Die Artikel 3 und 4 berühren nicht das Protokoll über die Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union.

Artikel 8

Irland kann dem Präsidenten des Rates schriftlich mitteilen, daß dieses Protokoll nicht mehr für Irland gelten soll. In diesem Fall gelten für Irland die üblichen Vertragsbestimmungen.

Protokoll über die Position Dänemarks

DIE HOHEN VERTRAGSPARTEIEN —

UNTER BERUFUNG auf den Beschluß der am 12. Dezember 1992 in Edinburgh im Europäischen Rat vereinigten Staats- und Regierungschefs zu bestimmten von Dänemark aufgeworfenen Problemen betreffend den Vertrag über die Europäische Union,

IN KENNTNIS der in dem Beschluß von Edinburgh festgelegten Haltung Dänemarks in bezug auf die Unionsbürgerschaft, die Wirtschafts- und Währungsunion sowie auf die Verteidigungspolitik und die Bereiche Justiz und Inneres,

EINGEDENK des Artikels 3 des Protokolls über die Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft und dem Vertrag über die Europäische Union beigelegt sind:

TEIL I

Artikel 1

Dänemark beteiligt sich nicht an der Annahme von Maßnahmen durch den Rat, die nach Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft vorgeschlagen werden. Abweichend von Artikel 148 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft gilt als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen der Mitglieder des Rates, der in dem genannten Artikel 148 Absatz 2 festgelegt ist. Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme des Vertreters der Regierung Dänemarks erforderlich.

Artikel 2

Vorschriften des Titels III a des Vertrags zur Gründung der Europäischen Gemeinschaft, nach jenem Titel beschlossene Maßnahmen, Vorschriften internationaler Übereinkünfte, die von der Gemeinschaft nach jenem Titel geschlossen werden, sowie Entscheidungen des Gerichtshofs, in denen solche Vorschriften oder Maßnahmen ausgelegt werden, sind für Dänemark nicht bindend oder anwendbar; und diese Vorschriften, Maßnahmen oder Entscheidungen berühren in keiner Weise die Zuständigkeiten, Rechte und Pflichten Dänemarks; ebensowenig berühren diese Vorschriften, Maßnahmen oder Entscheidungen in irgendeiner Weise den gemeinschaftlichen Besitzstand oder sind sie Teil des Gemeinschaftsrechts, soweit sie auf Dänemark Anwendung finden.

Artikel 3

Dänemark hat außer den für die Organe sich ergebenden Verwaltungskosten keine finanziellen Folgen von Maßnahmen nach Artikel 1 zu tragen.

Artikel 4

Die Artikel 1, 2 und 3 finden keine Anwendung auf Maßnahmen zur Bestimmung derjenigen Drittländer, deren Staatsangehörige beim Überschreiten der Außengrenzen der Mitgliedstaaten im Besitz eines Visums sein müssen, sowie auf Maßnahmen zur einheitlichen Visumgestaltung.

Artikel 5

(1) Dänemark beschließt innerhalb von 6 Monaten, nachdem der Rat über einen Vorschlag oder eine Initiative zur Ergänzung des Schengen-Besitzstands nach den Bestimmungen des Titels III a des Vertrags zur Gründung der Europäischen Gemeinschaft beschlossen hat, ob es diesen Beschluß in einzelstaatliches Recht umsetzt. Faßt es einen solchen Beschluß, so begründet dieser eine Verpflichtung nach dem Völkerrecht zwischen Dänemark und den übrigen Mitgliedstaaten, die in Artikel 1 des Protokolls über die Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union genannt sind, sowie gegenüber Irland oder dem Vereinigten Königreich, falls diese Mitgliedstaaten an den betreffenden Bereichen der Zusammenarbeit teilnehmen.

(2) Beschließt Dänemark, einen Beschluß des Rates nach Absatz 1 nicht umzusetzen, so werden die Mitgliedstaaten, die in Artikel 1 des Protokolls über die Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union genannt sind, prüfen, welche Maßnahmen zu treffen sind.

TEIL II

Artikel 6

Hinsichtlich der vom Rat im Bereich des Artikels J.3 Absatz 1 und des Artikels J.7 des Vertrags über die Europäische Union angenommenen Maßnahmen beteiligt sich Dänemark nicht an der Ausarbeitung und Durchführung von Beschlüssen und Maßnahmen der Union, die verteidigungspolitische Bezüge haben; es wird allerdings die Mitgliedstaaten auch nicht an der Entwicklung einer engeren Zusammenarbeit auf diesem Gebiet hindern. Dänemark nimmt daher nicht an der Annahme dieser Maßnahmen teil. Dänemark ist nicht verpflichtet, zur Finanzierung operativer Ausgaben beizutragen, die als Folge solcher Maßnahmen anfallen.

TEIL III

Artikel 7

Dänemark kann den übrigen Mitgliedstaaten im Einklang mit seinen verfassungsrechtlichen Vorschriften jederzeit mitteilen, daß es von diesem Protokoll insgesamt oder zum Teil keinen Gebrauch mehr machen will. In diesem Fall wird Dänemark sämtliche im Rahmen der Europäischen Union getroffenen einschlägigen Maßnahmen, die bis dahin in Kraft getreten sind, in vollem Umfang anwenden.

C. PROTOKOLLE ZUM VERTRAG ZUR GRÜNDUNG DER EUROPÄISCHEN GEMEINSCHAFT

Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, daß die Union nach Artikel F Absatz 2 des Vertrags über die Europäische Union die Grundrechte, wie sie in der am 4. November 1950 in Rom unterzeichneten Europäischen Konvention zum Schutze der Menschenrechte und Grundfreiheiten gewährleistet sind, achtet,

IN DER ERWÄGUNG, daß der Gerichtshof der Europäischen Gemeinschaften dafür zuständig ist, sicherzustellen, daß die Europäische Gemeinschaft bei der Auslegung und Anwendung des Artikels F Absatz 2 des Vertrags über die Europäische Union die Rechtsvorschriften einhält,

IN DER ERWÄGUNG, daß nach Artikel O des Vertrags über die Europäische Union jeder europäische Staat, der beantragt, Mitglied der Union zu werden, die in Artikel F Absatz 1 des Vertrags über die Europäische Union genannten Grundsätze achten muß,

EINGEDENK dessen, daß Artikel 236 des Vertrags zur Gründung der Europäischen Gemeinschaft ein Verfahren für die Aussetzung bestimmter Rechte im Falle einer schwerwiegenden und anhaltenden Verletzung dieser Grundsätze durch einen Mitgliedstaat vorsieht,

UNTER HINWEIS darauf, daß jeder Staatsangehörige eines Mitgliedstaats als Unionsbürger einen besonderen Status und einen besonderen Schutz genießt, welche die Mitgliedstaaten gemäß dem Zweiten Teil des Vertrags zur Gründung der Europäischen Gemeinschaft gewährleisten,

IN DEM BEWUSSTSEIN, daß der Vertrag zur Gründung der Europäischen Gemeinschaft einen Raum ohne Binnengrenzen schafft und jedem Unionsbürger das Recht gewährt, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten,

UNTER HINWEIS darauf, daß die Frage der Auslieferung von Staatsangehörigen der Mitgliedstaaten der Union Gegenstand des Europäischen Auslieferungsübereinkommens vom 13. Dezember 1957 und des aufgrund des Artikels K.3 des Vertrags über die Europäische Union geschlossenen Übereinkommens vom 27. September 1996 über die Auslieferung zwischen den Mitgliedstaaten der Europäischen Union ist,

IN DEM WUNSCH, zu verhindern, daß Asyl für andere als die vorgesehenen Zwecke in Anspruch genommen wird,

IN DER ERWÄGUNG, daß dieses Protokoll den Zweck und die Ziele des Genfer Abkommens vom 28. Juli 1951 über die Rechtsstellung der Flüchtlinge beachtet —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigelegt sind:

Einzigster Artikel

In Anbetracht des Niveaus des Schutzes der Grundrechte und Grundfreiheiten in den Mitgliedstaaten der Europäischen Union gelten die Mitgliedstaaten füreinander für alle rechtlichen und praktischen Zwecke im Zusammenhang mit Asylangelegenheiten als sichere Herkunftsländer. Dementsprechend darf ein Asylantrag eines Staatsangehörigen eines Mitgliedstaats von einem anderen Mitgliedstaat nur berücksichtigt oder zur Bearbeitung zugelassen werden,

- a) wenn der Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, nach Inkrafttreten des Vertrags von Amsterdam Artikel 15 der Konvention zum Schutze der Menschenrechte und Grundfreiheiten anwendet und Maßnahmen ergreift, die in seinem Hoheitsgebiet die in der Konvention vorgesehenen Verpflichtungen außer Kraft setzen,
 - b) wenn das Verfahren des Artikels F.1 Absatz 1 des Vertrags über die Europäische Union eingeleitet worden ist und bis der Rat diesbezüglich einen Beschluß gefaßt hat,
 - c) wenn der Rat nach Artikel F.1 Absatz 1 des Vertrags über die Europäische Union eine schwerwiegende und anhaltende Verletzung von in Artikel F Absatz 1 genannten Grundsätzen durch den Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, festgestellt hat;
 - d) wenn ein Mitgliedstaat in bezug auf den Antrag eines Staatsangehörigen eines anderen Mitgliedstaats einseitig einen solchen Beschluß faßt; in diesem Fall wird der Rat umgehend unterrichtet; bei der Prüfung des Antrags wird von der Vermutung ausgegangen, daß der Antrag offensichtlich unbegründet ist, ohne daß die Entscheidungsbefugnis des Mitgliedstaats in irgendeiner Weise beeinträchtigt wird.
-

Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit

DIE HOHEN VERTRAGSPARTEIEN —

ENTSCHLOSSEN, die Bedingungen für die Anwendung der in Artikel 3 b des Vertrags zur Gründung der Europäischen Gemeinschaft verankerten Grundsätze der Subsidiarität und der Verhältnismäßigkeit festzulegen, um die Kriterien für ihre Anwendung zu präzisieren, und die strikte Beachtung und kohärente Anwendung dieser Grundsätze durch alle Organe zu gewährleisten,

IN DEM WUNSCH sicherzustellen, daß Entscheidungen in der Union so bürgernah wie möglich getroffen werden,

IN ANBETRACHT der Interinstitutionellen Vereinbarung vom 25. Oktober 1993 zwischen dem Europäischen Parlament, dem Rat und der Kommission über die Verfahren zur Anwendung des Subsidiaritätsprinzips,

HABEN BEKRÄFTIGT, daß die Schlußfolgerungen des Europäischen Rates von Birmingham vom 16. Oktober 1992 und das vom Europäischen Rat auf seiner Tagung am 11.—12. Dezember 1992 in Edinburgh vereinbarte Gesamtkonzept für die Anwendung des Subsidiaritätsprinzips weiterhin die Richtschnur für das Handeln der Gemeinschaftsorgane sowie für die Weiterentwicklung der Anwendung des Subsidiaritätsprinzips bilden werden —

SIND zu diesem Zweck über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigelegt sind:

1. Jedes Organ gewährleistet bei der Ausübung seiner Befugnisse die Einhaltung des Subsidiaritätsprinzips. Jedes Organ gewährleistet ferner die Beachtung des Verhältnismäßigkeitsgrundsatzes, demzufolge die Maßnahmen der Gemeinschaft nicht über das für die Erreichung der Ziele des Vertrags erforderliche Maß hinausgehen dürfen.
2. Die Grundsätze der Subsidiarität und der Verhältnismäßigkeit werden unter Beachtung der allgemeinen Bestimmungen und der Ziele des Vertrags angewandt, insbesondere unter voller Wahrung des gemeinschaftlichen Besitzstands und des institutionellen Gleichgewichts; dabei werden die vom Gerichtshof aufgestellten Grundsätze für das Verhältnis zwischen einzelstaatlichem Recht und Gemeinschaftsrecht nicht berührt, und Artikel F Absatz 4 des Vertrags über die Europäische Union, wonach sich die Union mit den Mitteln ausstattet, „die zum Erreichen ihrer Ziele und zur Durchführung ihrer Politiken erforderlich sind“, sollte Rechnung getragen werden.
3. Das Subsidiaritätsprinzip stellt nicht die Befugnisse in Frage, über die die Europäische Gemeinschaft aufgrund des Vertrags entsprechend der Auslegung des Gerichtshofs verfügt. Die in Artikel 3 b Absatz 2 des Vertrags genannten Kriterien gelten für Bereiche, für die die Gemeinschaft nicht die ausschließliche Zuständigkeit besitzt. Das Subsidiaritätsprinzip ist eine Richtschnur dafür, wie diese Befugnisse auf Gemeinschaftsebene auszuüben sind. Die Subsidiarität ist ein dynamisches Konzept und sollte unter Berücksichtigung der im Vertrag festgelegten Ziele angewendet werden. Nach dem Subsidiaritätsprin-

zip kann die Tätigkeit der Gemeinschaft im Rahmen ihrer Befugnisse sowohl erweitert werden, wenn die Umstände dies erfordern, als auch eingeschränkt oder eingestellt werden, wenn sie nicht mehr gerechtfertigt ist.

4. Jeder Vorschlag für gemeinschaftliche Rechtsvorschriften wird begründet, um zu rechtfertigen, daß dabei die Grundsätze der Subsidiarität und der Verhältnismäßigkeit eingehalten werden; die Feststellung, daß ein Gemeinschaftsziel besser auf Gemeinschaftsebene erreicht werden kann, muß auf qualitativen oder — soweit möglich — auf quantitativen Kriterien beruhen.
5. Maßnahmen der Gemeinschaft sind nur gerechtfertigt, wenn beide Bedingungen des Subsidiaritätsprinzips erfüllt sind: Die Ziele der in Betracht gezogenen Maßnahmen können nicht ausreichend durch Maßnahmen der Mitgliedstaaten im Rahmen ihrer Verfassungsordnung erreicht werden und können daher besser durch Maßnahmen der Gemeinschaft erreicht werden.

Folgende Leitlinien sollten bei der Prüfung der Frage, ob die genannte Voraussetzung erfüllt ist, befolgt werden:

- Der betreffende Bereich weist transnationale Aspekte auf, die durch Maßnahmen der Mitgliedstaaten nicht ausreichend geregelt werden können,
 - alleinige Maßnahmen der Mitgliedstaaten oder das Fehlen von Gemeinschaftsmaßnahmen würden gegen die Anforderungen des Vertrags (beispielsweise Erfordernis der Korrektur von Wettbewerbsverzerrungen, der Vermeidung verschleiierter Handelsbeschränkungen oder der Stärkung des wirtschaftlichen und sozialen Zusammenhalts) verstoßen oder auf sonstige Weise die Interessen der Mitgliedstaaten erheblich beeinträchtigen,
 - Maßnahmen auf Gemeinschaftsebene würden wegen ihres Umfangs oder ihrer Wirkungen im Vergleich zu Maßnahmen auf der Ebene der Mitgliedstaaten deutliche Vorteile mit sich bringen.
6. Für Maßnahmen der Gemeinschaft ist eine möglichst einfache Form zu wählen, wobei darauf geachtet werden muß, daß das Ziel der Maßnahme in zufriedenstellender Weise erreicht wird und die Maßnahme tatsächlich zur Anwendung gelangt. Die Rechtsetzungstätigkeit der Gemeinschaft sollte über das erforderliche Maß nicht hinausgehen. Dementsprechend wäre unter sonst gleichen Gegebenheiten eine Richtlinie einer Verordnung und eine Rahmenrichtlinie einer detaillierten Maßnahme vorzuziehen. Richtlinien nach Maßgabe des Artikels 189 des Vertrags, die für jeden Mitgliedstaat, an den sie gerichtet sind, hinsichtlich des zu erreichenden Ziels verbindlich sind, überlassen den innerstaatlichen Stellen die Wahl der Form und der Mittel.
 7. Was Art und Umfang des Handelns der Gemeinschaft betrifft, so sollte bei Maßnahmen der Gemeinschaft so viel Raum für nationale Entscheidungen bleiben, wie dies im Einklang mit dem Ziel der Maßnahme und den Anforderungen des Vertrags möglich ist. Unter Einhaltung der gemeinschaftlichen Rechtsvorschriften sollten bewährte nationale Regelungen sowie Struktur und Funktionsweise der Rechtssysteme der Mitgliedstaaten geachtet werden. Den Mitgliedstaaten sollten in den Gemeinschaftsmaßnahmen Alternativen zur Erreichung der Ziele der Maßnahmen angeboten werden, sofern dies für eine ordnungsgemäße Durchführung der Maßnahmen angemessen und erforderlich ist.

8. Führt die Anwendung des Subsidiaritätsprinzips dazu, daß ein Tätigwerden der Gemeinschaft unterbleibt, so müssen die Mitgliedstaaten bei ihren Tätigkeiten den allgemeinen Vorschriften des Artikels 5 des Vertrags genügen, indem sie alle geeigneten Maßnahmen zur Erfüllung ihrer Verpflichtungen aus dem Vertrag treffen und alle Maßnahmen, welche die Verwirklichung der Ziele des Vertrags gefährden könnten, unterlassen.
 9. Unbeschadet ihres Initiativrechts sollte die Kommission
 - vor der Unterbreitung von Vorschlägen für Rechtsvorschriften außer im Falle besonderer Dringlichkeit oder Vertraulichkeit umfassende Anhörungen durchführen und in jedem geeigneten Fall Konsultationsunterlagen veröffentlichen;
 - die Sachdienlichkeit ihrer Vorschläge unter dem Aspekt des Subsidiaritätsprinzips begründen; hierzu sind erforderlichenfalls in der Begründung des Vorschlags ausführliche Angaben zu machen. Wird eine Gemeinschaftsmaßnahme ganz oder teilweise aus dem Gemeinschaftshaushalt finanziert, so ist eine Erläuterung erforderlich;
 - gebührend berücksichtigen, daß die finanzielle Belastung und der Verwaltungsaufwand der Gemeinschaft, der Regierungen der Mitgliedstaaten, der örtlichen Behörden, der Wirtschaft und der Bürger so gering wie möglich gehalten werden und in einem angemessenen Verhältnis zu dem angestrebten Ziel stehen müssen;
 - dem Europäischen Rat, dem Europäischen Parlament und dem Rat jährlich einen Bericht über die Anwendung des Artikels 3 b des Vertrags vorlegen. Dieser Jahresbericht ist auch dem Ausschuß der Regionen und dem Wirtschafts- und Sozialausschuß zuzuleiten.
 10. Der Europäische Rat berücksichtigt den Bericht der Kommission nach Nummer 9 vierter Gedankenstrich im Rahmen des Berichts über die Fortschritte der Union, den er gemäß Artikel D des Vertrags über die Europäische Union dem Europäischen Parlament vorzulegen hat.
 11. Das Europäische Parlament und der Rat prüfen unter strikter Einhaltung der geltenden Verfahren als Teil der umfassenden Prüfung der Kommissionsvorschläge, ob diese mit Artikel 3 b des Vertrags im Einklang stehen. Dies gilt sowohl für den ursprünglichen Vorschlag der Kommission als auch für vom Europäischen Parlament und vom Rat in Betracht gezogene Änderungen an dem Vorschlag.
 12. Das Europäische Parlament wird im Rahmen der Anwendung der Verfahren nach den Artikeln 189 b und 189 c des Vertrags durch die Angabe der Gründe, die den Rat zur Festlegung seines gemeinsamen Standpunkts veranlaßt haben, über die Auffassung des Rates hinsichtlich der Anwendung des Artikels 3 b des Vertrags unterrichtet. Der Rat teilt dem Europäischen Parlament mit, weshalb seiner Auffassung nach ein Kommissionsvorschlag ganz oder teilweise im Widerspruch zu Artikel 3 b des Vertrags steht.
 13. Die Einhaltung des Subsidiaritätsprinzips wird gemäß den Bestimmungen des Vertrags geprüft.
-

Protokoll über die Außenbeziehungen der Mitgliedstaaten hinsichtlich des Überschreitens der Außengrenzen

DIE HOHEN VERTRAGSPARTEIEN —

EINGEDENK der Notwendigkeit, daß die Mitgliedstaaten, gegebenenfalls in Zusammenarbeit mit Drittländern, für wirksame Kontrollen an ihren Außengrenzen sorgen —

SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigefügt ist:

Die in Artikel 73 j Nummer 2 Buchstabe a des Titels III a des Vertrags aufgenommenen Bestimmungen über Maßnahmen in bezug auf das Überschreiten der Außengrenzen berühren nicht die Zuständigkeit der Mitgliedstaaten für die Aushandlung und den Abschluß von Übereinkünften mit Drittländern, sofern sie mit den gemeinschaftlichen Rechtsvorschriften und anderen in Betracht kommenden internationalen Übereinkünften in Einklang stehen.

Protokoll über den öffentlich-rechtlichen Rundfunk in den Mitgliedstaaten

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, daß der öffentlich-rechtliche Rundfunk in den Mitgliedstaaten unmittelbar mit den demokratischen, sozialen und kulturellen Bedürfnissen jeder Gesellschaft sowie mit dem Erfordernis verknüpft ist, den Pluralismus in den Medien zu wahren —

SIND über folgende auslegende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigelegt ist:

Die Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft berühren nicht die Befugnis der Mitgliedstaaten, dem öffentlich-rechtlichen Rundfunk zu finanzieren, sofern die Finanzierung der Rundfunkanstalten dem öffentlich-rechtlichen Auftrag, wie er von den Mitgliedstaaten den Anstalten übertragen, festgelegt und ausgestaltet wird, dient und die Handels- und Wettbewerbsbedingungen in der Gemeinschaft nicht in einem Ausmaß beeinträchtigt, das dem gemeinsamen Interesse zuwiderläuft, wobei den Erfordernissen der Erfüllung des öffentlich-rechtlichen Auftrags Rechnung zu tragen ist.

Protokoll über den Tierschutz und das Wohlergehen der Tiere

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH sicherzustellen, daß der Tierschutz verbessert und das Wohlergehen der Tiere als fühlende Wesen berücksichtigt wird —

SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag zur Gründung der Europäischen Gemeinschaft beigefügt ist:

Bei der Festlegung und Durchführung der Politik der Gemeinschaft in den Bereichen Landwirtschaft, Verkehr, Binnenmarkt und Forschung tragen die Gemeinschaft und die Mitgliedstaaten den Erfordernissen des Wohlergehens der Tiere in vollem Umfang Rechnung; sie berücksichtigen hierbei die Rechts- und Verwaltungsvorschriften und die Gepflogenheiten der Mitgliedstaaten insbesondere in bezug auf religiöse Riten, kulturelle Traditionen und das regionale Erbe.

D. PROTOKOLLE ZUM VERTRAG ÜBER DIE EUROPÄISCHE UNION UND ZU DEN VERTRÄGEN ZUR GRÜNDUNG DER EUROPÄISCHEN GEMEINSCHAFT, DER EUROPÄISCHEN GEMEINSCHAFT FÜR KOHLE UND STAHL UND DER EUROPÄISCHEN ATOMGEMEINSCHAFT

Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union

DIE HOHEN VERTRAGSPARTEIEN —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und den Verträgen zur Gründung der Europäischen Gemeinschaften beigelegt sind:

Artikel 1

Vom Zeitpunkt des Inkrafttretens der ersten Erweiterung der Union an gehört der Kommission ungeachtet des Artikels 157 Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft, des Artikels 9 Absatz 1 des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Artikels 126 Absatz 1 des Vertrags zur Gründung der Europäischen Atomgemeinschaft ein Staatsangehöriger je Mitgliedstaat an, sofern zu diesem Zeitpunkt die Stimmenwägung im Rat — sei es durch Neuwägung oder durch Einführung einer doppelten Mehrheit — in einer für alle Mitgliedstaaten annehmbaren Weise geändert worden ist; zu berücksichtigen sind dabei alle hierfür bedeutsamen Sachverhalte, insbesondere die Frage eines Ausgleichs für jene Mitgliedstaaten, welche die Möglichkeit aufgeben, ein zweites Mitglied der Kommission zu benennen.

Artikel 2

Spätestens ein Jahr vor dem Zeitpunkt, zu dem die Zahl der Mitgliedstaaten der Europäischen Union 20 überschreiten wird, wird eine Konferenz der Vertreter der Regierungen der Mitgliedstaaten einberufen, um die Bestimmungen der Verträge betreffend die Zusammensetzung und die Arbeitsweise der Organe umfassend zu überprüfen.

Protokoll über die Festlegung der Sitze der Organe und bestimmter Einrichtungen und Dienststellen der Europäischen Gemeinschaften sowie des Sitzes von Europol

DIE VERTRETER DER REGIERUNGEN DER MITGLIEDSTAATEN —

GESTÜTZT auf Artikel 216 des Vertrags zur Gründung der Europäischen Gemeinschaft, Artikel 77 des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und Artikel 189 des Vertrags zur Gründung der Europäischen Atomgemeinschaft,

GESTÜTZT auf den Vertrag über die Europäische Union,

EINGEDENK UND IN BESTÄTIGUNG des Beschlusses vom 8. April 1965, jedoch unbeschadet der Beschlüsse über den Sitz künftiger Organe, Einrichtungen und Dienststellen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und den Verträgen zur Gründung der Europäischen Gemeinschaften beigelegt sind:

Einziges Artikel

- a) Das Europäische Parlament hat seinen Sitz in Straßburg; dort finden die 12 monatlichen Plenartagungen einschließlich der Haushaltstagung statt. Zusätzliche Plenartagungen finden in Brüssel statt. Die Ausschüsse des Europäischen Parlaments treten in Brüssel zusammen. Das Generalsekretariat des Europäischen Parlaments und dessen Dienststellen verbleiben in Luxemburg.
 - b) Der Rat hat seinen Sitz in Brüssel. In den Monaten April, Juni und Oktober hält der Rat seine Tagungen in Luxemburg ab.
 - c) Die Kommission hat ihren Sitz in Brüssel. Die in den Artikeln 7, 8 und 9 des Beschlusses vom 8. April 1965 aufgeführten Dienststellen sind in Luxemburg untergebracht.
 - d) Der Gerichtshof und das Gericht erster Instanz haben ihren Sitz in Luxemburg.
 - e) Der Rechnungshof hat seinen Sitz in Luxemburg.
 - f) Der Wirtschafts- und Sozialausschuß hat seinen Sitz in Brüssel.
 - g) Der Ausschuß der Regionen hat seinen Sitz in Brüssel.
 - h) Die Europäische Investitionsbank hat ihren Sitz in Luxemburg.
 - i) Das Europäische Währungsinstitut und die Europäische Zentralbank haben ihren Sitz in Frankfurt.
 - j) Das Europäische Polizeiamt (Europol) hat seinen Sitz in Den Haag.
-

Protokoll über die Rolle der einzelstaatlichen Parlamente in der Europäischen Union

DIE HOHEN VERTRAGSPARTEIEN —

EINGEDENK dessen, daß die Kontrolle der jeweiligen Regierungen durch die einzelstaatlichen Parlamente hinsichtlich der Tätigkeiten der Union Sache der besonderen verfassungsrechtlichen Gestaltung und Praxis jedes Mitgliedstaats ist,

IN DEM WUNSCH jedoch, eine stärkere Beteiligung der einzelstaatlichen Parlamente an den Tätigkeiten der Europäischen Union zu fördern und ihnen bessere Möglichkeiten zu geben, sich zu Fragen, die für sie von besonderem Interesse sein können, zu äußern —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und den Verträgen zur Gründung der Europäischen Gemeinschaften beigelegt sind:

I. UNTERRICHTUNG DER PARLAMENTE DER MITGLIEDSTAATEN

1. Alle Konsultationsdokumente der Kommission (Grün- und Weißbücher sowie Mitteilungen) werden den Parlamenten der Mitgliedstaaten unverzüglich zugeleitet.
2. Die Vorschläge der Kommission für Akte der Gesetzgebung, wie sie vom Rat nach Artikel 151 Absatz 3 des Vertrags zur Gründung der Europäischen Gemeinschaft festgelegt werden, werden rechtzeitig zur Verfügung gestellt, so daß die Regierung jedes Mitgliedstaats dafür Sorge tragen kann, daß ihr einzelstaatliches Parlament sie gegebenenfalls erhält.
3. Zwischen dem Zeitpunkt, zu dem ein Vorschlag für einen Rechtsakt oder ein Vorschlag für eine Maßnahme nach Titel VI des Vertrags über die Europäische Union dem Europäischen Parlament und dem Rat in allen Sprachen von der Kommission unterbreitet wird, und dem Zeitpunkt, zu dem er zur Beschlußfassung entweder zur Annahme als Rechtsakt oder zur Festlegung eines gemeinsamen Standpunkts nach Artikel 189 b oder Artikel 189 c des Vertrags zur Gründung der Europäischen Gemeinschaft auf die Tagesordnung des Rates gesetzt wird, liegt ein Zeitraum von sechs Wochen, außer in dringenden Fällen, die in dem Rechtsakt oder gemeinsamen Standpunkt zu begründen sind.

II. KONFERENZ DER EUROPA-AUSSCHÜSSE

4. Die am 16./17. November 1989 in Paris gegründete Konferenz der Europa-Ausschüsse, im folgenden als „COSAC“ bezeichnet, kann jeden ihr zweckmäßig erscheinenden Beitrag für die Organe der Europäischen Union leisten, und zwar insbesondere auf der Grundlage von Entwürfen für Rechtstexte, deren Übermittlung an die COSAC von Vertretern der Regierungen der Mitgliedstaaten in Anbetracht der behandelten Frage gegebenenfalls einvernehmlich beschlossen wird.

5. Die COSAC kann Vorschläge oder Initiativen im Zusammenhang mit der Errichtung eines Raums der Freiheit, der Sicherheit und des Rechts prüfen, die möglicherweise unmittelbare Auswirkungen auf die Rechte und Freiheiten des einzelnen nach sich ziehen. Das Europäische Parlament, der Rat und die Kommission werden über die von der COSAC nach dieser Nummer geleisteten Beiträge unterrichtet.
 6. Die COSAC kann dem Europäischen Parlament, dem Rat und der Kommission jeden ihr zweckmäßig erscheinenden Beitrag über die Gesetzgebungstätigkeiten der Union, insbesondere hinsichtlich der Anwendung des Subsidiaritätsprinzips, des Raums der Freiheit, der Sicherheit und des Rechts sowie der die Grundrechte betreffenden Fragen vorlegen.
 7. Die Beiträge der COSAC binden in keiner Weise die einzelstaatlichen Parlamente und präjudizieren in keiner Weise deren Standpunkt.
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SCHLUSSAKTE

Die KONFERENZ DER VERTRETER DER REGIERUNGEN DER MITGLIEDSTAATEN, die am neunundzwanzigsten März neunzehnhundertsechundneunzig in Turin einberufen wurde, um im gegenseitigen Einvernehmen die Änderungen zu beschließen, die an dem Vertrag über die Europäische Union, den Verträgen zur Gründung der Europäischen Gemeinschaft, der Europäischen Gemeinschaft für Kohle und Stahl bzw. der Europäischen Atomgemeinschaft sowie einigen damit zusammenhängenden Rechtsakten vorzunehmen sind, hat folgende Texte angenommen:

I. Den Vertrag von Amsterdam zur Änderung des Vertrags über die Europäische Union, der Verträge zur Gründung der Europäischen Gemeinschaften sowie einiger damit zusammenhängender Rechtsakte

II. Protokolle

A. Protokoll zum Vertrag über die Europäische Union

1. Protokoll zu Artikel J.7 des Vertrags über die Europäische Union

B. Protokolle zum Vertrag über die Europäische Union und zum Vertrag zur Gründung der Europäischen Gemeinschaft

2. Protokoll zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
3. Protokoll über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft auf das Vereinigte Königreich und auf Irland
4. Protokoll über die Position des Vereinigten Königreichs und Irlands
5. Protokoll über die Position Dänemarks

C. Protokolle zum Vertrag zur Gründung der Europäischen Gemeinschaft

6. Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union
7. Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit
8. Protokoll über die Außenbeziehungen der Mitgliedstaaten hinsichtlich des Überschreitens der Außengrenzen
9. Protokoll über den öffentlich-rechtlichen Rundfunk in den Mitgliedstaaten
10. Protokoll über den Tierschutz und das Wohlergehen der Tiere

D. Protokolle zum Vertrag über die Europäische Union und zu den Verträgen zur Gründung der Europäischen Gemeinschaft, der Europäischen Gemeinschaft für Kohle und Stahl und der Europäischen Atomgemeinschaft

11. Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union

12. Protokoll über die Festlegung der Sitze der Organe und bestimmter Einrichtungen und Dienststellen der Europäischen Gemeinschaften sowie des Sitzes von Europol

13. Protokoll über die Rolle der einzelstaatlichen Parlamente in der Europäischen Union

III. Erklärungen

Die Konferenz hat die folgenden dieser Schlußakte beigefügten Erklärungen angenommen:

1. Erklärung zur Abschaffung der Todesstrafe
2. Erklärung zur verbesserten Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union
3. Erklärung zur Westeuropäischen Union
4. Erklärung zu den Artikeln J.14 und K.10 des Vertrags über die Europäische Union
5. Erklärung zu Artikel J.15 des Vertrags über die Europäische Union
6. Erklärung zur Schaffung einer Strategieplanungs- und Frühwarneinheit
7. Erklärung zu Artikel K.2 des Vertrags über die Europäische Union
8. Erklärung zu Artikel K.3 Buchstabe e des Vertrags über die Europäische Union
9. Erklärung zu Artikel K.6 Absatz 2 des Vertrags über die Europäische Union
10. Erklärung zu Artikel K.7 des Vertrags über die Europäische Union
11. Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften
12. Erklärung zu Umweltverträglichkeitsprüfungen
13. Erklärung zu Artikel 7 d des Vertrags zur Gründung der Europäischen Gemeinschaft
14. Erklärung zur Aufhebung des Artikels 44 des Vertrags zur Gründung der Europäischen Gemeinschaft

15. Erklärung zur Bewahrung des durch den Schengen-Besitzstand gewährleisteten Maßes an Schutz und Sicherheit
16. Erklärung zu Artikel 73 j Nummer 2 Buchstabe b des Vertrags zur Gründung der Europäischen Gemeinschaft
17. Erklärung zu Artikel 73 k des Vertrags zur Gründung der Europäischen Gemeinschaft
18. Erklärung zu Artikel 73 k Nummer 3 Buchstabe a des Vertrags zur Gründung der Europäischen Gemeinschaft
19. Erklärung zu Artikel 73 l Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft
20. Erklärung zu Artikel 73 m des Vertrags zur Gründung der Europäischen Gemeinschaft
21. Erklärung zu Artikel 73 o des Vertrags zur Gründung der Europäischen Gemeinschaft
22. Erklärung zu Personen mit einer Behinderung
23. Erklärung zu den in Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft genannten Anreizmaßnahmen
24. Erklärung zu Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft
25. Erklärung zu Artikel 118 des Vertrags zur Gründung der Europäischen Gemeinschaft
26. Erklärung zu Artikel 118 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft
27. Erklärung zu Artikel 118 b Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft
28. Erklärung zu Artikel 119 Absatz 4 des Vertrags zur Gründung der Europäischen Gemeinschaft
29. Erklärung zum Sport
30. Erklärung zu den Inselgebieten
31. Erklärung zu dem Beschluß des Rates vom 13. Juli 1987
32. Erklärung zur Organisation und Arbeitsweise der Kommission
33. Erklärung zu Artikel 188 c Absatz 3 des Vertrags zur Gründung der Europäischen Gemeinschaft
34. Erklärung zur Einhaltung der Fristen im Rahmen des Mitentscheidungsverfahrens
35. Erklärung zu Artikel 191 a Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft

36. Erklärung zu den überseeischen Ländern und Gebieten
37. Erklärung zu öffentlich-rechtlichen Kreditinstituten in Deutschland
38. Erklärung zu freiwilligen Diensten
39. Erklärung zur redaktionellen Qualität der gemeinschaftlichen Rechtsvorschriften
40. Erklärung zu dem Verfahren beim Abschluß internationaler Übereinkünfte durch die Europäische Gemeinschaft für Kohle und Stahl
41. Erklärung zu den Vorschriften über die Transparenz, den Zugang zu Dokumenten und die Bekämpfung von Betrugereien
42. Erklärung über die Konsolidierung der Verträge
43. Erklärung zum Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit
44. Erklärung zu Artikel 2 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
45. Erklärung zu Artikel 4 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
46. Erklärung zu Artikel 5 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
47. Erklärung zu Artikel 6 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
48. Erklärung zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union
49. Erklärung zu Buchstabe d des Einzigen Artikels des Protokolls über die Gewährung von Asyl für Staatsangehörige der Mitgliedstaaten der Europäischen Union
50. Erklärung zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union
51. Erklärung zu Artikel 10 des Vertrags von Amsterdam

Die Konferenz hat ferner die folgenden dieser Schlußakte beigefügten Erklärungen zur Kenntnis genommen:

1. Erklärung Österreichs und Luxemburgs zu Kreditinstituten
2. Erklärung Dänemarks zu Artikel K.14 des Vertrags über die Europäische Union
3. Erklärung Deutschlands, Österreichs und Belgiens zur Subsidiarität
4. Erklärung Irlands zu Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands
5. Erklärung Belgiens zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union
6. Erklärung Belgiens, Frankreichs und Italiens zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union
7. Erklärung Frankreichs zur Lage der überseeischen Departements hinsichtlich des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union
8. Erklärung Griechenlands zur Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften

Die Konferenz ist schließlich übereingekommen, dieser Schlußakte den Wortlaut des Vertrags über die Europäische Union und des Vertrags zur Gründung der Europäischen Gemeinschaft in der Fassung der von der Konferenz vorgenommenen Änderungen als Illustration beizufügen.

Hecho en Amsterdam, el dos de octubre de mil novecientos noventa y siete.

Udfærdiget i Amsterdam, den anden oktober nittenhundrede og syvoghalvfems.

Geschehen zu Amsterdam am zweiten Oktober neunzehnhundertsiebenundneunzig.

Έγινε στο Άμστερνταμ, στις δύο Οκτωβρίου του έτους χίλια εννιακόσια ενενήντα επτά.

Done at Amsterdam this second day of October in the year one thousand nine hundred and ninety-seven.

Fait à Amsterdam, le deux octobre de l'an mil neuf cent quatre-vingt-dix-sept.

Arna dhéanamh in Amstardam ar an dara lá de Dheireadh Fómhair sa bhliain míle naoi gcéad nócha a seacht.

Fatto ad Amsterdam, addì due ottobre millenovecentonovantasette.

Gedaan te Amsterdam, de tweede oktober negentienhonderd zevenennegentig.

Feito em Amesterdão, em dois de Outubro de mil novecentos e noventa e sete.

Tehty Amsterdmissa 2 päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Utfärdat i Amsterdam den andra oktober år nittonhundranittiosju.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

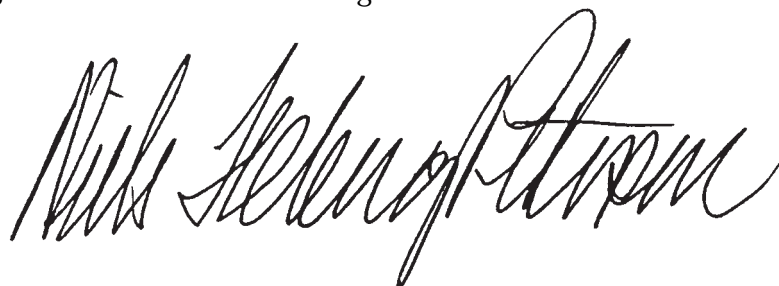
A handwritten signature in black ink, appearing to be 'Amor' with a period at the end.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.


For Hendes Majestæt Danmarks Dronning

A large, stylized handwritten signature in black ink, appearing to be 'Margrethe II'.

Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, appearing to be 'H. Köhler'.

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



Por Su Majestad el Rey de España

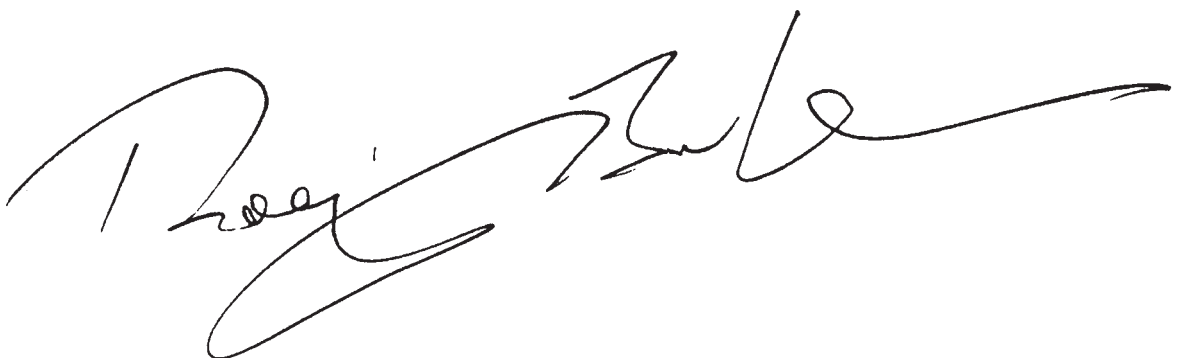


Pour le Président de la République française



Thar ceann an Choimisiúin arna údarú le hAirteagal 14 de Bhunreacht na hÉireann chun cumhachtaí agus feidhmeanna Uachtarán na hÉireann a oibriú agus a chomhlíonadh

For the Commission authorised by Article 14 of the Constitution of Ireland to exercise and perform the powers and functions of the President of Ireland



Per il Presidente della Repubblica italiana

A handwritten signature in dark ink, appearing to read 'Scalfaro', written in a cursive style.

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A handwritten signature in dark ink, appearing to read 'Jean', written in a cursive style.

Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature in dark ink, appearing to read 'Beatrix', written in a cursive style.

Für den Bundespräsidenten der Republik Österreich

A handwritten signature in dark ink, appearing to read 'Franz Josef Steiner', written in a cursive style.

Pelo Presidente da República Portuguesa

João Gama

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

Tarja Halonen

För Hans Majestät Konungen av Sverige

Lena Hjelm-Wallin

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Lauren T. Henderson.

VON DER KONFERENZ ANGENOMMENE ERKLÄRUNGEN

1. Erklärung zur Abschaffung der Todesstrafe

Unter Bezugnahme auf Artikel F Absatz 2 des Vertrags über die Europäische Union erinnert die Konferenz daran, daß das Protokoll Nr. 6 zu der am 4. November 1950 in Rom unterzeichneten Europäischen Konvention zum Schutze der Menschenrechte und Grundfreiheiten, das von einer großen Mehrheit der Mitgliedstaaten unterzeichnet und ratifiziert wurde, die Abschaffung der Todesstrafe vorsieht.

In diesem Zusammenhang stellt die Konferenz fest, daß seit der Unterzeichnung des genannten Protokolls am 28. April 1983 die Todesstrafe in den meisten Mitgliedstaaten der Union abgeschafft und in keinem Mitgliedstaat angewandt worden ist.

2. Erklärung zur verbesserten Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union

Im Hinblick auf eine verbesserte Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union ersucht die Konferenz den Rat, auf die baldige Annahme geeigneter Regelungen für die Sicherheitsüberprüfung des Personals des Generalsekretariats des Rates hinzuwirken.

3. Erklärung zur Westeuropäischen Union

Die Konferenz nimmt die folgende Erklärung zur Kenntnis, die vom Ministerrat der Westeuropäischen Union am 22. Juli 1997 angenommen wurde:

„ERKLÄRUNG DER WESTEUROPÄISCHEN UNION ZUR ROLLE DER WESTEUROPÄISCHEN UNION UND ZU IHREN BEZIEHUNGEN ZUR EUROPÄISCHEN UNION UND ZUR ATLANTISCHEN ALLIANZ

(Übersetzung)

EINLEITUNG

1. Die Mitgliedstaaten der Westeuropäischen Union (WEU) haben 1991 in Maastricht einstimmig festgestellt, daß es notwendig ist, eine echte europäische Sicherheits- und Verteidigungsidentität (ESVI) zu entwickeln und eine größere europäische Verantwortung in Verteidigungsfragen zu übernehmen. Im Lichte des Vertrags von Amsterdam bekräftigen sie, daß diese Bemühungen fortgesetzt und intensiviert werden müssen. Die WEU ist integraler Bestandteil der Entwicklung der Europäischen Union, indem sie der Europäischen Union Zugang zu einer operativen Kapazität insbesondere im Zusammenhang mit den Petersberger Aufgaben eröffnet, und stellt entsprechend der Pariser Erklärung und den Berliner Beschlüssen der NATO-Minister ein entscheidendes Element für die Entwicklung der ESVI in der Atlantischen Allianz dar.
2. An den Tagungen des Rates der WEU nehmen heute alle Mitgliedstaaten der Europäischen Union und alle europäischen Mitglieder der Atlantischen Allianz entsprechend

ihrem jeweiligen Status teil. In diesem Rat kommen die genannten Staaten auch mit den Staaten Mittel- und Osteuropas zusammen, die durch ein Assoziierungsabkommen mit der Europäischen Union verbunden und Kandidaten für den Beitritt sowohl zur Europäischen Union als auch zur Atlantischen Allianz sind. Die WEU entwickelt sich somit zu einem wirklichen Rahmen für den Dialog und die Zusammenarbeit unter Europäern über europäische Sicherheits- und Verteidigungsfragen im weiteren Sinne.

3. In diesem Zusammenhang nimmt die WEU Titel V des Vertrags über die Europäische Union über die Gemeinsame Außen- und Sicherheitspolitik zur Kenntnis und hierbei insbesondere Artikel J.3 Absatz 1 und Artikel J.7 sowie das Protokoll zu Artikel J.7, die wie folgt lauten:

Artikel J.3 Absatz 1

„(1) Der Europäische Rat bestimmt die Grundsätze und die allgemeinen Leitlinien der Gemeinsamen Außen- und Sicherheitspolitik, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen.“

Artikel J.7

„(1) Die Gemeinsame Außen- und Sicherheitspolitik umfaßt sämtliche Fragen, welche die Sicherheit der Union betreffen, wozu auch die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik im Sinne des Unterabsatzes 2 gehört, die zu einer gemeinsamen Verteidigung führen könnte, falls der Europäische Rat dies beschließt. Er empfiehlt in diesem Fall den Mitgliedstaaten, einen solchen Beschluß gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.“

Die Westeuropäische Union (WEU) ist integraler Bestandteil der Entwicklung der Union; sie eröffnet der Union den Zugang zu einer operativen Kapazität insbesondere im Zusammenhang mit Absatz 2. Sie unterstützt die Union bei der Festlegung der verteidigungspolitischen Aspekte der Gemeinsamen Außen- und Sicherheitspolitik gemäß diesem Artikel. Die Union fördert daher engere institutionelle Beziehungen zur WEU im Hinblick auf die Möglichkeit einer Integration der WEU in die Union, falls der Europäische Rat dies beschließt. Sie empfiehlt in diesem Fall den Mitgliedstaaten, einen solchen Beschluß gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.

Die Politik der Union nach diesem Artikel berührt nicht den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten; sie achtet die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der Nordatlantikvertragsorganisation (NATO) verwirklicht sehen, aus dem Nordatlantikvertrag und ist vereinbar mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik.

Die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik wird in einer von den Mitgliedstaaten als angemessen erachteten Weise durch eine rüstungspolitische Zusammenarbeit zwischen ihnen unterstützt.

(2) Die Fragen, auf die in diesem Artikel Bezug genommen wird, schließen humanitäre Aufgaben und Rettungseinsätze, friedenserhaltende Aufgaben sowie Kampfeinsätze bei der Krisenbewältigung einschließlich friedensschaffender Maßnahmen ein.

(3) Die Union wird die WEU in Anspruch nehmen, um die Entscheidungen und Aktionen der Union, die verteidigungspolitische Bezüge haben, auszuarbeiten und durchzuführen.

Die Befugnis des Europäischen Rates zur Festlegung von Leitlinien nach Artikel J.3 gilt auch in bezug auf die WEU bei denjenigen Angelegenheiten, für welche die Union die WEU in Anspruch nimmt.

Nimmt die Union die WEU in Anspruch, um Entscheidungen der Union über die in Absatz 2 genannten Aufgaben auszuarbeiten und durchzuführen, so können sich alle Mitgliedstaaten der Union in vollem Umfang an den betreffenden Aufgaben beteiligen. Der Rat trifft im Einvernehmen mit den Organen der WEU die erforderlichen praktischen Regelungen, damit alle Mitgliedstaaten, die sich an den betreffenden Aufgaben beteiligen, in vollem Umfang und gleichberechtigt an der Planung und Beschlußfassung in der WEU teilnehmen können.

Beschlüsse mit verteidigungspolitischen Bezügen nach diesem Absatz werden unbeschadet der Politiken und Verpflichtungen im Sinne des Absatzes 1 Unterabsatz 3 gefaßt.

(4) Dieser Artikel steht der Entwicklung einer engeren Zusammenarbeit zwischen zwei oder mehr Mitgliedstaaten auf zweiseitiger Ebene sowie im Rahmen der WEU und der Atlantischen Allianz nicht entgegen, soweit sie der nach diesem Titel vorgesehenen Zusammenarbeit nicht zuwiderläuft und diese nicht behindert.

(5) Zur Förderung der Ziele dieses Artikels werden dessen Bestimmungen nach Artikel N überprüft.'

Protokoll zu Artikel J.7

„DIE HOHEN VERTRAGSPARTEIEN —

IN ANBETRACHT der Notwendigkeit, den Artikel J.7 Absatz 1 Unterabsatz 2 und Absatz 3 des Vertrags über die Europäische Union in vollem Umfang umzusetzen,

IN ANBETRACHT der Tatsache, daß die Politik der Union nach Artikel J.7 den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten nicht berührt, die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der NATO verwirklicht sehen, aus dem Nordatlantikvertrag achtet und mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik vereinbar ist —

SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union beigelegt ist:

Die Europäische Union erarbeitet binnen eines Jahres nach Inkrafttreten des Vertrags von Amsterdam zusammen mit der Westeuropäischen Union Regelungen für eine verstärkte Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union.'

A. BEZIEHUNGEN DER WEU ZUR EUROPÄISCHEN UNION: BEGLEITMASSNAHMEN ZUR UMSETZUNG DES VERTRAGS VON AMSTERDAM

4. In der ‚Erklärung zur Rolle der Westeuropäischen Union und zu ihren Beziehungen zur Europäischen Union und zur Atlantischen Allianz‘ vom 10. Dezember 1991 hatten es sich die Mitgliedstaaten der WEU zum Ziel gesetzt, ‚die WEU stufenweise zur Verteidigungskomponente der Europäischen Union auszubauen‘. Sie bekräftigen heute dieses Ziel so, wie es im Vertrag von Amsterdam dargelegt wird.
5. Wenn die Europäische Union die WEU in Anspruch nimmt, arbeitet die WEU die Entscheidungen und Aktionen der Europäischen Union, die verteidigungspolitische Bezüge haben, aus und führt sie durch.

Bei der Ausarbeitung und Durchführung der Entscheidungen und Aktionen der Europäischen Union, für die diese die WEU in Anspruch nimmt, wird die WEU entsprechend den Leitlinien des Europäischen Rates tätig.

Die WEU unterstützt die Europäische Union bei der Festlegung der verteidigungspolitischen Aspekte der Gemeinsamen Außen- und Sicherheitspolitik nach Artikel J.7 des Vertrags über die Europäische Union.

6. Die WEU bestätigt, daß sich alle Mitgliedstaaten der Europäischen Union, wenn diese die WEU in Anspruch nimmt, um Entscheidungen der Europäischen Union über die in Artikel J.7 Absatz 2 des Vertrags über die Europäische Union genannten Aufgaben auszuarbeiten und durchzuführen, nach Artikel J.7 Absatz 3 des Vertrags über die Europäische Union in vollem Umfang an den betreffenden Aufgaben beteiligen können.

Die WEU wird die Rolle der Beobachter bei der WEU entsprechend Artikel J.7 Absatz 3 ausbauen und die erforderlichen praktischen Regelungen treffen, damit alle Mitgliedstaaten der Europäischen Union, die sich auf Ersuchen der Europäischen Union an den von der WEU durchgeführten Aufgaben beteiligen, in vollem Umfang und gleichberechtigt an der Planung und Beschlußfassung in der WEU teilnehmen können.

7. Nach dem Protokoll zu Artikel J.7 des Vertrags über die Europäische Union erarbeitet die WEU zusammen mit der Europäischen Union Regelungen für eine verstärkte Zusammenarbeit zwischen den beiden Organisationen. In diesem Zusammenhang können bereits jetzt eine Reihe von Maßnahmen, von denen einige von der WEU bereits geprüft werden, genannt werden, insbesondere

- Regelungen für eine bessere Koordinierung der Konsultation und der Beschlußfassung beider Organisationen insbesondere in Krisensituationen;
- gemeinsame Tagungen der zuständigen Gremien beider Organisationen;
- weitestmögliche Harmonisierung der Abfolge der Präsidenschaften von WEU und Europäischer Union sowie der Verwaltungsregelungen und -praktiken beider Organisationen;
- enge Koordinierung der Tätigkeiten des Personals des WEU-Generalsekretariats und des Generalsekretariats des Rates der Europäischen Union einschließlich des Austausches und der Abordnung von Personal;

- Regelungen, die es den zuständigen Gremien der Europäischen Union einschließlich der Strategieplanungs- und Frühwarneinheit ermöglichen, auf den Planungsstab, das Lagezentrum und das Satellitenzentrum der WEU zurückzugreifen;
- soweit angebracht, Zusammenarbeit der Europäischen Union und der WEU im Rüstungsbereich im Rahmen der Westeuropäischen Rüstungsgruppe (WEAG) als europäischer Instanz für die Zusammenarbeit in Rüstungsfragen im Zusammenhang mit der Rationalisierung des europäischen Rüstungsmarkts und mit der Einrichtung einer Europäischen Rüstungsagentur;
- praktische Regelungen zwecks Zusammenarbeit mit der Kommission der Europäischen Gemeinschaften, die deren Rolle im Rahmen der GASP widerspiegeln, wie sie im Vertrag von Amsterdam festgelegt ist;
- Verbesserung der Geheimhaltungsregelungen mit der Europäischen Union.

B. BEZIEHUNGEN ZWISCHEN DER WEU UND DER NATO IM RAHMEN DER ENTWICKLUNG EINER ESVI INNERHALB DER ATLANTISCHEN ALLIANZ

8. Die Atlantische Allianz stellt weiterhin die Grundlage für die kollektive Verteidigung im Rahmen des Nordatlantikvertrags dar. Sie bleibt das wesentliche Forum für Konsultationen unter ihren Mitgliedern und für die Vereinbarung von politischen Maßnahmen, die sich auf die Sicherheits- und Verteidigungsverpflichtungen der Verbündeten des Washingtoner Vertrags auswirken. Die Allianz hat einen Anpassungs- und Reformprozeß begonnen, um die ganze Bandbreite ihrer Aufgaben effizienter erfüllen zu können. Ziel dieses Prozesses ist es, die transatlantische Partnerschaft zu stärken und zu erneuern, wozu auch die Entwicklung einer ESVI innerhalb der Allianz gehört.
9. Die WEU stellt ein entscheidendes Element der Entwicklung einer Europäischen Sicherheits- und Verteidigungsidentität innerhalb der Atlantischen Allianz dar und wird sich daher weiterhin um eine verstärkte institutionelle und praktische Zusammenarbeit mit der NATO bemühen.
10. Neben ihrem Beitrag zur gemeinsamen Verteidigung nach Artikel 5 des Washingtoner Vertrags bzw. Artikel V des geänderten Brüsseler Vertrags spielt die WEU auch eine aktive Rolle bei der Konfliktverhütung und der Krisenbewältigung, wie es die Petersberger Erklärung vorsieht. In diesem Zusammenhang verpflichtet sich die WEU, ihre Rolle unter Wahrung völliger Transparenz und unter Beachtung der Komplementarität der beiden Organisationen in vollem Umfang wahrzunehmen.
11. Die WEU bekräftigt, daß die ESVI auf anerkannten militärischen Grundsätzen beruhen wird, daß sie durch eine geeignete militärische Planung unterstützt werden wird und daß sie es möglich machen wird, militärisch kohärente, leistungsfähige Streitkräfte zu schaffen, die unter der politischen Kontrolle und der strategischen Leitung der WEU operieren können.
12. Zu diesem Zweck wird die WEU ihre Zusammenarbeit mit der NATO insbesondere in folgenden Bereichen ausbauen:
 - Mechanismen für Konsultationen zwischen WEU und NATO bei Krisen;

- aktive Teilnahme der WEU am Verteidigungsplanungsprozeß der NATO;
- operationelle Verbindungen zwischen WEU und NATO bei der Planung, Vorbereitung und Durchführung von Operationen, bei denen Mittel und Kapazitäten der NATO unter der politischen Kontrolle und der strategischen Leitung der WEU eingesetzt werden, insbesondere
 - von der NATO in Abstimmung mit der WEU vorgenommene militärische Planung und Übungen;
 - Ausarbeitung eines Rahmenabkommens über die Übertragung, Überwachung und Rückführung von Mitteln und Kapazitäten der NATO;
 - Verbindungen zwischen der WEU und der NATO im Bereich der europäischen Kommandoregelungen.

Diese Zusammenarbeit wird sich, auch unter Berücksichtigung der Anpassung der Allianz, ständig weiterentwickeln.

C. OPERATIONELLE ROLLE DER WEU BEI DER ENTWICKLUNG DER ESVI

13. Die WEU wird ihre Rolle als politisch-militärisches europäisches Organ für die Krisenbewältigung ausbauen, indem sie die Mittel und Kapazitäten zum Einsatz bringt, die ihr von den WEU-Ländern auf nationaler oder multinationaler Ebene zur Verfügung gestellt wurden, und indem sie, gegebenenfalls, nach Maßgabe von Vereinbarungen, die derzeit erarbeitet werden, auf die Mittel und Kapazitäten der NATO zurückgreift. In diesem Zusammenhang wird die WEU auch die Vereinten Nationen und die OSZE bei ihren Tätigkeiten im Bereich der Krisenbewältigung unterstützen.

Die WEU wird im Rahmen des Artikels J.7 des Vertrags über die Europäische Union einen Beitrag zur schrittweisen Festlegung einer gemeinsamen Verteidigungspolitik leisten und für deren konkrete Umsetzung sorgen, indem sie ihre eigene operationelle Rolle ausbaut.

14. Zu diesem Zweck wird die WEU in folgenden Bereichen tätig:

- Die WEU hat Mechanismen und Verfahren für die Krisenbewältigung entwickelt, die im Zuge der weiteren Erfahrungen der WEU bei Übungen und Operationen aktualisiert werden. Die Wahrnehmung der Petersberger Aufgaben erfordert flexible Vorgehensweisen, die der Vielfalt der Krisensituationen gerecht werden und vorhandene Kapazitäten optimal nutzen; hierzu gehören der Rückgriff auf ein nationales Hauptquartier, das von einem ‚Rahmen-Staat‘ gestellt werden kann, auf ein der WEU zugeordnetes multinationales Hauptquartier oder auf Mittel und Fähigkeiten der NATO.
- Die WEU hat bereits ‚Vorläufige Schlußfolgerungen betreffend die Formulierung einer gemeinsamen europäischen Verteidigungspolitik‘ ausgearbeitet, die ein erster Beitrag zu den Zielen, dem Umfang und den Mitteln einer gemeinsamen europäischen Verteidigungspolitik sind.

Die WEU wird diese Arbeit fortsetzen, wobei sie sich insbesondere auf die Pariser Erklärung stützen und relevante Punkte der Beschlüsse berücksichtigen wird, die seit der Tagung von Birmingham auf den Gipfel- und Ministertagungen der WEU und der NATO gefaßt worden sind. Sie wird sich insbesondere auf folgende Bereiche konzentrieren:

- Festlegung von Grundsätzen für den Einsatz der Streitkräfte von WEU-Staaten für Petersberg-Operationen der WEU in Wahrnehmung gemeinsamer europäischer Sicherheitsinteressen;
- Organisation operativer Mittel für Petersberg-Aufgaben wie allgemeine und fallbezogene Einsatzplanung und Übungen allgemein und für den Einzelfall sowie Vorbereitung und Interoperabilität der Streitkräfte, einschließlich der Teilnahme der WEU am Prozeß der Verteidigungsplanung der NATO, soweit dies erforderlich ist;
- strategische Mobilität auf der Grundlage der laufenden Arbeiten der WEU;
- Aufgaben der militärischen Aufklärung, die von der Planungszelle, vom Lagezentrum und vom Satellitenzentrum der WEU wahrzunehmen sind.
- Die WEU hat zahlreiche Maßnahmen ergriffen, die es ihr ermöglicht haben, ihre operationelle Rolle auszubauen (Planungsstab, Lagezentrum, Satellitenzentrum). Die Verbesserung der Funktionsweise der militärischen Komponenten am WEU-Sitz und die Einrichtung eines dem Rat unterstehenden Militärausschusses sollen zu einer weiteren Verstärkung der Strukturen führen, die für die erfolgreiche Vorbereitung und Durchführung der WEU-Operationen wichtig sind.
- Um den assoziierten Mitgliedern und den Beobachterstaaten eine Teilnahme an allen Operationen zu ermöglichen, wird die WEU auch prüfen, welche Modalitäten erforderlich sind, damit die assoziierten Mitglieder und Beobachterstaaten in vollem Umfang entsprechend ihrem Status an allen WEU-Operationen teilnehmen können.
- Die WEU erinnert daran, daß die assoziierten Mitglieder an den Operationen, zu denen sie Beiträge leisten, sowie an den entsprechenden Übungen und Planungen auf derselben Grundlage teilnehmen wie die Vollmitglieder. Die WEU wird zudem die Frage prüfen, wie die Beobachter bei allen Operationen, zu denen sie Beiträge leisten, je nach ihrem Status möglichst weitreichend an der Planung und Beschlußfassung der WEU beteiligt werden können.
- Die WEU wird, soweit erforderlich in Abstimmung mit den zuständigen Gremien, die Möglichkeiten für eine möglichst weitreichende Teilnahme der assoziierten Mitglieder und der Beobachterstaaten an ihren Aktivitäten entsprechend ihrem Status prüfen. Sie wird hierbei insbesondere die Aktivitäten in den Bereichen Rüstung, Weltraum und militärische Studien zur Sprache bringen.
- Die WEU wird prüfen, wie sie die Beteiligung der assoziierten Partner an einer immer größeren Zahl von Aktivitäten verstärken kann.“

4. Erklärung zu den Artikeln J.14 und K.10 des Vertrags über die Europäische Union

Die Bestimmungen der Artikel J.14 und K.10 des Vertrags über die Europäische Union und Übereinkünfte aufgrund dieser Artikel bedeuten keine Übertragung von Zuständigkeiten von den Mitgliedstaaten auf die Europäische Union.

5. Erklärung zu Artikel J.15 des Vertrags über die Europäische Union

Die Konferenz kommt überein, daß die Mitgliedstaaten dafür Sorge tragen, daß das in Artikel J.15 des Vertrags über die Europäische Union genannte Politische Komitee im Falle internationaler Krisen oder anderer dringlicher Angelegenheiten auf der Ebene der Politischen Direktoren oder ihrer Stellvertreter jederzeit sehr kurzfristig zusammentreten kann.

6. Erklärung zur Schaffung einer Strategieplanungs- und Frühwarneinheit

Die Konferenz kommt wie folgt überein:

1. Im Generalsekretariat des Rates wird unter der Verantwortung des Generalsekretärs und Hohen Vertreters für die GASP eine Strategieplanungs- und Frühwarneinheit geschaffen. Es wird eine angemessene Zusammenarbeit mit der Kommission eingeführt, damit die vollständige Kohärenz mit der Außenwirtschafts- und der Entwicklungspolitik der Union gewährleistet ist.
2. Zu den Aufgaben dieser Einheit gehört folgendes:
 - a) Überwachung und Analyse der Entwicklungen in den unter die GASP fallenden Bereichen;
 - b) Beurteilung der außen- und sicherheitspolitischen Interessen der Union und Ermittlung von möglichen künftigen Schwerpunktbereichen der GASP;
 - c) rechtzeitige Bewertung von Ereignissen oder Situationen, die bedeutende Auswirkungen auf die Außen- und Sicherheitspolitik der Union haben können, einschließlich potentieller politischer Krisen, und frühzeitige Warnung vor solchen Ereignissen oder Situationen;
 - d) Ausarbeitung — auf Anforderung des Rates oder des Vorsitzes oder von sich aus — von ausführlich begründeten Dokumenten über politische Optionen, die unter der Verantwortung des Vorsitzes als Beitrag zur Formulierung der Politik im Rat zu unterbreiten sind und die Analysen, Empfehlungen und Strategien für die GASP enthalten können.
3. Die Einheit besteht aus Personal, das aus dem Generalsekretariat, den Mitgliedstaaten, der Kommission und der WEU herangezogen wird.
4. Jeder Mitgliedstaat oder die Kommission kann der Einheit Vorschläge für Arbeiten unterbreiten.
5. Die Mitgliedstaaten und die Kommission unterstützen den Strategieplanungsprozeß soweit irgend möglich durch Bereitstellung einschlägiger Informationen, auch vertraulicher Art.

7. Erklärung zu Artikel K.2 des Vertrags über die Europäische Union

Maßnahmen im Bereich der polizeilichen Zusammenarbeit nach Artikel K.2 des Vertrags über die Europäische Union, einschließlich der Tätigkeiten von Europol, unterliegen einer gerichtlichen Überprüfung durch die zuständigen einzelstaatlichen Stellen gemäß den in dem jeweiligen Mitgliedstaat geltenden Rechtsvorschriften.

8. Erklärung zu Artikel K.3 Buchstabe e des Vertrags über die Europäische Union

Die Konferenz kommt überein, daß ein Mitgliedstaat, dessen Rechtssystem keine Mindeststrafen vorsieht, nicht aufgrund von Artikel K.3 Buchstabe e des Vertrags über die Europäische Union verpflichtet ist, Mindeststrafen einzuführen.

9. Erklärung zu Artikel K.6 Absatz 2 des Vertrags über die Europäische Union

Die Konferenz kommt überein, daß Initiativen für Maßnahmen nach Artikel K.6 Absatz 2 des Vertrags über die Europäische Union und vom Rat nach jenem Absatz angenommene Rechtsakte nach den entsprechenden Geschäftsordnungen des Rates und der Kommission im *Amtsblatt der Europäischen Gemeinschaften* veröffentlicht werden.

10. Erklärung zu Artikel K.7 des Vertrags über die Europäische Union

Die Konferenz nimmt zur Kenntnis, daß die Mitgliedstaaten bei der Abgabe einer Erklärung nach Artikel K.7 Absatz 2 des Vertrags über die Europäische Union sich das Recht vorbehalten können, in ihrem innerstaatlichen Recht zu bestimmen, daß ein nationales Gericht, dessen Entscheidungen selbst nicht mehr mit Rechtsmitteln des innerstaatlichen Rechts angefochten werden können, verpflichtet ist, den Gerichtshof anzurufen, wenn sich in einem schwebenden Verfahren eine Frage über die Gültigkeit oder die Auslegung eines Rechtsakts nach Artikel K.7 Absatz 1 stellt.

11. Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften

Die Europäische Union achtet den Status, den Kirchen und religiöse Vereinigungen oder Gemeinschaften in den Mitgliedstaaten nach deren Rechtsvorschriften genießen, und beeinträchtigt ihn nicht.

Die Europäische Union achtet den Status von weltanschaulichen Gemeinschaften in gleicher Weise.

12. Erklärung zu Umweltverträglichkeitsprüfungen

Die Konferenz nimmt die Zusage der Kommission zur Kenntnis, Umweltverträglichkeitsstudien zu erstellen, wenn sie Vorschläge unterbreitet, die erhebliche Auswirkungen für die Umwelt haben können.

13. Erklärung zu Artikel 7 d des Vertrags zur Gründung der Europäischen Gemeinschaft

Der die öffentlichen Dienste betreffende Artikel 7 d des Vertrags zur Gründung der Europäischen Gemeinschaft wird unter uneingeschränkter Beachtung der Rechtsprechung des Gerichtshofs, u. a. in Bezug auf die Grundsätze der Gleichbehandlung, der Qualität und der Dauerhaftigkeit solcher Dienste, umgesetzt.

14. Erklärung zur Aufhebung des Artikels 44 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Aufhebung des Artikels 44 des Vertrags zur Gründung der Europäischen Gemeinschaft, in dem eine natürliche Präferenz zwischen den Mitgliedstaaten bei der Festlegung der Mindestpreise in der Übergangszeit erwähnt wird, hat keine Auswirkung auf den Grundsatz der Gemeinschaftspräferenz, wie er in der Rechtsprechung des Gerichtshofs formuliert wurde.

15. Erklärung zur Bewahrung des durch den Schengen-Besitzstand gewährleisteten Maßes an Schutz und Sicherheit

Die Konferenz kommt überein, daß vom Rat zu beschließende Maßnahmen, die zur Folge haben, daß die im Schengener Übereinkommen von 1990 enthaltenen Bestimmungen über die Abschaffung von Kontrollen an den gemeinsamen Grenzen ersetzt werden, zumindest dasselbe Maß an Schutz und Sicherheit bieten müssen wie die genannten Bestimmungen des Schengener Übereinkommens.

16. Erklärung zu Artikel 73 j Nummer 2 Buchstabe b des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz kommt überein, daß bei der Anwendung des Artikels 73 j Nummer 2 Buchstabe b des Vertrags zur Gründung der Europäischen Gemeinschaft außenpolitische Überlegungen der Union und der Mitgliedstaaten berücksichtigt werden.

17. Erklärung zu Artikel 73 k des Vertrags zur Gründung der Europäischen Gemeinschaft

In asylpolitischen Angelegenheiten werden Konsultationen mit dem Hohen Kommissar der Vereinten Nationen für Flüchtlinge und anderen einschlägigen internationalen Organisationen aufgenommen.

18. Erklärung zu Artikel 73 k Nummer 3 Buchstabe a des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz kommt überein, daß die Mitgliedstaaten in den unter Artikel 73 k Nummer 3 Buchstabe a des Vertrags zur Gründung der Europäischen Gemeinschaft fallenden Bereichen Übereinkünfte mit Drittländern aushandeln und schließen können, sofern diese Übereinkünfte mit dem Gemeinschaftsrecht in Einklang stehen.

19. Erklärung zu Artikel 73 l Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz kommt überein, daß die Mitgliedstaaten bei der Wahrnehmung ihrer Zuständigkeiten nach Artikel 73 l Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft außenpolitische Überlegungen berücksichtigen können.

20. Erklärung zu Artikel 73 m des Vertrags zur Gründung der Europäischen Gemeinschaft

Nach Artikel 73 m des Vertrags zur Gründung der Europäischen Gemeinschaft beschlossene Maßnahmen hindern die Mitgliedstaaten nicht daran, ihre Verfassungsvorschriften über Pressefreiheit und die Freiheit der Meinungsäußerung in anderen Medien anzuwenden.

21. Erklärung zu Artikel 73 o des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz kommt überein, daß der Rat die Einzelheiten des Beschlusses nach Artikel 73 o Absatz 2 zweiter Gedankenstrich des Vertrags zur Gründung der Europäischen Gemeinschaft vor Ablauf des in Artikel 73 o genannten Fünfjahreszeitraums prüfen wird, damit er diesen Beschluß unmittelbar nach Ablauf dieses Zeitraums fassen und anwenden kann.

22. Erklärung zu Personen mit einer Behinderung

Die Konferenz kommt überein, daß die Organe der Gemeinschaft bei der Ausarbeitung von Maßnahmen nach Artikel 100 a des Vertrags zur Gründung der Europäischen Gemeinschaft den Bedürfnissen von Personen mit einer Behinderung Rechnung tragen.

23. Erklärung zu den in Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft genannten Anreizmaßnahmen

Die Konferenz kommt überein, daß die Anreizmaßnahmen nach Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft stets folgende Angaben enthalten sollten:

- die Gründe für ihre Annahme auf der Grundlage einer objektiven Beurteilung ihrer Notwendigkeit und des Vorhandenseins eines zusätzlichen Nutzens auf Gemeinschaftsebene;
- ihre Geltungsdauer, die fünf Jahre nicht überschreiten sollte;
- die Obergrenze für ihre Finanzierung, die den Anreizcharakter solcher Maßnahmen widerspiegeln sollte.

24. Erklärung zu Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft

Es gilt als vereinbart, daß Ausgaben nach Artikel 109 r des Vertrags zur Gründung der Europäischen Gemeinschaft unter Rubrik 3 der Finanziellen Vorausschau fallen.

25. Erklärung zu Artikel 118 des Vertrags zur Gründung der Europäischen Gemeinschaft

Es gilt als vereinbart, daß Ausgaben nach Artikel 118 des Vertrags zur Gründung der Europäischen Gemeinschaft unter Rubrik 3 der Finanziellen Vorausschau fallen.

26. Erklärung zu Artikel 118 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Hohen Vertragsparteien stellen fest, daß bei den Beratungen über Artikel 118 Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft Einvernehmen darüber bestand, daß die Gemeinschaft beim Erlaß von Mindestvorschriften zum Schutz der Sicherheit und Gesundheit der Arbeitnehmer nicht beabsichtigt, Arbeitnehmer kleiner und mittlerer Unternehmen in einer den Umständen nach nicht gerechtfertigten Weise zu benachteiligen.

27. Erklärung zu Artikel 118 b Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Hohen Vertragsparteien erklären, daß die erste der Durchführungsvorschriften zu den Vereinbarungen zwischen den Sozialpartnern auf Gemeinschaftsebene nach Artikel 118 b Absatz 2 des Vertrags zur Gründung der Europäischen Gemeinschaft die Erarbeitung des Inhalts dieser Vereinbarungen durch Tarifverhandlungen gemäß den Regeln eines jeden Mitgliedstaats betrifft und daß diese Vorschrift mithin weder eine Verpflichtung der Mitgliedstaaten, diese Vereinbarungen unmittelbar anzuwenden oder diesbezügliche Umsetzungsregeln zu erarbeiten, noch eine Verpflichtung beinhaltet, zur Erleichterung ihrer Anwendung die geltenden innerstaatlichen Rechtsvorschriften zu ändern.

28. Erklärung zu Artikel 119 Absatz 4 des Vertrags zur Gründung der Europäischen Gemeinschaft

Maßnahmen der Mitgliedstaaten nach Artikel 119 Absatz 4 des Vertrags zur Gründung der Europäischen Gemeinschaft sollten in erster Linie der Verbesserung der Lage der Frauen im Arbeitsleben dienen.

29. Erklärung zum Sport

Die Konferenz unterstreicht die gesellschaftliche Bedeutung des Sports, insbesondere die Rolle, die dem Sport bei der Identitätsfindung und der Begegnung der Menschen zukommt. Die Konferenz appelliert daher an die Gremien der Europäischen Union, bei wichtigen, den Sport betreffenden Fragen die Sportverbände anzuhören. In diesem Zusammenhang sollten die Besonderheiten des Amateursports besonders berücksichtigt werden.

30. Erklärung zu den Inselgebieten

Die Konferenz ist sich dessen bewußt, daß Inselgebiete unter strukturellen Nachteilen leiden, die mit ihrer Insellage verknüpft sind und die als ständige Gegebenheiten ihre wirtschaftliche und soziale Entwicklung beeinträchtigen.

Die Konferenz stellt dementsprechend fest, daß das Gemeinschaftsrecht diesen Nachteilen Rechnung tragen muß und daß — soweit gerechtfertigt — spezielle Maßnahmen zugunsten dieser Gebiete getroffen werden können, um diese zu fairen Bedingungen besser in den Binnenmarkt einzugliedern.

31. Erklärung zu dem Beschluß des Rates vom 13. Juli 1987

Die Konferenz fordert die Kommission auf, dem Rat bis spätestens Ende 1998 einen Vorschlag zur Änderung des Beschlusses des Rates vom 13. Juli 1987 zur Festlegung der Modalitäten für die Ausübung der der Kommission übertragenen Durchführungsbefugnisse zu unterbreiten.

32. Erklärung zur Organisation und Arbeitsweise der Kommission

Die Konferenz nimmt Kenntnis von der Absicht der Kommission, rechtzeitig für die im Jahr 2000 beginnende Amtszeit eine Neugestaltung der Aufgaben innerhalb des Kollegiums vorzubereiten, damit eine optimale Aufteilung zwischen herkömmlichen Ressorts und spezifischen Aufgabenbereichen gewährleistet wird.

In diesem Zusammenhang vertritt die Konferenz die Auffassung, daß der Präsident der Kommission sowohl bei der Zuweisung der Aufgaben innerhalb des Kollegiums als auch bei jeder Neuordnung dieser Aufgaben während der Amtszeit einen großen Ermessensspielraum haben muß.

Die Konferenz nimmt ebenfalls Kenntnis von der Absicht der Kommission, gleichlaufend eine Neugliederung ihrer Dienststellen in Angriff zu nehmen. Sie nimmt insbesondere zur Kenntnis, daß es wünschenswert ist, einem Vizepräsidenten die Zuständigkeit für die Außenbeziehungen zuzuweisen.

33. Erklärung zu Artikel 188 c Absatz 3 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz ersucht den Rechnungshof, die Europäische Investitionsbank und die Kommission, die derzeitige Dreiervereinbarung in Kraft zu belassen. Beantragt eine der Parteien eine Nachfolge- oder Änderungsvereinbarung, so wird eine Übereinkunft darüber unter Berücksichtigung der jeweiligen Interessen angestrebt.

34. Erklärung zur Einhaltung der Fristen im Rahmen des Mitentscheidungsverfahrens

Die Konferenz fordert das Europäische Parlament, den Rat und die Kommission auf, alle Anstrengungen zu unternehmen, damit sichergestellt ist, daß das Mitentscheidungsverfahren möglichst zügig verläuft. Sie weist darauf hin, wie wichtig es ist, daß die in Artikel 189 b des Vertrags zur Gründung der Europäischen Gemeinschaft festgelegten Fristen strikt eingehalten werden, und bekräftigt, daß auf die in Absatz 7 jenes Artikels vorgesehene Fristverlängerung nur zurückgegriffen werden sollte, wenn dies unbedingt erforderlich ist. In keinem Fall sollten zwischen der zweiten Lesung im Europäischen Parlament und dem Ausgang des Verfahrens im Vermittlungsausschuß mehr als neun Monate verstreichen.

35. Erklärung zu Artikel 191 a Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft

Die Konferenz kommt überein, daß die in Artikel 191 a Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft genannten Grundsätze und Bedingungen es einem Mitgliedstaat gestatten, die Kommission oder den Rat zu ersuchen, ein aus dem betreffenden Mitgliedstaat stammendes Dokument nicht ohne seine vorherige Zustimmung an Dritte weiterzuleiten.

36. Erklärung zu den überseeischen Ländern und Gebieten

Die Konferenz räumt ein, daß das besondere Assoziierungssystem für die überseeischen Länder und Gebiete (ÜLG) im Vierten Teil des Vertrags zur Gründung der Europäischen Gemeinschaft für eine Vielzahl von Ländern und Gebieten mit großer Fläche und Einwohnerzahl gedacht war. Dieses System hat sich seit 1957 kaum weiterentwickelt.

Die Konferenz stellt fest, daß es heute nur noch 20 ÜLG gibt, bei denen es sich um weit verstreute Inseln mit insgesamt rund 900 000 Einwohnern handelt. Zudem sind die meisten ÜLG strukturell gesehen weit im Rückstand, was auf die besonders ungünstigen geographischen und wirtschaftlichen Bedingungen zurückzuführen ist. Unter diesen Umständen kann das besondere Assoziierungssystem in der Form von 1957 den Herausforderungen der Entwicklung der ÜLG nicht mehr gerecht werden.

Die Konferenz weist nachdrücklich darauf hin, daß das Ziel der Assoziierung die Förderung der wirtschaftlichen und sozialen Entwicklung der Länder und Gebiete und die Herstellung enger Wirtschaftsbeziehungen zwischen ihnen und der gesamten Gemeinschaft ist.

Daher fordert die Konferenz den Rat auf, dieses Assoziierungssystem nach Artikel 136 des Vertrags zur Gründung der Europäischen Gemeinschaft bis Februar 2000 zu überprüfen; dabei sollen vier Ziele verfolgt werden:

- wirksamere Förderung der wirtschaftlichen und sozialen Entwicklung der ÜLG;
- Vertiefung der Wirtschaftsbeziehungen zwischen den ÜLG und der Europäischen Union;
- stärkere Berücksichtigung der Verschiedenheit und der Besonderheiten der einzelnen ÜLG, auch im Hinblick auf die Niederlassungsfreiheit;
- Gewährleistung einer größeren Wirksamkeit des Finanzinstruments.

37. Erklärung zu öffentlich-rechtlichen Kreditinstituten in Deutschland

Die Konferenz nimmt die Auffassung der Kommission zur Kenntnis, daß die bestehenden Wettbewerbsregeln der Gemeinschaft es zulassen, Dienstleistungen von allgemeinem wirtschaftlichem Interesse, welche die in Deutschland bestehenden öffentlich-rechtlichen Kreditinstitute erfüllen, sowie ihnen zum Ausgleich für die mit diesen Leistungen verbundenen Lasten gewährte Fazilitäten voll zu berücksichtigen. Dabei bleibt es der Organisation dieses Mitgliedstaats überlassen, auf welche Weise er insoweit den Gebietskörperschaften die Erfüllung ihrer Aufgabe ermöglicht, in ihren Regionen eine flächendeckende und leistungsfähige Finanzinfrastruktur zur Verfügung zu stellen. Diese Fazilitäten dürfen die Wettbewerbsbedingungen nicht in einem Ausmaß beeinträchtigen, das über das zur Erfüllung der besonderen Aufgaben erforderliche Maß hinausgeht und zugleich dem Interesse der Gemeinschaft entgegenwirkt.

Die Konferenz erinnert daran, daß der Europäische Rat die Kommission ersucht hat, zu prüfen, ob es in den übrigen Mitgliedstaaten vergleichbare Fälle gibt, auf etwaige vergleichbare Fälle dieselben Maßstäbe anzuwenden und dem Rat in der Zusammensetzung der Wirtschafts- und Finanzminister Bericht zu erstatten.

38. Erklärung zu freiwilligen Diensten

Die Konferenz erkennt an, daß die freiwilligen Dienste einen wichtigen Beitrag zur Entwicklung der sozialen Solidariät leisten.

Die Gemeinschaft wird die europäische Dimension freiwilliger Vereinigungen fördern und dabei besonderen Wert auf den Austausch von Informationen und Erfahrungen sowie die Mitwirkung von Jugendlichen und älteren Menschen an freiwilliger Arbeit legen.

39. Erklärung zur redaktionellen Qualität der gemeinschaftlichen Rechtsvorschriften

Die Konferenz stellt fest, daß die redaktionelle Qualität wesentliche Voraussetzung dafür ist, daß gemeinschaftliche Rechtsvorschriften von den zuständigen einzelstaatlichen Behörden ordnungsgemäß angewandt und von den Bürgern und der Wirtschaft besser verstanden werden. Sie erinnert an die diesbezüglichen Schlußfolgerungen des Vorsitzes des Europäischen Rates (Edinburgh, 11./12. Dezember 1992) und an die vom Rat am 8. Juni 1993 angenommene Entschließung über die redaktionelle Qualität der gemeinschaftlichen Rechtsvorschriften (*Amtsblatt der Europäischen Gemeinschaften*, C 166 vom 17. 6. 1993, S. 1).

Die Konferenz ist der Auffassung, daß die drei am Verfahren für die Annahme gemeinschaftlicher Rechtsvorschriften beteiligten Organe, nämlich das Europäische Parlament, der Rat und die Kommission, Leitlinien für die redaktionelle Qualität dieser Vorschriften festlegen sollten. Sie weist ferner darauf hin, daß die gemeinschaftlichen Rechtsvorschriften zugänglicher gemacht werden sollten, und begrüßt in dieser Hinsicht die Annahme und erste Anwendung des beschleunigten Arbeitsverfahrens für die amtliche Kodifizierung von Rechtstexten, das durch die Interinstitutionelle Vereinbarung vom 20. Dezember 1994 festgelegt wurde (*Amtsblatt der Europäischen Gemeinschaften*, C 102 vom 4. 4. 1996, S. 2).

Die Konferenz erklärt deshalb, daß das Europäische Parlament, der Rat und die Kommission

- einvernehmlich Leitlinien zur Verbesserung der redaktionellen Qualität der gemeinschaftlichen Rechtsvorschriften festlegen und bei der Prüfung von Vorschlägen oder Entwürfen für gemeinschaftliche Rechtsakte diese Leitlinien zugrunde legen und die internen organisatorischen Maßnahmen ergreifen sollten, die sie für eine angemessene Durchführung der Leitlinien als erforderlich erachten;
- alles daran setzen sollten, um die Kodifizierung von Rechtstexten zu beschleunigen.

40. Erklärung zu dem Verfahren beim Abschluß internationaler Übereinkünfte durch die Europäische Gemeinschaft für Kohle und Stahl

Der Wegfall des § 14 des Abkommens über die Übergangsbestimmungen im Anhang zum Vertrag über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl stellt keine Änderung der bestehenden Praxis hinsichtlich des Verfahrens beim Abschluß internationaler Übereinkünfte durch die Europäische Gemeinschaft für Kohle und Stahl dar.

41. Erklärung zu den Vorschriften über die Transparenz, den Zugang zu Dokumenten und die Bekämpfung von Betrugereien

Die Konferenz ist der Ansicht, daß sich das Europäische Parlament, der Rat und die Kommission, wenn sie aufgrund des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft handeln, von den im Rahmen des Vertrags zur Gründung der Europäischen Gemeinschaft geltenden Vorschriften über die Transparenz, den Zugang zu Dokumenten und die Bekämpfung von Betrugereien leiten lassen sollten.

42. Erklärung über die Konsolidierung der Verträge

Die Hohen Vertragsparteien sind übereingekommen, daß die während dieser Regierungskonferenz begonnene technische Arbeit möglichst zügig mit dem Ziel fortgesetzt wird, eine konsolidierte Fassung aller einschlägigen Verträge, einschließlich des Vertrags über die Europäische Union, vorzubereiten.

Sie sind ferner übereingekommen, daß die Endergebnisse dieser technischen Arbeit, die unter der Verantwortung des Generalsekretärs des Rates zur leichteren Orientierung veröffentlicht werden, keine Rechtswirkung haben.

43. Erklärung zum Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit

Die Hohen Vertragsparteien bekräftigen zum einen die der Schlußakte zum Vertrag über die Europäische Union beigefügte Erklärung zur Anwendung des Gemeinschaftsrechts und zum anderen die Schlußfolgerungen des Europäischen Rates von Essen, wonach die administrative Durchführung des Gemeinschaftsrechts grundsätzlich Sache der Mitgliedstaaten gemäß ihren verfassungsrechtlichen Vorschriften bleibt. Die Aufsichts-, Kontroll- und Durchführungsbe fugnisse der Gemeinschaftsorgane nach den Artikeln 145 und 155 des Vertrags zur Gründung der Europäischen Gemeinschaft bleiben hiervon unberührt.

44. Erklärung zu Artikel 2 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

Die Hohen Vertragsparteien kommen überein, daß der Rat zum Zeitpunkt des Inkrafttretens des Vertrags von Amsterdam alle erforderlichen Maßnahmen beschließt, die in Artikel 2 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union genannt sind. Zu diesem Zweck werden rechtzeitig die erforderlichen Vorbereitungsarbeiten eingeleitet, damit sie vor dem genannten Zeitpunkt abgeschlossen werden können.

45. Erklärung zu Artikel 4 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

Die Hohen Vertragsparteien ersuchen den Rat, die Stellungnahme der Kommission einzuholen, bevor er über einen von Irland und dem Vereinigten Königreich Großbritannien und Nordirland gestellten Antrag nach Artikel 4 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union entscheidet, einzelne oder alle Bestimmungen des Schengen-Besitzstands auf sie anzuwenden.

Ferner verpflichten sie sich, die größtmöglichen Anstrengungen zu unternehmen, damit Irland und das Vereinigte Königreich Großbritannien und Nordirland — wenn sie dies wünschen — Artikel 4 des genannten Protokolls in Anspruch nehmen können, so daß der Rat in der Lage ist, die in jenem Artikel genannten Beschlüsse, und zwar zum Zeitpunkt des Inkrafttretens jenes Protokolls oder zu jedem späteren Zeitpunkt, zu fassen.

46. Erklärung zu Artikel 5 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

Die Hohen Vertragsparteien übernehmen die Verpflichtung, sich nach besten Kräften dafür einzusetzen, daß ein Vorgehen unter Beteiligung aller Mitgliedstaaten in den Bereichen des Schengen-Besitzstands ermöglicht wird, insbesondere wenn Irland und das Vereinigte Königreich Großbritannien und Nordirland nach Artikel 4 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union einzelne oder alle Bestimmungen dieses Besitzstands übernommen haben.

47. Erklärung zu Artikel 6 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

Die Hohen Vertragsparteien kommen überein, alle erforderlichen Schritte zu unternehmen, damit die in Artikel 6 des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union genannten Übereinkommen zu demselben Zeitpunkt in Kraft treten können wie der Vertrag von Amsterdam.

48. Erklärung zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union

Das Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union berührt nicht das Recht eines jeden Mitgliedstaats, die organisatorischen Maßnahmen zu treffen, die er zur Erfüllung seiner Verpflichtungen aus dem Genfer Abkommen vom 28. Juli 1951 über die Rechtsstellung der Flüchtlinge für erforderlich hält.

49. Erklärung zu Buchstabe d des einzigen Artikels des Protokolls über die Gewährung von Asyl für Staatsangehörige der Mitgliedstaaten der Europäischen Union

Die Konferenz erklärt, daß sie die Bedeutung der Entschließung der für Einwanderung zuständigen Minister der Mitgliedstaaten der Europäischen Gemeinschaften vom 30. November/1. Dezember 1992 über offensichtlich unbegründete Asylanträge und der Entschließung des Rates vom 20. Juni 1995 über die Mindestgarantien für Asylverfahren anerkennt, jedoch die Frage des Mißbrauchs von Asylverfahren und geeigneter schneller Verfahren, die es gestatten, auf die Prüfung offensichtlich unbegründeter Asylanträge zu verzichten, weiter geprüft werden sollte, damit neue Verbesserungen zur Beschleunigung dieser Verfahren eingeführt werden können.

50. Erklärung zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union

Es wird vereinbart, daß die Geltungsdauer des Beschlusses des Rates vom 29. März 1994 („Ioannina-Kompromiß“) bis zum Zeitpunkt des Inkrafttretens der ersten Erweiterung verlängert wird und daß bis zu diesem Zeitpunkt eine Lösung für den Sonderfall Spaniens gefunden wird.

51. Erklärung zu Artikel 10 des Vertrags von Amsterdam

Mit dem Vertrag von Amsterdam werden hinfällig gewordene Bestimmungen des Vertrags zur Gründung der Europäischen Gemeinschaft, des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl und des Vertrags zur Gründung der Europäischen Atomgemeinschaft in ihrer vor Inkrafttreten des Vertrags von Amsterdam gültigen Fassung aufgehoben und gestrichen; einige Bestimmungen jener Verträge wurden angepaßt und einige Bestimmungen des Vertrags zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften sowie des Akts zur Einführung allgemeiner unmittelbarer Wahlen der Abgeordneten des Europäischen Parlaments wurden eingefügt. Diese Änderungen berühren nicht den gemeinschaftlichen Besitzstand.

VON DER KONFERENZ ZUR KENNTNIS GENOMMENE ERKLÄRUNGEN

1. Erklärung Österreichs und Luxemburgs zu Kreditinstituten

Österreich und Luxemburg gehen davon aus, daß die „Erklärung zu öffentlich-rechtlichen Kreditinstituten in Deutschland“ auch für Kreditinstitute in Österreich und Luxemburg mit vergleichbaren Organisationsformen gilt.

2. Erklärung Dänemarks zu Artikel K.14 des Vertrags über die Europäische Union

Nach Artikel K.14 des Vertrags über die Europäische Union ist die Einstimmigkeit aller Mitglieder des Rates der Europäischen Union, d. h. aller Mitgliedstaaten, für die Annahme von Beschlüssen zur Anwendung des Titels III a des Vertrags zur Gründung der Europäischen Gemeinschaft über Visa, Asyl, Einwanderung und andere Politiken betreffend den freien Personenverkehr auf Maßnahmen in den in Artikel K.1 des Vertrags über die Europäische Union genannten Bereichen erforderlich. Ferner müssen einstimmig gefaßte Beschlüsse des Rates vor ihrem Inkrafttreten in jedem Mitgliedstaat gemäß dessen verfassungsrechtlichen Vorschriften angenommen werden. In Dänemark ist für diese Annahme im Falle einer Übertragung von Hoheitsrechten im Sinne der dänischen Verfassung entweder die Mehrheit der Stimmen von fünf Sechsteln der Mitglieder des Folketing oder aber sowohl die Mehrheit der Stimmen der Mitglieder des Folketing als auch die Mehrheit der im Rahmen einer Volksabstimmung abgegebenen Stimmen erforderlich.

3. Erklärung Deutschlands, Österreichs und Belgiens zur Subsidiarität

Die Regierungen Deutschlands, Österreichs und Belgiens gehen davon aus, daß die Maßnahmen der Europäischen Gemeinschaft gemäß dem Subsidiaritätsprinzip nicht nur die Mitgliedstaaten betreffen, sondern auch deren Gebietskörperschaften, soweit diese nach nationalem Verfassungsrecht eigene gesetzgeberische Befugnisse besitzen.

4. Erklärung Irlands zu Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands

Irland erklärt, daß es beabsichtigt, sein Recht nach Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands, sich an der Annahme von Maßnahmen nach Titel III a des Vertrags zur Gründung der Europäischen Gemeinschaft zu beteiligen, so weit wahrzunehmen, wie dies mit der Aufrechterhaltung des zwischen ihm und dem Vereinigten Königreich bestehenden einheitlichen Reisegebiets vereinbar ist. Irland weist darauf hin, daß seine Teilnahme an dem Protokoll über die Anwendung bestimmter Aspekte des Artikels 7 a des Vertrags zur Gründung der Europäischen Gemeinschaft auf das Vereinigte Königreich und auf Irland seinen Wunsch widerspiegelt, das zwischen ihm und dem Vereinigten Königreich bestehende einheitliche Reisegebiet beizubehalten, um ein größtmögliches Maß an Freiheit des Reiseverkehrs nach und aus Irland zu gewährleisten.

5. Erklärung Belgiens zum Protokoll über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union

Bei der Annahme des Protokolls über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union erklärt Belgien, daß es gemäß seinen Verpflichtungen aus dem Genfer Abkommen von 1951 und dem New Yorker Protokoll von 1967 in Einklang mit Buchstabe d des Einzigen Artikels dieses Protokolls jeden Asylantrag eines Staatsangehörigen eines anderen Mitgliedstaates gesondert prüfen wird.

6. Erklärung Belgiens, Frankreichs und Italiens zum Protokoll über die Organe im Hinblick auf die Erweiterung der Europäischen Union

Belgien, Frankreich und Italien stellen fest, daß auf der Grundlage der Ergebnisse der Regierungskonferenz der Vertrag von Amsterdam nicht der vom Europäischen Rat von Madrid bekräftigten Notwendigkeit entspricht, wesentliche Fortschritte bei der Stärkung der Organe zu erzielen.

Diese Länder sind der Ansicht, daß eine solche Stärkung eine unerläßliche Voraussetzung für den Abschluß der ersten Beitrittsverhandlungen ist. Sie sind entschlossen, die aufgrund des Protokolls betreffend die Zusammensetzung der Kommission und die Stimmenwägung erforderlichen Maßnahmen zu erlassen, und vertreten die Auffassung, daß eine erhebliche Ausweitung des Rückgriffs auf eine Abstimmung mit qualifizierter Mehrheit zu den wesentlichen Elementen gehört, denen Rechnung getragen werden sollte.

7. Erklärung Frankreichs zur Lage der überseeischen Departements hinsichtlich des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union

Frankreich ist der Ansicht, daß die Durchführung des Protokolls zur Einbeziehung des Schengen-Besitzstands in den Rahmen der Europäischen Union nicht den geographischen Geltungsbereich des am 19. Juni 1990 in Schengen unterzeichneten Übereinkommens zur Durchführung des Übereinkommens von Schengen vom 14. Juni 1985 berührt, wie er in Artikel 138 Absatz 1 jenes Übereinkommens festgelegt ist.

8. Erklärung Griechenlands zur Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften

Unter Bezugnahme auf die Erklärung zum Status der Kirchen und weltanschaulichen Gemeinschaften erinnert Griechenland an die Gemeinsame Erklärung betreffend den Berg Athos im Anhang zur Schlußakte des Vertrags über den Beitritt Griechenlands zu den Europäischen Gemeinschaften.

Europäische Union

Vertrag von Amsterdam

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CHARTA DER GRUNDRECHTE DER EUROPÄISCHEN UNION

(2010/C 83/02)

Das Europäische Parlament, der Rat und die Kommission proklamieren feierlich den nachstehenden Text als Charta der Grundrechte der Europäischen Union:

CHARTA DER GRUNDRECHTE DER EUROPÄISCHEN UNION

Präambel

Die Völker Europas sind entschlossen, auf der Grundlage gemeinsamer Werte eine friedliche Zukunft zu teilen, indem sie sich zu einer immer engeren Union verbinden.

In dem Bewusstsein ihres geistig-religiösen und sittlichen Erbes gründet sich die Union auf die unteilbaren und universellen Werte der Würde des Menschen, der Freiheit, der Gleichheit und der Solidarität. Sie beruht auf den Grundsätzen der Demokratie und der Rechtsstaatlichkeit. Sie stellt den Menschen in den Mittelpunkt ihres Handelns, indem sie die Unionsbürgerschaft und einen Raum der Freiheit, der Sicherheit und des Rechts begründet.

Die Union trägt zur Erhaltung und zur Entwicklung dieser gemeinsamen Werte unter Achtung der Vielfalt der Kulturen und Traditionen der Völker Europas sowie der nationalen Identität der Mitgliedstaaten und der Organisation ihrer staatlichen Gewalt auf nationaler, regionaler und lokaler Ebene bei. Sie ist bestrebt, eine ausgewogene und nachhaltige Entwicklung zu fördern und stellt den freien Personen-, Dienstleistungs-, Waren- und Kapitalverkehr sowie die Niederlassungsfreiheit sicher.

Zu diesem Zweck ist es notwendig, angesichts der Weiterentwicklung der Gesellschaft, des sozialen Fortschritts und der wissenschaftlichen und technologischen Entwicklungen den Schutz der Grundrechte zu stärken, indem sie in einer Charta sichtbar gemacht werden.

Diese Charta bekräftigt unter Achtung der Zuständigkeiten und Aufgaben der Union und des Subsidiaritätsprinzips die Rechte, die sich vor allem aus den gemeinsamen Verfassungstraditionen und den gemeinsamen internationalen Verpflichtungen der Mitgliedstaaten, aus der Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten, aus den von der Union und dem Europarat beschlossenen Sozialchartas sowie aus der Rechtsprechung des Gerichtshofs der Europäischen Union und des Europäischen Gerichtshofs für Menschenrechte ergeben. In diesem Zusammenhang erfolgt die Auslegung der Charta durch die Gerichte der Union und der Mitgliedstaaten unter gebührender Berücksichtigung der Erläuterungen, die unter der Leitung des Präsidiums des Konvents zur Ausarbeitung der Charta formuliert und unter der Verantwortung des Präsidiums des Europäischen Konvents aktualisiert wurden.

Die Ausübung dieser Rechte ist mit Verantwortung und mit Pflichten sowohl gegenüber den Mitmenschen als auch gegenüber der menschlichen Gemeinschaft und den künftigen Generationen verbunden.

Daher erkennt die Union die nachstehend aufgeführten Rechte, Freiheiten und Grundsätze an.

TITEL I**WÜRDE DES MENSCHEN***Artikel 1***Würde des Menschen**

Die Würde des Menschen ist unantastbar. Sie ist zu achten und zu schützen.

*Artikel 2***Recht auf Leben**

- (1) Jeder Mensch hat das Recht auf Leben.
- (2) Niemand darf zur Todesstrafe verurteilt oder hingerichtet werden.

*Artikel 3***Recht auf Unversehrtheit**

- (1) Jeder Mensch hat das Recht auf körperliche und geistige Unversehrtheit.
- (2) Im Rahmen der Medizin und der Biologie muss insbesondere Folgendes beachtet werden:
 - a) die freie Einwilligung des Betroffenen nach vorheriger Aufklärung entsprechend den gesetzlich festgelegten Einzelheiten,
 - b) das Verbot eugenischer Praktiken, insbesondere derjenigen, welche die Selektion von Menschen zum Ziel haben,
 - c) das Verbot, den menschlichen Körper und Teile davon als solche zur Erzielung von Gewinnen zu nutzen,
 - d) das Verbot des reproduktiven Klonens von Menschen.

*Artikel 4***Verbot der Folter und unmenschlicher oder erniedrigender Strafe oder Behandlung**

Niemand darf der Folter oder unmenschlicher oder erniedrigender Strafe oder Behandlung unterworfen werden.

*Artikel 5***Verbot der Sklaverei und der Zwangsarbeit**

- (1) Niemand darf in Sklaverei oder Leibeigenschaft gehalten werden.
- (2) Niemand darf gezwungen werden, Zwangs- oder Pflichtarbeit zu verrichten.
- (3) Menschenhandel ist verboten.

TITEL II

FREIHEITEN

Artikel 6

Recht auf Freiheit und Sicherheit

Jeder Mensch hat das Recht auf Freiheit und Sicherheit.

Artikel 7

Achtung des Privat- und Familienlebens

Jede Person hat das Recht auf Achtung ihres Privat- und Familienlebens, ihrer Wohnung sowie ihrer Kommunikation.

Artikel 8

Schutz personenbezogener Daten

- (1) Jede Person hat das Recht auf Schutz der sie betreffenden personenbezogenen Daten.
- (2) Diese Daten dürfen nur nach Treu und Glauben für festgelegte Zwecke und mit Einwilligung der betroffenen Person oder auf einer sonstigen gesetzlich geregelten legitimen Grundlage verarbeitet werden. Jede Person hat das Recht, Auskunft über die sie betreffenden erhobenen Daten zu erhalten und die Berichtigung der Daten zu erwirken.
- (3) Die Einhaltung dieser Vorschriften wird von einer unabhängigen Stelle überwacht.

Artikel 9

Recht, eine Ehe einzugehen und eine Familie zu gründen

Das Recht, eine Ehe einzugehen, und das Recht, eine Familie zu gründen, werden nach den einzelstaatlichen Gesetzen gewährleistet, welche die Ausübung dieser Rechte regeln.

Artikel 10

Gedanken-, Gewissens- und Religionsfreiheit

- (1) Jede Person hat das Recht auf Gedanken-, Gewissens- und Religionsfreiheit. Dieses Recht umfasst die Freiheit, die Religion oder Weltanschauung zu wechseln, und die Freiheit, seine Religion oder Weltanschauung einzeln oder gemeinsam mit anderen öffentlich oder privat durch Gottesdienst, Unterricht, Bräuche und Riten zu bekennen.
- (2) Das Recht auf Wehrdienstverweigerung aus Gewissensgründen wird nach den einzelstaatlichen Gesetzen anerkannt, welche die Ausübung dieses Rechts regeln.

Artikel 11

Freiheit der Meinungsäußerung und Informationsfreiheit

- (1) Jede Person hat das Recht auf freie Meinungsäußerung. Dieses Recht schließt die Meinungsfreiheit und die Freiheit ein, Informationen und Ideen ohne behördliche Eingriffe und ohne Rücksicht auf Staatsgrenzen zu empfangen und weiterzugeben.
- (2) Die Freiheit der Medien und ihre Pluralität werden geachtet.

Artikel 12

Versammlungs- und Vereinigungsfreiheit

- (1) Jede Person hat das Recht, sich insbesondere im politischen, gewerkschaftlichen und zivilgesellschaftlichen Bereich auf allen Ebenen frei und friedlich mit anderen zu versammeln und frei mit anderen zusammenzuschließen, was das Recht jeder Person umfasst, zum Schutz ihrer Interessen Gewerkschaften zu gründen und Gewerkschaften beizutreten.
- (2) Politische Parteien auf der Ebene der Union tragen dazu bei, den politischen Willen der Unionsbürgerinnen und Unionsbürger zum Ausdruck zu bringen.

Artikel 13

Freiheit der Kunst und der Wissenschaft

Kunst und Forschung sind frei. Die akademische Freiheit wird geachtet.

Artikel 14

Recht auf Bildung

- (1) Jede Person hat das Recht auf Bildung sowie auf Zugang zur beruflichen Ausbildung und Weiterbildung.
- (2) Dieses Recht umfasst die Möglichkeit, unentgeltlich am Pflichtschulunterricht teilzunehmen.
- (3) Die Freiheit zur Gründung von Lehranstalten unter Achtung der demokratischen Grundsätze sowie das Recht der Eltern, die Erziehung und den Unterricht ihrer Kinder entsprechend ihren eigenen religiösen, weltanschaulichen und erzieherischen Überzeugungen sicherzustellen, werden nach den einzelstaatlichen Gesetzen geachtet, welche ihre Ausübung regeln.

Artikel 15

Berufsfreiheit und Recht zu arbeiten

- (1) Jede Person hat das Recht, zu arbeiten und einen frei gewählten oder angenommenen Beruf auszuüben.
- (2) Alle Unionsbürgerinnen und Unionsbürger haben die Freiheit, in jedem Mitgliedstaat Arbeit zu suchen, zu arbeiten, sich niederzulassen oder Dienstleistungen zu erbringen.
- (3) Die Staatsangehörigen dritter Länder, die im Hoheitsgebiet der Mitgliedstaaten arbeiten dürfen, haben Anspruch auf Arbeitsbedingungen, die denen der Unionsbürgerinnen und Unionsbürger entsprechen.

Artikel 16

Unternehmerische Freiheit

Die unternehmerische Freiheit wird nach dem Unionsrecht und den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten anerkannt.

Artikel 17

Eigentumsrecht

(1) Jede Person hat das Recht, ihr rechtmäßig erworbenes Eigentum zu besitzen, zu nutzen, darüber zu verfügen und es zu vererben. Niemandem darf sein Eigentum entzogen werden, es sei denn aus Gründen des öffentlichen Interesses in den Fällen und unter den Bedingungen, die in einem Gesetz vorgesehen sind, sowie gegen eine rechtzeitige angemessene Entschädigung für den Verlust des Eigentums. Die Nutzung des Eigentums kann gesetzlich geregelt werden, soweit dies für das Wohl der Allgemeinheit erforderlich ist.

(2) Geistiges Eigentum wird geschützt.

Artikel 18

Asylrecht

Das Recht auf Asyl wird nach Maßgabe des Genfer Abkommens vom 28. Juli 1951 und des Protokolls vom 31. Januar 1967 über die Rechtsstellung der Flüchtlinge sowie nach Maßgabe des Vertrags über die Europäische Union und des Vertrags über die Arbeitsweise der Europäischen Union (im Folgenden „die Verträge“) gewährleistet.

Artikel 19

Schutz bei Abschiebung, Ausweisung und Auslieferung

(1) Kollektivausweisungen sind nicht zulässig.

(2) Niemand darf in einen Staat abgeschoben oder ausgewiesen oder an einen Staat ausgeliefert werden, in dem für sie oder ihn das ernsthafte Risiko der Todesstrafe, der Folter oder einer anderen unmenschlichen oder erniedrigenden Strafe oder Behandlung besteht.

TITEL III

GLEICHHEIT

Artikel 20

Gleichheit vor dem Gesetz

Alle Personen sind vor dem Gesetz gleich.

Artikel 21

Nichtdiskriminierung

(1) Diskriminierungen insbesondere wegen des Geschlechts, der Rasse, der Hautfarbe, der ethnischen oder sozialen Herkunft, der genetischen Merkmale, der Sprache, der Religion oder der Weltanschauung, der politischen oder sonstigen Anschauung, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt, einer Behinderung, des Alters oder der sexuellen Ausrichtung sind verboten.

(2) Unbeschadet besonderer Bestimmungen der Verträge ist in ihrem Anwendungsbereich jede Diskriminierung aus Gründen der Staatsangehörigkeit verboten.

Artikel 22

Vielfalt der Kulturen, Religionen und Sprachen

Die Union achtet die Vielfalt der Kulturen, Religionen und Sprachen.

Artikel 23

Gleichheit von Frauen und Männern

Die Gleichheit von Frauen und Männern ist in allen Bereichen, einschließlich der Beschäftigung, der Arbeit und des Arbeitsentgelts, sicherzustellen.

Der Grundsatz der Gleichheit steht der Beibehaltung oder der Einführung spezifischer Vergünstigungen für das unterrepräsentierte Geschlecht nicht entgegen.

Artikel 24

Rechte des Kindes

(1) Kinder haben Anspruch auf den Schutz und die Fürsorge, die für ihr Wohlergehen notwendig sind. Sie können ihre Meinung frei äußern. Ihre Meinung wird in den Angelegenheiten, die sie betreffen, in einer ihrem Alter und ihrem Reifegrad entsprechenden Weise berücksichtigt.

(2) Bei allen Kinder betreffenden Maßnahmen öffentlicher Stellen oder privater Einrichtungen muss das Wohl des Kindes eine vorrangige Erwägung sein.

(3) Jedes Kind hat Anspruch auf regelmäßige persönliche Beziehungen und direkte Kontakte zu beiden Elternteilen, es sei denn, dies steht seinem Wohl entgegen.

Artikel 25

Rechte älterer Menschen

Die Union anerkennt und achtet das Recht älterer Menschen auf ein würdiges und unabhängiges Leben und auf Teilnahme am sozialen und kulturellen Leben.

Artikel 26

Integration von Menschen mit Behinderung

Die Union anerkennt und achtet den Anspruch von Menschen mit Behinderung auf Maßnahmen zur Gewährleistung ihrer Eigenständigkeit, ihrer sozialen und beruflichen Eingliederung und ihrer Teilnahme am Leben der Gemeinschaft.

TITEL IV

SOLIDARITÄT

Artikel 27

Recht auf Unterrichtung und Anhörung der Arbeitnehmerinnen und Arbeitnehmer im Unternehmen

Für die Arbeitnehmerinnen und Arbeitnehmer oder ihre Vertreter muss auf den geeigneten Ebenen eine rechtzeitige Unterrichtung und Anhörung in den Fällen und unter den Voraussetzungen gewährleistet sein, die nach dem Unionsrecht und den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten vorgesehen sind.

Artikel 28

Recht auf Kollektivverhandlungen und Kollektivmaßnahmen

Die Arbeitnehmerinnen und Arbeitnehmer sowie die Arbeitgeberinnen und Arbeitgeber oder ihre jeweiligen Organisationen haben nach dem Unionsrecht und den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten das Recht, Tarifverträge auf den geeigneten Ebenen auszuhandeln und zu schließen sowie bei Interessenkonflikten kollektive Maßnahmen zur Verteidigung ihrer Interessen, einschließlich Streiks, zu ergreifen.

Artikel 29

Recht auf Zugang zu einem Arbeitsvermittlungsdienst

Jeder Mensch hat das Recht auf Zugang zu einem unentgeltlichen Arbeitsvermittlungsdienst.

Artikel 30

Schutz bei ungerechtfertigter Entlassung

Jede Arbeitnehmerin und jeder Arbeitnehmer hat nach dem Unionsrecht und den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten Anspruch auf Schutz vor ungerechtfertigter Entlassung.

Artikel 31

Gerechte und angemessene Arbeitsbedingungen

(1) Jede Arbeitnehmerin und jeder Arbeitnehmer hat das Recht auf gesunde, sichere und würdige Arbeitsbedingungen.

(2) Jede Arbeitnehmerin und jeder Arbeitnehmer hat das Recht auf eine Begrenzung der Höchstarbeitszeit, auf tägliche und wöchentliche Ruhezeiten sowie auf bezahlten Jahresurlaub.

Artikel 32

Verbot der Kinderarbeit und Schutz der Jugendlichen am Arbeitsplatz

Kinderarbeit ist verboten. Unbeschadet günstigerer Vorschriften für Jugendliche und abgesehen von begrenzten Ausnahmen darf das Mindestalter für den Eintritt in das Arbeitsleben das Alter, in dem die Schulpflicht endet, nicht unterschreiten.

Zur Arbeit zugelassene Jugendliche müssen ihrem Alter angepasste Arbeitsbedingungen erhalten und vor wirtschaftlicher Ausbeutung und vor jeder Arbeit geschützt werden, die ihre Sicherheit, ihre Gesundheit, ihre körperliche, geistige, sittliche oder soziale Entwicklung beeinträchtigen oder ihre Erziehung gefährden könnte.

Artikel 33

Familien- und Berufsleben

- (1) Der rechtliche, wirtschaftliche und soziale Schutz der Familie wird gewährleistet.
- (2) Um Familien- und Berufsleben miteinander in Einklang bringen zu können, hat jeder Mensch das Recht auf Schutz vor Entlassung aus einem mit der Mutterschaft zusammenhängenden Grund sowie den Anspruch auf einen bezahlten Mutterschaftsurlaub und auf einen Elternurlaub nach der Geburt oder Adoption eines Kindes.

Artikel 34

Soziale Sicherheit und soziale Unterstützung

- (1) Die Union anerkennt und achtet das Recht auf Zugang zu den Leistungen der sozialen Sicherheit und zu den sozialen Diensten, die in Fällen wie Mutterschaft, Krankheit, Arbeitsunfall, Pflegebedürftigkeit oder im Alter sowie bei Verlust des Arbeitsplatzes Schutz gewährleisten, nach Maßgabe des Unionsrechts und der einzelstaatlichen Rechtsvorschriften und Gepflogenheiten.
- (2) Jeder Mensch, der in der Union seinen rechtmäßigen Wohnsitz hat und seinen Aufenthalt rechtmäßig wechselt, hat Anspruch auf die Leistungen der sozialen Sicherheit und die sozialen Vergünstigungen nach dem Unionsrecht und den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten.
- (3) Um die soziale Ausgrenzung und die Armut zu bekämpfen, anerkennt und achtet die Union das Recht auf eine soziale Unterstützung und eine Unterstützung für die Wohnung, die allen, die nicht über ausreichende Mittel verfügen, ein menschenwürdiges Dasein sicherstellen sollen, nach Maßgabe des Unionsrechts und der einzelstaatlichen Rechtsvorschriften und Gepflogenheiten.

Artikel 35

Gesundheitsschutz

Jeder Mensch hat das Recht auf Zugang zur Gesundheitsvorsorge und auf ärztliche Versorgung nach Maßgabe der einzelstaatlichen Rechtsvorschriften und Gepflogenheiten. Bei der Festlegung und Durchführung der Politik und Maßnahmen der Union in allen Bereichen wird ein hohes Gesundheitsschutzniveau sichergestellt.

*Artikel 36***Zugang zu Dienstleistungen von allgemeinem wirtschaftlichen Interesse**

Die Union anerkennt und achtet den Zugang zu Dienstleistungen von allgemeinem wirtschaftlichen Interesse, wie er durch die einzelstaatlichen Rechtsvorschriften und Gepflogenheiten im Einklang mit den Verträgen geregelt ist, um den sozialen und territorialen Zusammenhalt der Union zu fördern.

*Artikel 37***Umweltschutz**

Ein hohes Umweltschutzniveau und die Verbesserung der Umweltqualität müssen in die Politik der Union einbezogen und nach dem Grundsatz der nachhaltigen Entwicklung sichergestellt werden.

*Artikel 38***Verbraucherschutz**

Die Politik der Union stellt ein hohes Verbraucherschutzniveau sicher.

TITEL V**BÜRGERRECHTE***Artikel 39***Aktives und passives Wahlrecht bei den Wahlen zum Europäischen Parlament**

(1) Die Unionsbürgerinnen und Unionsbürger besitzen in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament unter denselben Bedingungen wie die Angehörigen des betreffenden Mitgliedstaats.

(2) Die Mitglieder des Europäischen Parlaments werden in allgemeiner, unmittelbarer, freier und geheimer Wahl gewählt.

*Artikel 40***Aktives und passives Wahlrecht bei den Kommunalwahlen**

Die Unionsbürgerinnen und Unionsbürger besitzen in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei Kommunalwahlen unter denselben Bedingungen wie die Angehörigen des betreffenden Mitgliedstaats.

*Artikel 41***Recht auf eine gute Verwaltung**

(1) Jede Person hat ein Recht darauf, dass ihre Angelegenheiten von den Organen, Einrichtungen und sonstigen Stellen der Union unparteiisch, gerecht und innerhalb einer angemessenen Frist behandelt werden.

(2) Dieses Recht umfasst insbesondere

- a) das Recht jeder Person, gehört zu werden, bevor ihr gegenüber eine für sie nachteilige individuelle Maßnahme getroffen wird,
- b) das Recht jeder Person auf Zugang zu den sie betreffenden Akten unter Wahrung des berechtigten Interesses der Vertraulichkeit sowie des Berufs- und Geschäftsgeheimnisses,
- c) die Verpflichtung der Verwaltung, ihre Entscheidungen zu begründen.

(3) Jede Person hat Anspruch darauf, dass die Union den durch ihre Organe oder Bediensteten in Ausübung ihrer Amtstätigkeit verursachten Schaden nach den allgemeinen Rechtsgrundsätzen ersetzt, die den Rechtsordnungen der Mitgliedstaaten gemeinsam sind.

(4) Jede Person kann sich in einer der Sprachen der Verträge an die Organe der Union wenden und muss eine Antwort in derselben Sprache erhalten.

Artikel 42

Recht auf Zugang zu Dokumenten

Die Unionsbürgerinnen und Unionsbürger sowie jede natürliche oder juristische Person mit Wohnsitz oder satzungsmäßigem Sitz in einem Mitgliedstaat haben das Recht auf Zugang zu den Dokumenten der Organe, Einrichtungen und sonstigen Stellen der Union, unabhängig von der Form der für diese Dokumente verwendeten Träger.

Artikel 43

Der Europäische Bürgerbeauftragte

Die Unionsbürgerinnen und Unionsbürger sowie jede natürliche oder juristische Person mit Wohnsitz oder satzungsmäßigem Sitz in einem Mitgliedstaat haben das Recht, den Europäischen Bürgerbeauftragten im Falle von Missständen bei der Tätigkeit der Organe, Einrichtungen und sonstigen Stellen der Union, mit Ausnahme des Gerichtshofs der Europäischen Union in Ausübung seiner Rechtsprechungsbefugnisse, zu befassen.

Artikel 44

Petitionsrecht

Die Unionsbürgerinnen und Unionsbürger sowie jede natürliche oder juristische Person mit Wohnsitz oder satzungsmäßigem Sitz in einem Mitgliedstaat haben das Recht, eine Petition an das Europäische Parlament zu richten.

Artikel 45

Freizügigkeit und Aufenthaltsfreiheit

(1) Die Unionsbürgerinnen und Unionsbürger haben das Recht, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten.

(2) Staatsangehörigen von Drittländern, die sich rechtmäßig im Hoheitsgebiet eines Mitgliedstaats aufhalten, kann nach Maßgabe der Verträge Freizügigkeit und Aufenthaltsfreiheit gewährt werden.

Artikel 46

Diplomatischer und konsularischer Schutz

Die Unionsbürgerinnen und Unionsbürger genießen im Hoheitsgebiet eines Drittlands, in dem der Mitgliedstaat, dessen Staatsangehörigkeit sie besitzen, nicht vertreten ist, den Schutz durch die diplomatischen und konsularischen Behörden eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates.

TITEL VI

JUSTIZIELLE RECHTE

Artikel 47

Recht auf einen wirksamen Rechtsbehelf und ein unparteiisches Gericht

Jede Person, deren durch das Recht der Union garantierte Rechte oder Freiheiten verletzt worden sind, hat das Recht, nach Maßgabe der in diesem Artikel vorgesehenen Bedingungen bei einem Gericht einen wirksamen Rechtsbehelf einzulegen.

Jede Person hat ein Recht darauf, dass ihre Sache von einem unabhängigen, unparteiischen und zuvor durch Gesetz errichteten Gericht in einem fairen Verfahren, öffentlich und innerhalb angemessener Frist verhandelt wird. Jede Person kann sich beraten, verteidigen und vertreten lassen.

Personen, die nicht über ausreichende Mittel verfügen, wird Prozesskostenhilfe bewilligt, soweit diese Hilfe erforderlich ist, um den Zugang zu den Gerichten wirksam zu gewährleisten.

Artikel 48

Unschuldsvermutung und Verteidigungsrechte

- (1) Jeder Angeklagte gilt bis zum rechtsförmlich erbrachten Beweis seiner Schuld als unschuldig.
- (2) Jedem Angeklagten wird die Achtung der Verteidigungsrechte gewährleistet.

Artikel 49

Grundsätze der Gesetzmäßigkeit und der Verhältnismäßigkeit im Zusammenhang mit Straftaten und Strafen

- (1) Niemand darf wegen einer Handlung oder Unterlassung verurteilt werden, die zur Zeit ihrer Begehung nach innerstaatlichem oder internationalem Recht nicht strafbar war. Es darf auch keine schwerere Strafe als die zur Zeit der Begehung angedrohte Strafe verhängt werden. Wird nach Begehung einer Straftat durch Gesetz eine mildere Strafe eingeführt, so ist diese zu verhängen.
- (2) Dieser Artikel schließt nicht aus, dass eine Person wegen einer Handlung oder Unterlassung verurteilt oder bestraft wird, die zur Zeit ihrer Begehung nach den allgemeinen, von der Gesamtheit der Nationen anerkannten Grundsätzen strafbar war.
- (3) Das Strafmaß darf zur Straftat nicht unverhältnismäßig sein.

Artikel 50

Recht, wegen derselben Straftat nicht zweimal strafrechtlich verfolgt oder bestraft zu werden

Niemand darf wegen einer Straftat, derentwegen er bereits in der Union nach dem Gesetz rechtskräftig verurteilt oder freigesprochen worden ist, in einem Strafverfahren erneut verfolgt oder bestraft werden.

TITEL VII

ALLGEMEINE BESTIMMUNGEN ÜBER DIE AUSLEGUNG UND ANWENDUNG DER CHARTA

Artikel 51

Anwendungsbereich

(1) Diese Charta gilt für die Organe, Einrichtungen und sonstigen Stellen der Union unter Wahrung des Subsidiaritätsprinzips und für die Mitgliedstaaten ausschließlich bei der Durchführung des Rechts der Union. Dementsprechend achten sie die Rechte, halten sie sich an die Grundsätze und fördern sie deren Anwendung entsprechend ihren jeweiligen Zuständigkeiten und unter Achtung der Grenzen der Zuständigkeiten, die der Union in den Verträgen übertragen werden.

(2) Diese Charta dehnt den Geltungsbereich des Unionsrechts nicht über die Zuständigkeiten der Union hinaus aus und begründet weder neue Zuständigkeiten noch neue Aufgaben für die Union, noch ändert sie die in den Verträgen festgelegten Zuständigkeiten und Aufgaben.

Artikel 52

Tragweite und Auslegung der Rechte und Grundsätze

(1) Jede Einschränkung der Ausübung der in dieser Charta anerkannten Rechte und Freiheiten muss gesetzlich vorgesehen sein und den Wesensgehalt dieser Rechte und Freiheiten achten. Unter Wahrung des Grundsatzes der Verhältnismäßigkeit dürfen Einschränkungen nur vorgenommen werden, wenn sie erforderlich sind und den von der Union anerkannten dem Gemeinwohl dienenden Zielsetzungen oder den Erfordernissen des Schutzes der Rechte und Freiheiten anderer tatsächlich entsprechen.

(2) Die Ausübung der durch diese Charta anerkannten Rechte, die in den Verträgen geregelt sind, erfolgt im Rahmen der in den Verträgen festgelegten Bedingungen und Grenzen.

(3) Soweit diese Charta Rechte enthält, die den durch die Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten garantierten Rechten entsprechen, haben sie die gleiche Bedeutung und Tragweite, wie sie ihnen in der genannten Konvention verliehen wird. Diese Bestimmung steht dem nicht entgegen, dass das Recht der Union einen weiter gehenden Schutz gewährt.

(4) Soweit in dieser Charta Grundrechte anerkannt werden, wie sie sich aus den gemeinsamen Verfassungsüberlieferungen der Mitgliedstaaten ergeben, werden sie im Einklang mit diesen Überlieferungen ausgelegt.

(5) Die Bestimmungen dieser Charta, in denen Grundsätze festgelegt sind, können durch Akte der Gesetzgebung und der Ausführung der Organe, Einrichtungen und sonstigen Stellen der Union sowie durch Akte der Mitgliedstaaten zur Durchführung des Rechts der Union in Ausübung ihrer jeweiligen Zuständigkeiten umgesetzt werden. Sie können vor Gericht nur bei der Auslegung dieser Akte und bei Entscheidungen über deren Rechtmäßigkeit herangezogen werden.

(6) Den einzelstaatlichen Rechtsvorschriften und Gepflogenheiten ist, wie es in dieser Charta bestimmt ist, in vollem Umfang Rechnung zu tragen.

(7) Die Erläuterungen, die als Anleitung für die Auslegung dieser Charta verfasst wurden, sind von den Gerichten der Union und der Mitgliedstaaten gebührend zu berücksichtigen.

Artikel 53

Schutzniveau

Keine Bestimmung dieser Charta ist als eine Einschränkung oder Verletzung der Menschenrechte und Grundfreiheiten auszulegen, die in dem jeweiligen Anwendungsbereich durch das Recht der Union und das Völkerrecht sowie durch die internationalen Übereinkünfte, bei denen die Union oder alle Mitgliedstaaten Vertragsparteien sind, darunter insbesondere die Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten, sowie durch die Verfassungen der Mitgliedstaaten anerkannt werden.

Artikel 54

Verbot des Missbrauchs der Rechte

Keine Bestimmung dieser Charta ist so auszulegen, als begründe sie das Recht, eine Tätigkeit auszuüben oder eine Handlung vorzunehmen, die darauf abzielt, die in der Charta anerkannten Rechte und Freiheiten abzuschaffen oder sie stärker einzuschränken, als dies in der Charta vorgesehen ist.

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Der vorstehende Wortlaut übernimmt mit Anpassungen die am 7. Dezember 2000 proklamierte Charta und ersetzt sie ab dem Zeitpunkt des Inkrafttretens des Vertrags von Lissabon.

Die Europäische Menschenrechtskonvention



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



Die Europäische Menschenrechtskonvention

in der Fassung der Protokolle Nr. 11
und 14

samt Zusatzprotokoll und Protokolle
Nr. 4, 6, 7, 12 und 13

Der vorliegende Text der Konvention enthält sämtliche Änderungen, welche das am 1. Juni 2010 in Kraft getretene Protokoll 14 (SEV Nr. 194) vorsieht. Der Text der Konvention wurde zuvor geändert entsprechend den Bestimmungen von Protokoll Nr. 3 (SEV Nr. 45), in Kraft getreten am 21. September 1970, von Protokoll Nr. 5 (SEV Nr. 55), in Kraft getreten am 20. Dezember 1971, und von Protokoll Nr. 8 (SEV Nr. 118), in Kraft getreten am 1. Januar 1990. Er umfasste weiterhin den Text von Protokoll Nr. 2 (SEV Nr. 44), das, gemäß Artikel 5 Abs. 3, seit seinem Inkrafttreten am 21. September 1970 Bestandteil der Konvention war. Sämtliche Bestimmungen, die durch diese Protokolle geändert oder hinzugefügt wurden, wurden durch Protokoll Nr. 11 (SEV Nr. 155) ab dessen Inkrafttreten am 1. November 1998 ersetzt. Ab diesem Zeitpunkt wurde das am 1. Oktober 1994 in Kraft getretene Protokoll Nr. 9 (SEV Nr. 140) aufgehoben und Protokoll 10 (SEV Nr. 146) wurde gegenstandslos.

Der aktuelle Stand der Unterzeichnungen und Ratifizierungen der Konvention samt Zusatzprotokollen ist unter www.conventions.coe.int abrufbar.

Einzig die englische und französische Fassung der Menschenrechtskonvention sind verbindlich. Diese Übersetzung ist keine offizielle Version der Menschenrechtskonvention.

Europäischer Gerichtshof für Menschenrechte
Council of Europe
F-67075 Strasbourg cedex
www.echr.coe.int

INHALT

Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten	5
Zusatzprotokoll	32
Protokoll Nr. 4	35
Protokoll Nr. 6	39
Protokoll Nr. 7	43
Protokoll Nr. 12	49
Protokoll Nr. 13	53



Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten

Rom, 4.XI.1950

Die Unterzeichnerregierungen, Mitglieder des Europarats –

in Anbetracht der Allgemeinen Erklärung der Menschenrechte, die am 10. Dezember 1948 von der Generalversammlung der Vereinten Nationen verkündet worden ist;

in der Erwägung, dass diese Erklärung bezweckt, die universelle und wirksame Anerkennung und Einhaltung der in ihr aufgeführten Rechte zu gewährleisten;

in der Erwägung, dass es das Ziel des Europarats ist, eine engere Verbindung zwischen seinen Mitgliedern herzustellen, und dass eines der Mittel zur Erreichung dieses Zieles die Wahrung und Fortentwicklung der Menschenrechte und Grundfreiheiten ist;

in Bekräftigung ihres tiefen Glaubens an diese Grundfreiheiten, welche die Grundlage von Gerechtigkeit und Frieden in der Welt bilden und die am besten durch eine wahrhaft demokratische politische Ordnung sowie durch ein gemeinsames Verständnis und eine gemeinsame Achtung der diesen Grundfreiheiten zugrunde liegenden Menschenrechte gesichert werden;

entschlossen, als Regierungen europäischer Staaten, die vom gleichen Geist beseelt sind und ein gemeinsames Erbe an politischen Überlieferungen, Idealen, Achtung der Freiheit und Rechtsstaatlichkeit besitzen, die ersten Schritte auf dem Weg zu einer kollektiven Garantie bestimmter in der Allgemeinen Erklärung aufgeführter Rechte zu unternehmen –

haben Folgendes vereinbart:

ARTIKEL 1

Verpflichtung zur Achtung der Menschenrechte

Die Hohen Vertragsparteien sichern allen ihrer Hoheitsgewalt unterstehenden Personen die in Abschnitt I bestimmten Rechte und Freiheiten zu.

ABSCHNITT I RECHTE UND FREIHEITEN

ARTIKEL 2

Recht auf Leben

1. Das Recht jedes Menschen auf Leben wird gesetzlich geschützt. Niemand darf absichtlich getötet werden, außer durch Vollstreckung eines Todesurteils, das ein Gericht wegen eines Verbrechens verhängt hat, für das die Todesstrafe gesetzlich vorgesehen ist.
2. Eine Tötung wird nicht als Verletzung dieses Artikels betrachtet, wenn sie durch eine Gewaltanwendung verursacht wird, die unbedingt erforderlich ist, um
 - (a) jemanden gegen rechtswidrige Gewalt zu verteidigen;
 - (b) jemanden rechtmäßig festzunehmen oder jemanden, dem die Freiheit rechtmäßig entzogen ist, an der Flucht zu hindern;
 - (c) einen Aufruhr oder Aufstand rechtmäßig niederzuschlagen.

ARTIKEL 3

Verbot der Folter

Niemand darf der Folter oder unmenschlicher oder erniedrigender Behandlung oder Strafe unterworfen werden.

ARTIKEL 4

Verbot der Sklaverei und der Zwangsarbeit

1. Niemand darf in Sklaverei oder Leibeigenschaft gehalten werden.
2. Niemand darf gezwungen werden, Zwangs- oder Pflichtarbeit zu verrichten.
3. Nicht als Zwangs- oder Pflichtarbeit im Sinne dieses Artikels gilt
 - (a) eine Arbeit, die üblicherweise von einer Person verlangt wird, der unter den Voraussetzungen des Artikels 5 die Freiheit entzogen oder die bedingt entlassen worden ist;
 - (b) eine Dienstleistung militärischer Art oder eine Dienstleistung, die an die Stelle des im Rahmen der Wehrpflicht zu leistenden Dienstes tritt, in Ländern, wo die Dienstverweigerung aus Gewissensgründen anerkannt ist;
 - (c) eine Dienstleistung, die verlangt wird, wenn Notstände oder Katastrophen das Leben oder das Wohl der Gemeinschaft bedrohen;
 - (d) eine Arbeit oder Dienstleistung, die zu den üblichen Bürgerpflichten gehört.

ARTIKEL 5

Recht auf Freiheit und Sicherheit

1. Jede Person hat das Recht auf Freiheit und Sicherheit. Die Freiheit darf nur in den folgenden Fällen und nur auf die gesetzlich vorgeschriebene Weise entzogen werden:
 - (a) rechtmäßige Freiheitsentziehung nach Verurteilung durch ein zuständiges Gericht;
 - (b) rechtmäßige Festnahme oder Freiheitsentziehung wegen Nichtbefolgung einer rechtmäßigen gerichtlichen Anordnung oder zur Erzwingung der Erfüllung einer gesetzlichen Verpflichtung;

- (c) rechtmäßige Festnahme oder Freiheitsentziehung zur Vorführung vor die zuständige Gerichtsbehörde, wenn hinreichender Verdacht besteht, dass die betreffende Person eine Straftat begangen hat, oder wenn begründeter Anlass zu der Annahme besteht, dass es notwendig ist, sie an der Begehung einer Straftat oder an der Flucht nach Begehung einer solchen zu hindern;
- (d) rechtmäßige Freiheitsentziehung bei Minderjährigen zum Zweck überwachter Erziehung oder zur Vorführung vor die zuständige Behörde;
- (e) rechtmäßige Freiheitsentziehung mit dem Ziel, eine Verbreitung ansteckender Krankheiten zu verhindern, sowie bei psychisch Kranken, Alkohol- oder Rauschgiftsüchtigen und Landstreichern;
- (f) rechtmäßige Festnahme oder Freiheitsentziehung zur Verhinderung der unerlaubten Einreise sowie bei Personen, gegen die ein Ausweisungs- oder Auslieferungsverfahren im Gange ist.

2. Jeder festgenommenen Person muss innerhalb möglichst kurzer Frist in einer ihr verständlichen Sprache mitgeteilt werden, welches die Gründe für ihre Festnahme sind und welche Beschuldigungen gegen sie erhoben werden.

3. Jede Person, die nach Absatz 1 Buchstabe c von Festnahme oder Freiheitsentziehung betroffen ist, muss unverzüglich einem Richter oder einer anderen gesetzlich zur Wahrnehmung richterlicher Aufgaben ermächtigten Person vorgeführt werden; sie hat Anspruch auf ein Urteil innerhalb angemessener Frist oder auf Entlassung während des Verfahrens. Die Entlassung kann von der Leistung einer Sicherheit für das Erscheinen vor Gericht abhängig gemacht werden.

4. Jede Person, die festgenommen oder der die Freiheit entzogen ist, hat das Recht zu beantragen, dass ein Gericht innerhalb kurzer Frist über die Rechtmäßigkeit der Freiheitsentziehung entscheidet und ihre

Entlassung anordnet, wenn die Freiheitsentziehung nicht rechtmäßig ist.

5. Jede Person, die unter Verletzung dieses Artikels von Festnahme oder Freiheitsentziehung betroffen ist, hat Anspruch auf Schadensersatz.

ARTIKEL 6

Recht auf ein faires Verfahren

1. Jede Person hat ein Recht darauf, dass über Streitigkeiten in Bezug auf ihre zivilrechtlichen Ansprüche und Verpflichtungen oder über eine gegen sie erhobene strafrechtliche Anklage von einem unabhängigen und unparteiischen, auf Gesetz beruhenden Gericht in einem fairen Verfahren, öffentlich und innerhalb angemessener Frist verhandelt wird. Das Urteil muss öffentlich verkündet werden; Presse und Öffentlichkeit können jedoch während des ganzen oder eines Teiles des Verfahrens ausgeschlossen werden, wenn dies im Interesse der Moral, der öffentlichen Ordnung oder der nationalen Sicherheit in einer demokratischen Gesellschaft liegt, wenn die Interessen von Jugendlichen oder der Schutz des Privatlebens der Prozessparteien es verlangen oder – soweit das Gericht es für unbedingt erforderlich hält – wenn unter besonderen Umständen eine öffentliche Verhandlung die Interessen der Rechtspflege beeinträchtigen würde.

2. Jede Person, die einer Straftat angeklagt ist, gilt bis zum gesetzlichen Beweis ihrer Schuld als unschuldig.

3. Jede angeklagte Person hat mindestens folgende Rechte:

- (a) innerhalb möglichst kurzer Frist in einer ihr verständlichen Sprache in allen Einzelheiten über Art und Grund der gegen sie erhobenen Beschuldigung unterrichtet zu werden;
- (b) ausreichende Zeit und Gelegenheit zur Vorbereitung ihrer Verteidigung zu haben;
- (c) sich selbst zu verteidigen, sich durch einen Verteidiger ihrer Wahl verteidigen zu lassen oder, falls ihr die Mittel

zur Bezahlung fehlen, unentgeltlich den Beistand eines Verteidigers zu erhalten, wenn dies im Interesse der Rechtspflege erforderlich ist;

- (d) Fragen an Belastungszeugen zu stellen oder stellen zu lassen und die Ladung und Vernehmung von Entlastungszeugen unter denselben Bedingungen zu erwirken, wie sie für Belastungszeugen gelten;
- (e) unentgeltliche Unterstützung durch einen Dolmetscher zu erhalten, wenn sie die Verhandlungssprache des Gerichts nicht versteht oder spricht.

ARTIKEL 7

Keine Strafe ohne Gesetz

1. Niemand darf wegen einer Handlung oder Unterlassung verurteilt werden, die zur Zeit ihrer Begehung nach innerstaatlichem oder internationalem Recht nicht strafbar war. Es darf auch keine schwerere als die zur Zeit der Begehung angedrohte Strafe verhängt werden.
2. Dieser Artikel schließt nicht aus, dass jemand wegen einer Handlung oder Unterlassung verurteilt oder bestraft wird, die zur Zeit ihrer Begehung nach den von den zivilisierten Völkern anerkannten allgemeinen Rechtsgrundsätzen strafbar war.

ARTIKEL 8

Recht auf Achtung des Privat- und Familienlebens

1. Jede Person hat das Recht auf Achtung ihres Privat- und Familienlebens, ihrer Wohnung und ihrer Korrespondenz.
2. Eine Behörde darf in die Ausübung dieses Rechts nur eingreifen, soweit der Eingriff gesetzlich vorgesehen und in einer demokratischen Gesellschaft notwendig ist für die nationale oder öffentliche Sicherheit, für das wirtschaftliche Wohl des Landes, zur Aufrechterhaltung der

Ordnung, zur Verhütung von Straftaten, zum Schutz der Gesundheit oder der Moral oder zum Schutz der Rechte und Freiheiten anderer.

ARTIKEL 9

Gedanken-, Gewissens- und Religionsfreiheit

1. Jede Person hat das Recht auf Gedanken-, Gewissens- und Religionsfreiheit; dieses Recht umfasst die Freiheit, seine Religion oder Weltanschauung zu wechseln, und die Freiheit, seine Religion oder Weltanschauung einzeln oder gemeinsam mit anderen öffentlich oder privat durch Gottesdienst, Unterricht oder Praktizieren von Bräuchen und Riten zu bekennen.
2. Die Freiheit, seine Religion oder Weltanschauung zu bekennen, darf nur Einschränkungen unterworfen werden, die gesetzlich vorgesehen und in einer demokratischen Gesellschaft notwendig sind für die öffentliche Sicherheit, zum Schutz der öffentlichen Ordnung, Gesundheit oder Moral oder zum Schutz der Rechte und Freiheiten anderer.

ARTIKEL 10

Freiheit der Meinungsäußerung

1. Jede Person hat das Recht auf freie Meinungsäußerung. Dieses Recht schließt die Meinungsfreiheit und die Freiheit ein, Informationen und Ideen ohne behördliche Eingriffe und ohne Rücksicht auf Staatsgrenzen zu empfangen und weiterzugeben. Dieser Artikel hindert die Staaten nicht, für Hörfunk-, Fernseh- oder Kinounternehmen eine Genehmigung vorzuschreiben.
2. Die Ausübung dieser Freiheiten ist mit Pflichten und Verantwortung verbunden; sie kann daher Formvorschriften, Bedingungen, Einschränkungen oder Strafdrohungen unterworfen werden, die gesetzlich vorgesehen und in einer demokratischen Gesellschaft notwendig sind für die nationale Sicherheit, die territoriale Unversehrtheit oder die öffentliche Sicherheit, zur Aufrechterhaltung der Ordnung oder zur Verhütung von Straftaten, zum Schutz der

Gesundheit oder der Moral, zum Schutz des guten Rufes oder der Rechte anderer, zur Verhinderung der Verbreitung vertraulicher Informationen oder zur Wahrung der Autorität und der Unparteilichkeit der Rechtsprechung.

ARTIKEL 11

Versamlungs- und Vereinigungsfreiheit

1. Jede Person hat das Recht, sich frei und friedlich mit anderen zu versammeln und sich frei mit anderen zusammenzuschließen; dazu gehört auch das Recht, zum Schutz seiner Interessen Gewerkschaften zu gründen und Gewerkschaften beizutreten.
2. Die Ausübung dieser Rechte darf nur Einschränkungen unterworfen werden, die gesetzlich vorgesehen und in einer demokratischen Gesellschaft notwendig sind für die nationale oder öffentliche Sicherheit, zur Aufrechterhaltung der Ordnung oder zur Verhütung von Straftaten, zum Schutz der Gesundheit oder der Moral oder zum Schutz der Rechte und Freiheiten anderer. Dieser Artikel steht rechtmäßigen Einschränkungen der Ausübung dieser Rechte für Angehörige der Streitkräfte, der Polizei oder der Staatsverwaltung nicht entgegen.

ARTIKEL 12

Recht auf Eheschließung

Männer und Frauen im heiratsfähigen Alter haben das Recht, nach den innerstaatlichen Gesetzen, welche die Ausübung dieses Rechts regeln, eine Ehe einzugehen und eine Familie zu gründen.

ARTIKEL 13

Recht auf wirksame Beschwerde

Jede Person, die in ihren in dieser Konvention anerkannten Rechten oder Freiheiten verletzt worden ist, hat das Recht, bei einer innerstaatlichen Instanz eine wirksame Beschwerde zu erheben,

auch wenn die Verletzung von Personen begangen worden ist, die in amtlicher Eigenschaft gehandelt haben.

ARTIKEL 14

Diskriminierungsverbot

Der Genuss der in dieser Konvention anerkannten Rechte und Freiheiten ist ohne Diskriminierung insbesondere wegen des Geschlechts, der Rasse, der Hautfarbe, der Sprache, der Religion, der politischen oder sonstigen Anschauung, der nationalen oder sozialen Herkunft, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt oder eines sonstigen Status zu gewährleisten.

ARTIKEL 15

Abweichen im Notstandsfall

1. Wird das Leben der Nation durch Krieg oder einen anderen öffentlichen Notstand bedroht, so kann jede Hohe Vertragspartei Maßnahmen treffen, die von den in dieser Konvention vorgesehenen Verpflichtungen abweichen, jedoch nur, soweit es die Lage unbedingt erfordert und wenn die Maßnahmen nicht im Widerspruch zu den sonstigen völkerrechtlichen Verpflichtungen der Vertragspartei stehen.
2. Aufgrund des Absatzes 1 darf von Artikel 2 nur bei Todesfällen infolge rechtmäßiger Kriegshandlungen und von Artikel 3, Artikel 4 Absatz 1 und Artikel 7 in keinem Fall abgewichen werden.
3. Jede Hohe Vertragspartei, die dieses Recht auf Abweichung ausübt, unterrichtet den Generalsekretär des Europarats umfassend über die getroffenen Maßnahmen und deren Gründe. Sie unterrichtet den Generalsekretär des Europarats auch über den Zeitpunkt, zu dem diese Maßnahmen außer Kraft getreten sind und die Konvention wieder volle Anwendung findet.

ARTIKEL 16

Beschränkungen der politischen Tätigkeit ausländischer Personen

Die Artikel 10, 11 und 14 sind nicht so auszulegen, als untersagten sie den Hohen Vertragsparteien, die politische Tätigkeit ausländischer Personen zu beschränken.

ARTIKEL 17

Verbot des Missbrauchs der Rechte

Diese Konvention ist nicht so auszulegen, als begründe sie für einen Staat, eine Gruppe oder eine Person das Recht, eine Tätigkeit auszuüben oder eine Handlung vorzunehmen, die darauf abzielt, die in der Konvention festgelegten Rechte und Freiheiten abzuschaffen oder sie stärker einzuschränken, als es in der Konvention vorgesehen ist.

ARTIKEL 18

Begrenzung der Rechtseinschränkungen

Die nach dieser Konvention zulässigen Einschränkungen der genannten Rechte und Freiheiten dürfen nur zu den vorgesehenen Zwecken erfolgen.

ABSCHNITT II EUROPÄISCHER GERICHTSHOF FÜR MENSCHENRECHTE

ARTIKEL 19

Errichtung des Gerichtshofs

Um die Einhaltung der Verpflichtungen sicherzustellen, welche die Hohen Vertragsparteien in dieser Konvention und den Protokollen dazu übernommen haben, wird ein Europäischer Gerichtshof für Menschenrechte, im Folgenden als „Gerichtshof“ bezeichnet, errichtet. Er nimmt seine Aufgaben als ständiger Gerichtshof wahr.

ARTIKEL 20

Zahl der Richter

Die Zahl der Richter des Gerichtshofs entspricht derjenigen der Hohen Vertragsparteien.

ARTIKEL 21

Voraussetzungen für das Amt

1. Die Richter müssen hohes sittliches Ansehen genießen und entweder die für die Ausübung hoher richterlicher Ämter erforderlichen Voraussetzungen erfüllen oder Rechtsgelehrte von anerkanntem Ruf sein.
2. Die Richter gehören dem Gerichtshof in ihrer persönlichen Eigenschaft an.
3. Während ihrer Amtszeit dürfen die Richter keine Tätigkeit ausüben, die mit ihrer Unabhängigkeit, ihrer Unparteilichkeit oder mit den Erfordernissen der Vollzeitbeschäftigung in diesem Amt unvereinbar ist; alle Fragen, die sich aus der Anwendung dieses Absatzes ergeben, werden vom Gerichtshof entschieden.

ARTIKEL 22

Wahl der Richter

Die Richter werden von der Parlamentarischen Versammlung für jede Hohe Vertragspartei mit der Mehrheit der abgegebenen Stimmen aus einer Liste von drei Kandidaten gewählt, die von der Hohen Vertragspartei vorgeschlagen werden.

ARTIKEL 23

Amtszeit und Entlassung

1. Die Richter werden für neun Jahre gewählt. Ihre Wiederwahl ist nicht zulässig.
2. Die Amtszeit der Richter endet mit Vollendung des 70. Lebensjahrs.
3. Die Richter bleiben bis zum Amtsantritt ihrer Nachfolger im Amt. Sie bleiben jedoch in den Rechtssachen tätig, mit denen sie bereits befasst sind.
4. Ein Richter kann nur entlassen werden, wenn die anderen Richter mit Zweidrittelmehrheit entscheiden, dass er die erforderlichen Voraussetzungen nicht mehr erfüllt.

ARTIKEL 24

Kanzlei und Berichterstatter

1. Der Gerichtshof hat eine Kanzlei, deren Aufgaben und Organisation in der Verfahrensordnung des Gerichtshofs festgelegt werden.
2. Wenn der Gerichtshof in Einzelrichterbesetzung tagt, wird er von Berichterstattern unterstützt, die ihre Aufgaben unter der Aufsicht des Präsidenten des Gerichtshofs ausüben. Sie gehören der Kanzlei des Gerichtshofs an.

ARTIKEL 25

Plenum des Gerichtshofs

Das Plenum des Gerichtshofs

- (a) wählt seinen Präsidenten und einen oder zwei Vizepräsidenten für drei Jahre; ihre Wiederwahl ist zulässig;
- (b) bildet Kammern für einen bestimmten Zeitraum;
- (c) wählt die Präsidenten der Kammern des Gerichtshofs; ihre Wiederwahl ist zulässig;
- (d) beschließt die Verfahrensordnung des Gerichtshofs;
- (e) wählt den Kanzler und einen oder mehrere stellvertretende Kanzler;
- (f) stellt Anträge nach Artikel 26 Absatz 2.

ARTIKEL 26

Einzelrichterbesetzung, Ausschüsse, Kammern und Große Kammer

1. Zur Prüfung der Rechtssachen, die bei ihm anhängig gemacht werden, tagt der Gerichtshof in Einzelrichterbesetzung, in Ausschüssen mit drei Richtern, in Kammern mit sieben Richtern und in einer Großen Kammer mit siebzehn Richtern. Die Kammern des Gerichtshofs bilden die Ausschüsse für einen bestimmten Zeitraum.
2. Auf Antrag des Plenums des Gerichtshofs kann die Anzahl der Richter je Kammer für einen bestimmten Zeitraum durch einstimmigen Beschluss des Ministerkomitees auf fünf herabgesetzt werden.
3. Ein Richter, der als Einzelrichter tagt, prüft keine Beschwerde gegen die Hohe Vertragspartei, für die er gewählt worden ist.
4. Der Kammer und der Großen Kammer gehört von Amts wegen der für eine als Partei beteiligte Hohe Vertragspartei gewählte Richter an. Wenn ein solcher nicht vorhanden ist oder er an den Sitzungen nicht teilnehmen kann, nimmt eine Person in der Eigenschaft eines

Richters an den Sitzungen teil, die der Präsident des Gerichtshofs aus einer Liste auswählt, welche ihm die betreffende Vertragspartei vorab unterbreitet hat.

5. Der Großen Kammer gehören ferner der Präsident des Gerichtshofs, die Vizepräsidenten, die Präsidenten der Kammern und andere nach der Verfahrensordnung des Gerichtshofs ausgewählte Richter an. Wird eine Rechtssache nach Artikel 43 an die Große Kammer verwiesen, so dürfen Richter der Kammer, die das Urteil gefällt hat, der Großen Kammer nicht angehören; das gilt nicht für den Präsidenten der Kammer und den Richter, welcher in der Kammer für die als Partei beteiligte Hohe Vertragspartei mitgewirkt hat.

ARTIKEL 27

Befugnisse des Einzelrichters

1. Ein Einzelrichter kann eine nach Artikel 34 erhobene Beschwerde für unzulässig erklären oder im Register streichen, wenn eine solche Entscheidung ohne weitere Prüfung getroffen werden kann.
2. Die Entscheidung ist endgültig.
3. Erklärt der Einzelrichter eine Beschwerde nicht für unzulässig und streicht er sie auch nicht im Register des Gerichtshofs, so übermittelt er sie zur weiteren Prüfung an einen Ausschuss oder eine Kammer.

ARTIKEL 28

Befugnisse der Ausschüsse

1. Ein Ausschuss, der mit einer nach Artikel 34 erhobenen Beschwerde befasst wird, kann diese durch einstimmigen Beschluss
 - (a) für unzulässig erklären oder im Register streichen, wenn eine solche Entscheidung ohne weitere Prüfung getroffen werden kann, oder
 - (b) für zulässig erklären und zugleich ein Urteil über die Begründetheit fällen, sofern die der Rechtssache zugrunde liegende Frage der Auslegung oder Anwendung dieser

Konvention oder der Protokolle dazu Gegenstand einer gefestigten Rechtsprechung des Gerichtshofs ist.

2. Die Entscheidungen und Urteile nach Absatz 1 sind endgültig.
3. Ist der für die als Partei beteiligte Hohe Vertragspartei gewählte Richter nicht Mitglied des Ausschusses, so kann er von Letzterem jederzeit während des Verfahrens eingeladen werden, den Sitz eines Mitglieds im Ausschuss einzunehmen; der Ausschuss hat dabei alle erheblichen Umstände einschließlich der Frage, ob diese Vertragspartei der Anwendung des Verfahrens nach Absatz 1 Buchstabe b entgegengetreten ist, zu berücksichtigen.

ARTIKEL 29

Entscheidungen der Kammern über die Zulässigkeit und Begründetheit

1. Ergeht weder eine Entscheidung nach Artikel 27 oder 28 noch ein Urteil nach Artikel 28, so entscheidet eine Kammer über die Zulässigkeit und Begründetheit der nach Artikel 34 erhobenen Beschwerden. Die Entscheidung über die Zulässigkeit kann gesondert ergehen.
2. Eine Kammer entscheidet über die Zulässigkeit und Begründetheit der nach Artikel 33 erhobenen Staatenbeschwerden. Die Entscheidung über die Zulässigkeit ergeht gesondert, sofern der Gerichtshof in Ausnahmefällen nicht anders entscheidet.

ARTIKEL 30

Abgabe der Rechtssache an die Große Kammer

Wirft eine bei einer Kammer anhängige Rechtssache eine schwerwiegende Frage der Auslegung dieser Konvention oder der Protokolle dazu auf oder kann die Entscheidung einer ihr vorliegenden Frage zu einer Abweichung von einem früheren Urteil des Gerichtshofs führen, so kann die Kammer diese Sache jederzeit, bevor sie ihr Urteil

gefällt hat, an die Große Kammer abgeben, sofern nicht eine Partei widerspricht.

ARTIKEL 31

Befugnisse der Großen Kammer

Die Große Kammer

- (a) entscheidet über nach Artikel 33 oder Artikel 34 erhobene Beschwerden, wenn eine Kammer die Rechtssache nach Artikel 30 an sie abgegeben hat oder wenn die Sache nach Artikel 43 an sie verwiesen worden ist;
- (b) entscheidet über Fragen, mit denen der Gerichtshof durch das Ministerkomitee nach Artikel 46 Absatz 4 befasst wird; und
- (c) behandelt Anträge nach Artikel 47 auf Erstattung von Gutachten.

ARTIKEL 32

Zuständigkeit des Gerichtshofs

1. Die Zuständigkeit des Gerichtshofs umfasst alle die Auslegung und Anwendung dieser Konvention und der Protokolle dazu betreffenden Angelegenheiten, mit denen er nach den Artikeln 33, 34, 46 und 47 befasst wird.
2. Besteht Streit über die Zuständigkeit des Gerichtshofs, so entscheidet der Gerichtshof.

ARTIKEL 33

Staatenbeschwerden

Jede Hohe Vertragspartei kann den Gerichtshof wegen jeder behaupteten Verletzung dieser Konvention und der Protokolle dazu durch eine andere Hohe Vertragspartei anrufen.

ARTIKEL 34

Individualbeschwerden

Der Gerichtshof kann von jeder natürlichen Person, nichtstaatlichen Organisation oder Personengruppe, die behauptet, durch eine der Hohen Vertragsparteien in einem der in dieser Konvention oder den Protokollen dazu anerkannten Rechte verletzt zu sein, mit einer Beschwerde befasst werden. Die Hohen Vertragsparteien verpflichten sich, die wirksame Ausübung dieses Rechts nicht zu behindern.

ARTIKEL 35

Zulässigkeitsvoraussetzungen

1. Der Gerichtshof kann sich mit einer Angelegenheit erst nach Erschöpfung aller innerstaatlichen Rechtsbehelfe in Übereinstimmung mit den allgemein anerkannten Grundsätzen des Völkerrechts und nur innerhalb einer Frist von sechs Monaten nach der endgültigen innerstaatlichen Entscheidung befassen.
2. Der Gerichtshof befasst sich nicht mit einer nach Artikel 34 erhobenen Individualbeschwerde, die
 - (a) anonym ist oder
 - (b) im Wesentlichen mit einer schon vorher vom Gerichtshof geprüften Beschwerde übereinstimmt oder schon einer anderen internationalen Untersuchungs- oder Vergleichsinstanz unterbreitet worden ist und keine neuen Tatsachen enthält.
3. Der Gerichtshof erklärt eine nach Artikel 34 erhobene Individualbeschwerde für unzulässig,
 - (a) wenn er sie für unvereinbar mit dieser Konvention oder den Protokollen dazu, für offensichtlich unbegründet oder für missbräuchlich hält oder
 - (b) wenn er der Ansicht ist, dass dem Beschwerdeführer kein erheblicher Nachteil entstanden ist, es sei denn, die Achtung

der Menschenrechte, wie sie in dieser Konvention und den Protokollen dazu anerkannt sind, erfordert eine Prüfung der Begründetheit der Beschwerde, und vorausgesetzt, es wird aus diesem Grund nicht eine Rechtssache zurückgewiesen, die noch von keinem innerstaatlichen Gericht gebührend geprüft worden ist.

4. Der Gerichtshof weist eine Beschwerde zurück, die er nach diesem Artikel für unzulässig hält. Er kann dies in jedem Stadium des Verfahrens tun.

ARTIKEL 36

Beteiligung Dritter

1. In allen bei einer Kammer oder der Großen Kammer anhängigen Rechtssachen ist die Hohe Vertragspartei, deren Staatsangehörigkeit der Beschwerdeführer besitzt, berechtigt, schriftliche Stellungnahmen abzugeben und an den mündlichen Verhandlungen teilzunehmen.

2. Im Interesse der Rechtspflege kann der Präsident des Gerichtshofs jeder Hohen Vertragspartei, die in dem Verfahren nicht Partei ist, oder jeder betroffenen Person, die nicht Beschwerdeführer ist, Gelegenheit geben, schriftlich Stellung zu nehmen oder an den mündlichen Verhandlungen teilzunehmen.

3. In allen bei einer Kammer oder der Großen Kammer anhängigen Rechtssachen kann der Kommissar für Menschenrechte des Europarats schriftliche Stellungnahmen abgeben und an den mündlichen Verhandlungen teilnehmen.

ARTIKEL 37

Streichung von Beschwerden

1. Der Gerichtshof kann jederzeit während des Verfahrens entscheiden, eine Beschwerde in seinem Register zu streichen, wenn die Umstände Grund zur Annahme geben, dass

- (a) der Beschwerdeführer seine Beschwerde nicht weiterzuverfolgen beabsichtigt;
- (b) die Streitigkeit einer Lösung zugeführt worden ist oder
- (c) eine weitere Prüfung der Beschwerde aus anderen vom Gerichtshof festgestellten Gründen nicht gerechtfertigt ist.

Der Gerichtshof setzt jedoch die Prüfung der Beschwerde fort, wenn die Achtung der Menschenrechte, wie sie in dieser Konvention und den Protokollen dazu anerkannt sind, dies erfordert.

2. Der Gerichtshof kann die Wiedereintragung einer Beschwerde in sein Register anordnen, wenn er dies den Umständen nach für gerechtfertigt hält.

ARTIKEL 38

Prüfung der Rechtssache

Der Gerichtshof prüft die Rechtssache mit den Vertretern der Parteien und nimmt, falls erforderlich, Ermittlungen vor; die betreffenden Hohen Vertragsparteien haben alle zur wirksamen Durchführung der Ermittlungen erforderlichen Erleichterungen zu gewähren.

ARTIKEL 39

Gütliche Einigung

1. Der Gerichtshof kann sich jederzeit während des Verfahrens zur Verfügung der Parteien halten mit dem Ziel, eine gütliche Einigung auf der Grundlage der Achtung der Menschenrechte, wie sie in dieser Konvention und den Protokollen dazu anerkannt sind, zu erreichen.

2. Das Verfahren nach Absatz 1 ist vertraulich.

3. Im Fall einer gütlichen Einigung streicht der Gerichtshof durch eine Entscheidung, die sich auf eine kurze Angabe des Sachverhalts und der erzielten Lösung beschränkt, die Rechtssache in seinem Register.

4. Diese Entscheidung ist dem Ministerkomitee zuzuleiten; dieses überwacht die Durchführung der gütlichen Einigung, wie sie in der Entscheidung festgehalten wird.

ARTIKEL 40

Öffentliche Verhandlung und Akteneinsicht

1. Die Verhandlung ist öffentlich, soweit nicht der Gerichtshof auf Grund besonderer Umstände anders entscheidet.
2. Die beim Kanzler verwahrten Schriftstücke sind der Öffentlichkeit zugänglich, soweit nicht der Präsident des Gerichtshofs anders entscheidet.

ARTIKEL 41

Gerechte Entschädigung

Stellt der Gerichtshof fest, dass diese Konvention oder die Protokolle dazu verletzt worden sind, und gestattet das innerstaatliche Recht der Hohen Vertragspartei nur eine unvollkommene Wiedergutmachung für die Folgen dieser Verletzung, so spricht der Gerichtshof der verletzten Partei eine gerechte Entschädigung zu, wenn dies notwendig ist.

ARTIKEL 42

Urteile der Kammern

Urteile der Kammern werden nach Maßgabe des Artikels 44 Absatz 2 endgültig.

ARTIKEL 43

Verweisung an die Große Kammer

1. Innerhalb von drei Monaten nach dem Datum des Urteils der Kammer kann jede Partei in Ausnahmefällen die Verweisung der Rechtssache an die Große Kammer beantragen.

2. Ein Ausschuss von fünf Richtern der Großen Kammer nimmt den Antrag an, wenn die Rechtssache eine schwerwiegende Frage der Auslegung oder Anwendung dieser Konvention oder der Protokolle dazu oder eine schwerwiegende Frage von allgemeiner Bedeutung aufwirft.

3. Nimmt der Ausschuss den Antrag an, so entscheidet die Große Kammer die Sache durch Urteil.

ARTIKEL 44

Endgültige Urteile

1. Das Urteil der Großen Kammer ist endgültig.
2. Das Urteil einer Kammer wird endgültig,
 - (a) wenn die Parteien erklären, dass sie die Verweisung der Rechtssache an die Große Kammer nicht beantragen werden;
 - (b) drei Monate nach dem Datum des Urteils, wenn nicht die Verweisung der Rechtssache an die Große Kammer beantragt worden ist; oder
 - (c) wenn der Ausschuss der Großen Kammer den Antrag auf Verweisung nach Artikel 43 abgelehnt hat.
3. Das endgültige Urteil wird veröffentlicht.

ARTIKEL 45

Begründung der Urteile und Entscheidungen

1. Urteile sowie Entscheidungen, mit denen Beschwerden für zulässig oder für unzulässig erklärt werden, werden begründet.
2. Bringt ein Urteil ganz oder teilweise nicht die übereinstimmende Meinung der Richter zum Ausdruck, so ist jeder Richter berechtigt, seine abweichende Meinung darzulegen.

ARTIKEL 46

Verbindlichkeit und Durchführung der Urteile

1. Die Hohen Vertragsparteien verpflichten sich, in allen Rechtssachen, in denen sie Partei sind, das endgültige Urteil des Gerichtshofs zu befolgen.
2. Das endgültige Urteil des Gerichtshofs ist dem Ministerkomitee zuzuleiten; dieses überwacht seine Durchführung.
3. Wird die Überwachung der Durchführung eines endgültigen Urteils nach Auffassung des Ministerkomitees durch eine Frage betreffend die Auslegung dieses Urteils behindert, so kann das Ministerkomitee den Gerichtshof anrufen, damit er über diese Auslegungsfrage entscheidet. Der Beschluss des Ministerkomitees, den Gerichtshof anzurufen, bedarf der Zweidrittelmehrheit der Stimmen der zur Teilnahme an den Sitzungen des Komitees berechtigten Mitglieder.
4. Weigert sich eine Hohe Vertragspartei nach Auffassung des Ministerkomitees, in einer Rechtssache, in der sie Partei ist, ein endgültiges Urteil des Gerichtshofs zu befolgen, so kann das Ministerkomitee, nachdem es die betreffende Partei gemahnt hat, durch einen mit Zweidrittelmehrheit der Stimmen der zur Teilnahme an den Sitzungen des Komitees berechtigten Mitglieder gefassten Beschluss den Gerichtshof mit der Frage befassen, ob diese Partei ihrer Verpflichtung nach Absatz 1 nachgekommen ist.
5. Stellt der Gerichtshof eine Verletzung des Absatzes 1 fest, so weist er die Rechtssache zur Prüfung der zu treffenden Maßnahmen an das Ministerkomitee zurück. Stellt der Gerichtshof fest, dass keine Verletzung des Absatzes 1 vorliegt, so weist er die Rechtssache an das Ministerkomitee zurück; dieses beschließt die Einstellung seiner Prüfung.

ARTIKEL 47

Gutachten

1. Der Gerichtshof kann auf Antrag des Ministerkomitees Gutachten über Rechtsfragen erstatten, welche die Auslegung dieser Konvention und der Protokolle dazu betreffen.
2. Diese Gutachten dürfen keine Fragen zum Gegenstand haben, die sich auf den Inhalt oder das Ausmaß der in Abschnitt I dieser Konvention und in den Protokollen dazu anerkannten Rechte und Freiheiten beziehen, noch andere Fragen, über die der Gerichtshof oder das Ministerkomitee auf Grund eines nach dieser Konvention eingeleiteten Verfahrens zu entscheiden haben könnte.
3. Der Beschluss des Ministerkomitees, ein Gutachten beim Gerichtshof zu beantragen, bedarf der Mehrheit der Stimmen der zur Teilnahme an den Sitzungen des Komitees berechtigten Mitglieder.

ARTIKEL 48

Gutachterliche Zuständigkeit des Gerichtshofs

Der Gerichtshof entscheidet, ob ein vom Ministerkomitee gestellter Antrag auf Erstattung eines Gutachtens in seine Zuständigkeit nach Artikel 47 fällt.

ARTIKEL 49

Begründung der Gutachten

1. Die Gutachten des Gerichtshofs werden begründet.
2. Bringt das Gutachten ganz oder teilweise nicht die übereinstimmende Meinung der Richter zum Ausdruck, so ist jeder Richter berechtigt, seine abweichende Meinung darzulegen.
3. Die Gutachten des Gerichtshofs werden dem Ministerkomitee übermittelt.

ARTIKEL 50

Kosten des Gerichtshofs

Die Kosten des Gerichtshofs werden vom Europarat getragen.

ARTIKEL 51

Vorrechte und Immunitäten der Richter

Die Richter genießen bei der Ausübung ihres Amtes die Vorrechte und Immunitäten, die in Artikel 40 der Satzung des Europarats und den aufgrund jenes Artikels geschlossenen Übereinkünften vorgesehen sind.

ABSCHNITT III VERSCHIEDENE BESTIMMUNGEN

ARTIKEL 52

Anfragen des Generalsekretärs

Auf Anfrage des Generalsekretärs des Europarats erläutert jede Hohe Vertragspartei, auf welche Weise die wirksame Anwendung aller Bestimmungen dieser Konvention in ihrem innerstaatlichen Recht gewährleistet wird.

ARTIKEL 53

Wahrung anerkannter Menschenrechte

Diese Konvention ist nicht so auszulegen, als beschränke oder beeinträchtige sie Menschenrechte und Grundfreiheiten, die in den Gesetzen einer Hohen Vertragspartei oder in einer anderen Übereinkunft, deren Vertragspartei sie ist, anerkannt werden.

ARTIKEL 54

Befugnisse des Ministerkomitees

Diese Konvention berührt nicht die dem Ministerkomitee durch die Satzung des Europarats übertragenen Befugnisse.

ARTIKEL 55

Ausschluss anderer Verfahren zur Streitbeilegung

Die Hohen Vertragsparteien kommen überein, dass sie sich vorbehaltlich besonderer Vereinbarung nicht auf die zwischen ihnen geltenden Verträge, sonstigen Übereinkünfte oder Erklärungen berufen werden, um eine Streitigkeit über die Auslegung oder Anwendung dieser Konvention einem anderen als den in der Konvention vorgesehenen Beschwerdeverfahren zur Beilegung zu unterstellen.

ARTIKEL 56

Räumlicher Geltungsbereich

1. Jeder Staat kann bei der Ratifikation oder jederzeit danach durch eine an den Generalsekretär des Europarats gerichtete Notifikation erklären, dass diese Konvention vorbehaltlich des Absatzes 4 auf alle oder einzelne Hoheitsgebiete Anwendung findet, für deren internationale Beziehungen er verantwortlich ist.
2. Die Konvention findet auf jedes in der Erklärung bezeichnete Hoheitsgebiet ab dem dreißigsten Tag nach Eingang der Notifikation beim Generalsekretär des Europarats Anwendung.
3. In den genannten Hoheitsgebieten wird diese Konvention unter Berücksichtigung der örtlichen Notwendigkeiten angewendet.
4. Jeder Staat, der eine Erklärung nach Absatz 1 abgegeben hat, kann jederzeit danach für eines oder mehrere der in der Erklärung bezeichneten Hoheitsgebiete erklären, dass er die Zuständigkeit des Gerichtshofs für die Entgegennahme von Beschwerden von natürlichen

Personen, nichtstaatlichen Organisationen oder Personengruppen nach Artikel 34 anerkennt.

ARTIKEL 57

Vorbehalte

1. Jeder Staat kann bei der Unterzeichnung dieser Konvention oder bei der Hinterlegung seiner Ratifikationsurkunde einen Vorbehalt zu einzelnen Bestimmungen der Konvention anbringen, soweit ein zu dieser Zeit in seinem Hoheitsgebiet geltendes Gesetz mit der betreffenden Bestimmung nicht übereinstimmt. Vorbehalte allgemeiner Art sind nach diesem Artikel nicht zulässig.
2. Jeder nach diesem Artikel angebrachte Vorbehalt muss mit einer kurzen Darstellung des betreffenden Gesetzes verbunden sein.

ARTIKEL 58

Kündigung

1. Eine Hohe Vertragspartei kann diese Konvention frühestens fünf Jahre nach dem Tag, an dem sie Vertragspartei geworden ist, unter Einhaltung einer Kündigungsfrist von sechs Monaten durch eine an den Generalsekretär des Europarats gerichtete Notifikation kündigen; dieser unterrichtet die anderen Hohen Vertragsparteien.
2. Die Kündigung befreit die Hohe Vertragspartei nicht von ihren Verpflichtungen aus dieser Konvention in Bezug auf Handlungen, die sie vor dem Wirksamwerden der Kündigung vorgenommen hat und die möglicherweise eine Verletzung dieser Verpflichtungen darstellen.
3. Mit derselben Maßgabe scheidet eine Hohe Vertragspartei, deren Mitgliedschaft im Europarat endet, als Vertragspartei dieser Konvention aus.
4. Die Konvention kann in Bezug auf jedes Hoheitsgebiet, auf das sie durch eine Erklärung nach Artikel 56 anwendbar geworden ist, nach den Absätzen 1 bis 3 gekündigt werden.

ARTIKEL 59

Unterzeichnung und Ratifikation

1. Diese Konvention liegt für die Mitglieder des Europarats zur Unterzeichnung auf. Sie bedarf der Ratifikation. Die Ratifikationsurkunden werden beim Generalsekretär des Europarats hinterlegt.
2. Die Europäische Union kann dieser Konvention beitreten.
3. Diese Konvention tritt nach Hinterlegung von zehn Ratifikationsurkunden in Kraft.
4. Für jeden Unterzeichner, der die Konvention später ratifiziert, tritt sie mit der Hinterlegung seiner Ratifikationsurkunde in Kraft.
5. Der Generalsekretär des Europarats notifiziert allen Mitgliedern des Europarats das Inkrafttreten der Konvention, die Namen der Hohen Vertragsparteien, die sie ratifiziert haben, und jede spätere Hinterlegung einer Ratifikationsurkunde.

Geschehen zu Rom am 4. November 1950, in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär übermittelt allen Unterzeichnern beglaubigte Abschriften.

Zusatzprotokoll

zur Konvention zum Schutz der Menschenrechte und Grundfreiheiten

Paris, 20.III.1952

Die Unterzeichnerregierungen, Mitglieder des Europarats –

entschlossen, Maßnahmen zur kollektiven Gewährleistung gewisser Rechte und Freiheiten zu treffen, die in Abschnitt I der am 4. November 1950 in Rom unterzeichneten Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) noch nicht enthalten sind –

haben Folgendes vereinbart:

ARTIKEL 1

Schutz des Eigentums

Jede natürliche oder juristische Person hat das Recht auf Achtung ihres Eigentums. Niemandem darf sein Eigentum entzogen werden, es sei denn, dass das öffentliche Interesse es verlangt, und nur unter den durch Gesetz und durch die allgemeinen Grundsätze des Völkerrechts vorgesehenen Bedingungen.

Absatz 1 beeinträchtigt jedoch nicht das Recht des Staates, diejenigen Gesetze anzuwenden, die er für die Regelung der Benutzung des Eigentums im Einklang mit dem Allgemeininteresse oder zur Sicherung der Zahlung der Steuern oder sonstigen Abgaben oder von Geldstrafen für erforderlich hält.

ARTIKEL 2

Recht auf Bildung

Niemandem darf das Recht auf Bildung verwehrt werden. Der Staat hat bei Ausübung der von ihm auf dem Gebiet der Erziehung und des Unterrichts übernommenen Aufgaben das Recht der Eltern zu achten, die Erziehung und den Unterricht entsprechend ihren eigenen religiösen und weltanschaulichen Überzeugungen sicherzustellen.

ARTIKEL 3

Recht auf freie Wahlen

Die Hohen Vertragsparteien verpflichten sich, in angemessenen Zeitabständen freie und geheime Wahlen unter Bedingungen abzuhalten, welche die freie Äußerung der Meinung des Volkes bei der Wahl der gesetzgebenden Körperschaften gewährleisten.

ARTIKEL 4

Räumlicher Geltungsbereich

Jede Hohe Vertragspartei kann im Zeitpunkt der Unterzeichnung oder Ratifikation dieses Protokolls oder zu jedem späteren Zeitpunkt an den Generalsekretär des Europarats eine Erklärung darüber richten, in welchem Umfang sie sich zur Anwendung dieses Protokolls auf die in der Erklärung angegebenen Hoheitsgebiete verpflichtet, für deren internationale Beziehungen sie verantwortlich ist.

Jede Hohe Vertragspartei, die eine Erklärung nach Absatz 1 abgegeben hat, kann jederzeit eine weitere Erklärung abgeben, die den Inhalt einer früheren Erklärung ändert oder die Anwendung der Bestimmungen dieses Protokolls auf irgendein Hoheitsgebiet beendet.

Eine nach diesem Artikel abgegebene Erklärung gilt als eine Erklärung im Sinne des Artikels 56 Absatz 1 der Konvention.

ARTIKEL 5

Verhältnis zur Konvention

Die Hohen Vertragsparteien betrachten die Artikel 1, 2, 3 und 4 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 6

Unterzeichnung und Ratifikation

Dieses Protokoll liegt für die Mitglieder des Europarats, die Unterzeichner der Konvention sind, zur Unterzeichnung auf; es wird gleichzeitig mit der Konvention oder zu einem späteren Zeitpunkt ratifiziert. Es tritt nach Hinterlegung von zehn Ratifikationsurkunden in Kraft. Für jeden Unterzeichner, der das Protokoll später ratifiziert, tritt es mit der Hinterlegung seiner Ratifikationsurkunde in Kraft.

Die Ratifikationsurkunden werden beim Generalsekretär des Europarats hinterlegt, der allen Mitgliedern die Namen derjenigen Staaten, die das Protokoll ratifiziert haben, notifiziert.

Geschehen zu Paris am 20. März 1952 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär übermittelt allen Unterzeichnerregierungen beglaubigte Abschriften.

Protokoll Nr. 4

zur Konvention zum Schutz der
Menschenrechte und Grundfreiheiten,
durch das gewisse Rechte
und Freiheiten gewährleistet werden,
die nicht bereits in der Konvention
oder im ersten Zusatzprotokoll
enthalten sind

Straßburg, 16.IX.1963

Die Unterzeichnerregierungen, Mitglieder des Europarats -

entschlossen, Maßnahmen zur kollektiven Gewährleistung gewisser Rechte und Freiheiten zu treffen, die in Abschnitt I der am 4. November 1950 in Rom unterzeichneten Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) und in den Artikeln 1 bis 3 des am 20. März 1952 in Paris unterzeichneten ersten Zusatzprotokolls zur Konvention noch nicht enthalten sind -

haben Folgendes vereinbart:

ARTIKEL 1

Verbot der Freiheitsentziehung wegen Schulden

Niemandem darf die Freiheit allein deshalb entzogen werden, weil er nicht in der Lage ist, eine vertragliche Verpflichtung zu erfüllen.

ARTIKEL 2

Freizügigkeit

1. Jede Person, die sich rechtmäßig im Hoheitsgebiet eines Staates aufhält, hat das Recht, sich dort frei zu bewegen und ihren Wohnsitz frei zu wählen.
2. Jeder Person steht es frei, jedes Land, einschließlich des eigenen, zu verlassen.
3. Die Ausübung dieser Rechte darf nur Einschränkungen unterworfen werden, die gesetzlich vorgesehen und in einer demokratischen Gesellschaft notwendig sind für die nationale oder öffentliche Sicherheit, zur Aufrechterhaltung der öffentlichen Ordnung, zur Verhütung von Straftaten, zum Schutz der Gesundheit oder der Moral oder zum Schutz der Rechte und Freiheiten anderer.
4. Die in Absatz 1 anerkannten Rechte können ferner für bestimmte Gebiete Einschränkungen unterworfen werden, die gesetzlich vorgesehen und in einer demokratischen Gesellschaft durch das öffentliche Interesse gerechtfertigt sind.

ARTIKEL 3

Verbot der Ausweisung eigener Staatsangehöriger

1. Niemand darf durch eine Einzel- oder Kollektivmaßnahme aus dem Hoheitsgebiet des Staates ausgewiesen werden, dessen Angehöriger er ist.
2. Niemandem darf das Recht entzogen werden, in das Hoheitsgebiet des Staates einzureisen, dessen Angehöriger er ist.

ARTIKEL 4

Verbot der Kollektivausweisung ausländischer Personen

Kollektivausweisungen ausländischer Personen sind nicht zulässig.

ARTIKEL 5

Räumlicher Geltungsbereich

1. Jede Hohe Vertragspartei kann im Zeitpunkt der Unterzeichnung oder Ratifikation dieses Protokolls oder zu jedem späteren Zeitpunkt an den Generalsekretär des Europarats eine Erklärung darüber richten, in welchem Umfang sie sich zur Anwendung dieses Protokolls auf die in der Erklärung angegebenen Hoheitsgebiete verpflichtet, für deren internationale Beziehungen sie verantwortlich ist.
2. Jede Hohe Vertragspartei, die eine Erklärung nach Absatz 1 abgegeben hat, kann jederzeit eine weitere Erklärung abgeben, die den Inhalt einer früheren Erklärung ändert oder die Anwendung der Bestimmungen dieses Protokolls auf irgendein Hoheitsgebiet beendet.
3. Eine nach diesem Artikel abgegebene Erklärung gilt als eine Erklärung im Sinne des Artikels 56 Absatz 1 der Konvention.
4. Das Hoheitsgebiet eines Staates, auf das dieses Protokoll aufgrund der Ratifikation oder Annahme durch diesen Staat Anwendung findet, und jedes Hoheitsgebiet, auf welches das Protokoll aufgrund einer von diesem Staat nach diesem Artikel abgegebenen Erklärung Anwendung findet, werden als getrennte Hoheitsgebiete betrachtet, soweit die Artikel 2 und 3 auf das Hoheitsgebiet eines Staates Bezug nehmen.
5. Jeder Staat, der eine Erklärung nach Absatz 1 oder 2 abgegeben hat, kann jederzeit danach für eines oder mehrere der in der Erklärung bezeichneten Hoheitsgebiete erklären, dass er die Zuständigkeit des Gerichtshofs, Beschwerden von natürlichen Personen, nichtstaatlichen Organisationen oder Personengruppen nach Artikel 34 der Konvention entgegenzunehmen, für die Artikel 1 bis 4 dieses Protokolls insgesamt oder für einzelne dieser Artikel annimmt.

ARTIKEL 6

Verhältnis zur Konvention

Die Hohen Vertragsparteien betrachten die Artikel 1 bis 5 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 7

Unterzeichnung und Ratifikation

1. Dieses Protokoll liegt für die Mitglieder des Europarats, die Unterzeichner der Konvention sind, zur Unterzeichnung auf; es wird gleichzeitig mit der Konvention oder zu einem späteren Zeitpunkt ratifiziert. Es tritt nach Hinterlegung von fünf Ratifikationsurkunden in Kraft. Für jeden Unterzeichner, der das Protokoll später ratifiziert, tritt es mit der Hinterlegung der Ratifikationsurkunde in Kraft.

2. Die Ratifikationsurkunden werden beim Generalsekretär des Europarats hinterlegt, der allen Mitgliedern die Namen derjenigen Staaten, die das Protokoll ratifiziert haben, notifiziert.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten dieses Protokoll unterschrieben.

Geschehen zu Straßburg am 16. September 1963 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär übermittelt allen Unterzeichnerstaaten beglaubigte Abschriften

Protokoll Nr. 6

zur Konvention zum Schutz der Menschenrechte und Grundfreiheiten über die Abschaffung der Todesstrafe

Straßburg, 28.IV.1983

Die Mitgliedstaaten des Europarats, die dieses Protokoll zu der am 4. November 1950 in Rom unterzeichneten Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) unterzeichnen –

in der Erwägung, dass die in verschiedenen Mitgliedstaaten des Europarats eingetretene Entwicklung eine allgemeine Tendenz zugunsten der Abschaffung der Todesstrafe zum Ausdruck bringt –

haben Folgendes vereinbart:

ARTIKEL 1

Abschaffung der Todesstrafe

Die Todesstrafe ist abgeschafft. Niemand darf zu dieser Strafe verurteilt oder hingerichtet werden.

ARTIKEL 2

Todesstrafe in Kriegszeiten

Ein Staat kann in seinem Recht die Todesstrafe für Taten vorsehen, die in Kriegszeiten oder bei unmittelbarer Kriegsgefahr begangen werden; diese Strafe darf nur in den Fällen, die im Recht vorgesehen sind, und in Übereinstimmung mit dessen Bestimmungen angewendet

werden. Der Staat übermittelt dem Generalsekretär des Europarats die einschlägigen Rechtsvorschriften.

ARTIKEL 3

Verbot des Abweichens

Von diesem Protokoll darf nicht nach Artikel 15 der Konvention abgewichen werden.

ARTIKEL 4

Verbot von Vorbehalten

Vorbehalte nach Artikel 57 der Konvention zu Bestimmungen dieses Protokolls sind nicht zulässig.

ARTIKEL 5

Räumlicher Geltungsbereich

1. Jeder Staat kann bei der Unterzeichnung oder bei der Hinterlegung seiner Ratifikations-, Annahme- oder Genehmigungsurkunde einzelne oder mehrere Hoheitsgebiete bezeichnen, auf die dieses Protokoll Anwendung findet.
2. Jeder Staat kann jederzeit danach durch eine an den Generalsekretär des Europarats gerichtete Erklärung die Anwendung dieses Protokolls auf jedes weitere in der Erklärung bezeichnete Hoheitsgebiet erstrecken. Das Protokoll tritt für dieses Hoheitsgebiet am ersten Tag des Monats in Kraft, der auf den Eingang der Erklärung beim Generalsekretär folgt.
3. Jede nach den Absätzen 1 und 2 abgegebene Erklärung kann in Bezug auf jedes darin bezeichnete Hoheitsgebiet durch eine an den Generalsekretär gerichtete Notifikation zurückgenommen werden. Die Rücknahme wird am ersten Tag des Monats wirksam, der auf den Eingang der Notifikation beim Generalsekretär folgt.

ARTIKEL 6

Verhältnis zur Konvention

Die Vertragsstaaten betrachten die Artikel 1 bis 5 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 7

Unterzeichnung und Ratifikation

Dieses Protokoll liegt für die Mitgliedstaaten des Europarats, welche die Konvention unterzeichnet haben, zur Unterzeichnung auf. Es bedarf der Ratifikation, Annahme oder Genehmigung. Ein Mitgliedstaat des Europarats kann dieses Protokoll nur ratifizieren, annehmen oder genehmigen, wenn er die Konvention gleichzeitig ratifiziert oder sie früher ratifiziert hat. Die Ratifikations-, Annahme- oder Genehmigungsurkunden werden beim Generalsekretär des Europarats hinterlegt.

ARTIKEL 8

Inkrafttreten

1. Dieses Protokoll tritt am ersten Tag des Monats in Kraft, der auf den Tag folgt, an dem fünf Mitgliedstaaten des Europarats nach Artikel 7 ihre Zustimmung ausgedrückt haben, durch das Protokoll gebunden zu sein.
2. Für jeden Mitgliedstaat, der später seine Zustimmung ausdrückt, durch das Protokoll gebunden zu sein, tritt es am ersten Tag des Monats in Kraft, der auf die Hinterlegung der Ratifikations-, Annahme- oder Genehmigungsurkunde folgt.

ARTIKEL 9

Aufgaben des Verwahrers

Der Generalsekretär des Europarats notifiziert den Mitgliedstaaten des Rates

- (a) jede Unterzeichnung;
- (b) jede Hinterlegung einer Ratifikations-, Annahme- oder Genehmigungsurkunde;
- (c) jeden Zeitpunkt des Inkrafttretens dieses Protokolls nach den Artikeln 5 und 8;
- (d) jede andere Handlung, Notifikation oder Mitteilung im Zusammenhang mit diesem Protokoll.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten dieses Protokoll unterschrieben.

Geschehen zu Straßburg am 28. April 1983 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär des Europarats übermittelt allen Mitgliedstaaten des Europarats beglaubigte Abschriften.

Protokoll Nr. 7

zur Konvention zum Schutz der Menschenrechte und Grundfreiheiten

Straßburg, 22.XI.1984

Die Mitgliedstaaten der Europarates, die dieses Protokoll unterzeichnen, entschlossen, weitere Maßnahmen zur kollektiven Gewährleistung gewisser Rechte und Freiheiten durch die am 4. November 1950 in Rom unterzeichnete Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) zu treffen -

haben Folgendes vereinbart:

ARTIKEL 1

Verfahrensrechtliche Schutzvorschriften in Bezug auf die Ausweisung von Ausländern

1. Eine ausländische Person, die sich rechtmäßig im Hoheitsgebiet eines Staates aufhält, darf aus diesem nur aufgrund einer rechtmäßig ergangenen Entscheidung ausgewiesen werden; ihr muss gestattet werden,

- (a) Gründe vorzubringen, die gegen ihre Ausweisung sprechen,
- (b) ihren Fall prüfen zu lassen und
- (c) sich zu diesem Zweck vor der zuständigen Behörde oder einer oder mehreren von dieser Behörde bestimmten Personen vertreten zu lassen.

2. Eine ausländische Person kann ausgewiesen werden, bevor sie ihre Rechte nach Absatz 1 Buchstaben a, b und c ausgeübt hat, wenn eine solche Ausweisung im Interesse der öffentlichen Ordnung erforderlich ist oder aus Gründen der nationalen Sicherheit erfolgt.

ARTIKEL 2

Rechtsmittel in Strafsachen

1. Wer von einem Gericht wegen einer Straftat verurteilt worden ist, hat das Recht, das Urteil von einem übergeordneten Gericht nachprüfen zu lassen. Die Ausübung dieses Rechts und die Gründe, aus denen es ausgeübt werden kann, richten sich nach dem Gesetz.

2. Ausnahmen von diesem Recht sind für Straftaten geringfügiger Art, wie sie durch Gesetz näher bestimmt sind, oder in Fällen möglich, in denen das Verfahren gegen eine Person in erster Instanz vor dem obersten Gericht stattgefunden hat oder in denen eine Person nach einem gegen ihren Freispruch eingelegten Rechtsmittel verurteilt worden ist.

ARTIKEL 3

Recht auf Entschädigung bei Fehlurteilen

Ist eine Person wegen einer Straftat rechtskräftig verurteilt und ist das Urteil später aufgehoben oder die Person begnadigt worden, weil eine neue oder eine neu bekannt gewordene Tatsache schlüssig beweist, dass ein Fehlurteil vorlag, so muss sie, wenn sie aufgrund eines solchen Urteils eine Strafe verbüßt hat, entsprechend dem Gesetz oder der Übung des betreffenden Staates entschädigt werden, sofern nicht nachgewiesen wird, dass das nicht rechtzeitige Bekanntwerden der betreffenden Tatsache ganz oder teilweise ihr zuzuschreiben ist.

ARTIKEL 4

Recht, wegen derselben Strafsache nicht zweimal vor Gericht gestellt oder bestraft zu werden

1. Niemand darf wegen einer Straftat, wegen der er bereits nach dem Gesetz und dem Strafverfahrensrecht eines Staates rechtskräftig verurteilt oder freigesprochen worden ist, in einem Strafverfahren desselben Staates erneut verfolgt oder bestraft werden.

2. Absatz 1 schließt die Wiederaufnahme des Verfahrens nach dem Gesetz und dem Strafverfahrensrecht des betreffenden Staates nicht aus, falls neue oder neu bekannt gewordene Tatsachen vorliegen oder das vorausgegangene Verfahren schwere, den Ausgang des Verfahrens berührende Mängel aufweist.

3. Von diesem Artikel darf nicht nach Artikel 15 der Konvention abgewichen werden.

ARTIKEL 5

Gleichberechtigung der Ehegatten

Hinsichtlich der Eheschließung, während der Ehe und bei Auflösung der Ehe haben Ehegatten untereinander und in ihren Beziehungen zu ihren Kindern gleiche Rechte und Pflichten privatrechtlicher Art. Dieser Artikel verwehrt es den Staaten nicht, die im Interesse der Kinder notwendigen Maßnahmen zu treffen.

ARTIKEL 6

Räumlicher Geltungsbereich

1. Jeder Staat kann bei der Unterzeichnung oder bei der Hinterlegung seiner Ratifikations-, Annahme- oder Genehmigungsurkunde einzelne oder mehrere Hoheitsgebiete bezeichnen, auf die dieses Protokoll Anwendung findet, und erklären, in welchem Umfang er sich verpflichtet, dieses Protokoll auf diese Hoheitsgebiete anzuwenden.

2. Jeder Staat kann jederzeit danach durch eine an den Generalsekretär des Europarats gerichtete Erklärung die Anwendung dieses Protokolls auf jedes weitere in der Erklärung bezeichnete Hoheitsgebiet erstrecken. Das Protokoll tritt für dieses Hoheitsgebiet am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von zwei Monaten nach Eingang der Erklärung beim Generalsekretär folgt.

3. Jede nach den Absätzen 1 und 2 abgegebene Erklärung kann in Bezug auf jedes darin bezeichnete Hoheitsgebiet durch eine an den Generalsekretär gerichtete Notifikation zurückgenommen oder geändert werden. Die Rücknahme oder Änderung wird am ersten Tag des Monats wirksam, der auf einen Zeitabschnitt von zwei Monaten nach Eingang der Notifikation beim Generalsekretär folgt.

4. Eine nach diesem Artikel abgegebene Erklärung gilt als eine Erklärung im Sinne des Artikels 56 Absatz 1 der Konvention.

5. Das Hoheitsgebiet eines Staates, auf das dieses Protokoll aufgrund der Ratifikation, Annahme oder Genehmigung durch diesen Staat Anwendung findet, und jedes Hoheitsgebiet, auf welches das Protokoll aufgrund einer von diesem Staat nach diesem Artikel abgegebenen Erklärung Anwendung findet, können als getrennte Hoheitsgebiete betrachtet werden, soweit Artikel 1 auf das Hoheitsgebiet eines Staates Bezug nimmt.

6. Jeder Staat, der eine Erklärung nach Absatz 1 oder 2 abgegeben hat, kann jederzeit danach für eines oder mehrere der in der Erklärung bezeichneten Hoheitsgebiete erklären, dass er die Zuständigkeit des Gerichtshofs, Beschwerden von natürlichen Personen, nichtstaatlichen Organisationen oder Personengruppen nach Artikel 34 der Konvention entgegenzunehmen, für die Artikel 1 bis 5 dieses Protokolls annimmt.

ARTIKEL 7

Verhältnis zur Konvention

Die Vertragsstaaten betrachten die Artikel 1 bis 6 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 8

Unterzeichnung und Ratifikation

Dieses Protokoll liegt für die Mitgliedstaaten des Europarats, welche die Konvention unterzeichnet haben, zur Unterzeichnung auf. Es bedarf der Ratifikation, Annahme oder Genehmigung. Ein Mitgliedstaat des Europarats kann dieses Protokoll nur ratifizieren, annehmen oder genehmigen, wenn er die Konvention gleichzeitig ratifiziert oder sie früher ratifiziert hat. Die Ratifikations-, Annahme- oder Genehmigungsurkunden werden beim Generalsekretär des Europarats hinterlegt.

ARTIKEL 9

Inkrafttreten

1. Dieses Protokoll tritt am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von zwei Monaten nach dem Tag folgt, an dem sieben Mitgliedstaaten des Europarats nach Artikel 8 ihre Zustimmung ausgedrückt haben, durch das Protokoll gebunden zu sein.

2. Für jeden Mitgliedstaat, der später seine Zustimmung ausdrückt, durch das Protokoll gebunden zu sein, tritt es am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von zwei Monaten nach Hinterlegung der Ratifikations-, Annahme- oder Genehmigungsurkunde folgt.

ARTIKEL 10

Aufgaben des Verwahrers

Der Generalsekretär des Europarats notifiziert allen Mitgliedstaaten des Europarats

- (a) jede Unterzeichnung;
- (b) jede Hinterlegung einer Ratifikations-, Annahme- oder Genehmigungsurkunde;
- (c) jeden Zeitpunkt des Inkrafttretens dieses Protokolls nach den Artikeln 6 und 9;
- (d) jede andere Handlung, Notifikation oder Erklärung im Zusammenhang mit diesem Protokoll.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten dieses Protokoll unterschrieben.

Geschehen zu Straßburg am 22. November 1984 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär des Europarats übermittelt allen Mitgliedstaaten des Europarats beglaubigte Abschriften.

Protokoll Nr. 12

zur Konvention zum Schutz der Menschenrechte und Grundfreiheiten über das Diskriminierungsverbot

Rom, 4.XI.2000

Die Mitgliedstaaten des Europarats, die dieses Protokoll unterzeichnen –
eingedenk des grundlegenden Prinzips, nach dem alle Menschen vor dem Gesetz gleich sind und Anspruch auf gleichen Schutz durch das Gesetz haben;

entschlossen, weitere Maßnahmen zu treffen, um die Gleichberechtigung aller Menschen durch die kollektive Durchsetzung eines allgemeinen Diskriminierungsverbots durch die am 4. November 1950 in Rom unterzeichnete Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) zu fördern;

in Bekräftigung der Tatsache, dass der Grundsatz der Nichtdiskriminierung die Vertragsstaaten nicht daran hindert, Maßnahmen zur Förderung der vollständigen und wirksamen Gleichberechtigung zu treffen, sofern es eine sachliche und angemessene Rechtfertigung für diese Maßnahmen gibt -

haben Folgendes vereinbart:

ARTIKEL 1

Allgemeines Diskriminierungsverbot

1. Der Genuss eines jeden gesetzlich niedergelegten Rechtes ist ohne Diskriminierung insbesondere wegen des Geschlechts, der

Rasse, der Hautfarbe, der Sprache, der Religion, der politischen oder sonstigen Anschauung, der nationalen oder sozialen Herkunft, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt oder eines sonstigen Status zu gewährleisten.

2. Niemand darf von einer Behörde diskriminiert werden, insbesondere nicht aus einem der in Absatz 1 genannten Gründe.

ARTIKEL 2

Räumlicher Geltungsbereich

1. Jeder Staat kann bei der Unterzeichnung oder bei der Hinterlegung seiner Ratifikations-, Annahme- oder Genehmigungsurkunde einzelne oder mehrere Hoheitsgebiete bezeichnen, auf die dieses Protokoll Anwendung findet.

2. Jeder Staat kann jederzeit danach durch eine an den Generalsekretär des Europarats gerichtete Erklärung die Anwendung dieses Protokolls auf jedes weitere in der Erklärung bezeichnete Hoheitsgebiet erstrecken. Das Protokoll tritt für dieses Hoheitsgebiet am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach Eingang der Erklärung beim Generalsekretär folgt.

3. Jede nach den Absätzen 1 und 2 abgegebene Erklärung kann in Bezug auf jedes darin bezeichnete Hoheitsgebiet durch eine an den Generalsekretär gerichtete Notifikation zurückgenommen oder geändert werden. Die Rücknahme oder Änderung wird am ersten Tag des Monats wirksam, der auf einen Zeitabschnitt von drei Monaten nach Eingang der Notifikation beim Generalsekretär folgt.

4. Eine nach diesem Artikel abgegebene Erklärung gilt als Erklärung im Sinne des Artikels 56 Absatz 1 der Konvention.

5. Jeder Staat, der eine Erklärung nach Absatz 1 oder 2 abgegeben hat, kann jederzeit danach für eines oder mehrere der in der Erklärung bezeichneten Hoheitsgebiete erklären, dass er die Zuständigkeit des Gerichtshofs, Beschwerden von natürlichen Personen, nichtstaatlichen Organisationen oder Personengruppen nach Artikel 34 der Konvention entgegenzunehmen, für Artikel 1 dieses Protokolls annimmt.

ARTIKEL 3

Verhältnis zur Konvention

Die Vertragsstaaten betrachten die Artikel 1 und 2 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 4

Unterzeichnung und Ratifikation

Dieses Protokoll liegt für die Mitgliedstaaten des Europarats, welche die Konvention unterzeichnet haben, zur Unterzeichnung auf. Es bedarf der Ratifikation, Annahme oder Genehmigung. Ein Mitgliedstaat des Europarats kann dieses Protokoll nur ratifizieren, annehmen oder genehmigen, wenn er die Konvention gleichzeitig ratifiziert oder bereits zu einem früheren Zeitpunkt ratifiziert hat. Die Ratifikations-, Annahme- oder Genehmigungsurkunden werden beim Generalsekretär des Europarats hinterlegt.

ARTIKEL 5

Inkrafttreten

1. Dieses Protokoll tritt am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach dem Tag folgt, an dem zehn Mitgliedstaaten des Europarats nach Artikel 4 ihre Zustimmung ausgedrückt haben, durch das Protokoll gebunden zu sein.

2. Für jeden Mitgliedstaat, der später seine Zustimmung ausdrückt, durch dieses Protokoll gebunden zu sein, tritt es am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach der Hinterlegung der Ratifikations-, Annahme- oder Genehmigungsurkunde folgt.

ARTIKEL 6

Aufgaben des Verwahrers

Der Generalsekretär des Europarats notifiziert allen Mitgliedstaaten des Europarats

- (a) jede Unterzeichnung;
- (b) jede Hinterlegung einer Ratifikations-, Annahme- oder Genehmigungsurkunde;
- (c) jeden Zeitpunkt des Inkrafttretens dieses Protokolls nach den Artikeln 2 und 5;
- (d) jede andere Handlung, Notifikation oder Mitteilung im Zusammenhang mit diesem Protokoll.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten dieses Protokoll unterschrieben.

Geschehen zu Rom am 4. November 2000 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär des Europarats übermittelt allen Mitgliedstaaten des Europarats beglaubigte Abschriften.

Protokoll Nr. 13

zur Konvention zum Schutz der Menschenrechte und Grundfreiheiten über die vollständige Abschaffung der Todesstrafe

Wilna, 3.V.2002

Die Mitgliedstaaten des Europarats, die dieses Protokoll unterzeichnen –

in der Überzeugung, dass in einer demokratischen Gesellschaft das Recht jedes Menschen auf Leben einen Grundwert darstellt und die Abschaffung der Todesstrafe für den Schutz dieses Rechts und für die volle Anerkennung der allen Menschen innewohnenden Würde von wesentlicher Bedeutung ist;

in dem Wunsch, den Schutz des Rechts auf Leben, der durch die am 4. November 1950 in Rom unterzeichnete Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden als „Konvention“ bezeichnet) gewährleistet wird, zu stärken;

in Anbetracht dessen, dass das Protokoll Nr. 6 zur Konvention über die Abschaffung der Todesstrafe, das am 28. April 1983 in Straßburg unterzeichnet wurde, die Todesstrafe nicht für Taten ausschließt, die in Kriegszeiten oder bei unmittelbarer Kriegsgefahr begangen werden;

entschlossen, den letzten Schritt zu tun, um die Todesstrafe vollständig abzuschaffen -

haben Folgendes vereinbart:

ARTIKEL 1

Abschaffung der Todesstrafe

Die Todesstrafe ist abgeschafft. Niemand darf zu dieser Strafe verurteilt oder hingerichtet werden.

ARTIKEL 2

Verbot des Abweichens

Von diesem Protokoll darf nicht nach Artikel 15 der Konvention abgewichen werden.

ARTIKEL 3

Verbot von Vorbehalten

Vorbehalte nach Artikel 57 der Konvention zu diesem Protokoll sind nicht zulässig.

ARTIKEL 4

Räumlicher Geltungsbereich

1. Jeder Staat kann bei der Unterzeichnung oder bei der Hinterlegung der Ratifikations-, Annahme- oder Genehmigungsurkunde einzelne oder mehrere Hoheitsgebiete bezeichnen, auf die dieses Protokoll Anwendung findet.
2. Jeder Staat kann jederzeit danach durch eine an den Generalsekretär des Europarats gerichtete Erklärung die Anwendung dieses Protokolls auf jedes weitere in der Erklärung bezeichnete Hoheitsgebiet erstrecken. Das Protokoll tritt für dieses Hoheitsgebiet am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach Eingang der Erklärung beim Generalsekretär folgt.
3. Jede nach den Absätzen 1 und 2 abgegebene Erklärung kann in Bezug auf jedes darin bezeichnete Hoheitsgebiet durch eine an

den Generalsekretär gerichtete Notifikation zurückgenommen oder geändert werden. Die Rücknahme oder Änderung wird am ersten Tag des Monats wirksam, der auf einen Zeitabschnitt von drei Monaten nach Eingang der Notifikation beim Generalsekretär folgt.

ARTIKEL 5

Verhältnis zur Konvention

Die Vertragsstaaten betrachten die Artikel 1 bis 4 dieses Protokolls als Zusatzartikel zur Konvention; alle Bestimmungen der Konvention sind dementsprechend anzuwenden.

ARTIKEL 6

Unterzeichnung und Ratifikation

Dieses Protokoll liegt für die Mitgliedstaaten des Europarats, welche die Konvention unterzeichnet haben, zur Unterzeichnung auf. Es bedarf der Ratifikation, Annahme oder Genehmigung. Ein Mitgliedstaat des Europarats kann dieses Protokoll nur ratifizieren, annehmen oder genehmigen, wenn er die Konvention gleichzeitig ratifiziert oder bereits zu einem früheren Zeitpunkt ratifiziert hat. Die Ratifikations-, Annahme- oder Genehmigungsurkunden werden beim Generalsekretär des Europarats hinterlegt.

ARTIKEL 7

Inkrafttreten

1. Dieses Protokoll tritt am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach dem Tag folgt, an dem zehn Mitgliedstaaten des Europarats nach Artikel 6 ihre Zustimmung ausgedrückt haben, durch das Protokoll gebunden zu sein.
2. Für jeden Mitgliedstaat, der später seine Zustimmung ausdrückt, durch dieses Protokoll gebunden zu sein, tritt es am ersten Tag des Monats in Kraft, der auf einen Zeitabschnitt von drei Monaten nach der

Hinterlegung der Ratifikations-, Annahme- oder Genehmigungsurkunde folgt.

ARTIKEL 8

Aufgaben des Verwahrers

Der Generalsekretär des Europarats notifiziert allen Mitgliedstaaten des Europarats

- (a) jede Unterzeichnung;
- (b) jede Hinterlegung einer Ratifikations-, Annahme- oder Genehmigungsurkunde;
- (c) jeden Zeitpunkt des Inkrafttretens dieses Protokolls nach Artikel 4 und 7;
- (d) jede andere Handlung, Notifikation oder Mitteilung im Zusammenhang mit diesem Protokoll.

Zu Urkund dessen haben die hierzu gehörig befugten Unterzeichneten dieses Protokoll unterschrieben.

Geschehen zu Wilna am 3. Mai 2002 in englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist, in einer Urschrift, die im Archiv des Europarats hinterlegt wird. Der Generalsekretär des Europarats übermittelt allen Mitgliedstaaten des Europarats beglaubigte Abschriften.

Die Europäische Menschenrechtskonvention

European Court of Human Rights
Council of Europe
F-67075 Strasbourg cedex

www.echr.coe.int

Erneuerung – Gerechtigkeit – Nachhaltigkeit

**Für ein wirtschaftlich starkes, soziales
und ökologisches Deutschland.**

Für eine lebendige Demokratie

I.	Präambel	7
II.	Mehr Beschäftigung, starke Wirtschaft und solide Finanzen	9
	Arbeit	11
	Arbeitsplätze schaffen – Arbeitslosigkeit bekämpfen	11
	Beschäftigung schaffen	11
	Vermittlung in Arbeit stärken.....	12
	Kundenfreundliche und effiziente Strukturen in der Arbeitsmarktpolitik schaffen	13
	Modernisierung der Arbeitswelt	13
	Wirtschaftspolitik.....	14
	Politik für Wachstum und Beschäftigung	14
	Mittelstandsinitiative.....	14
	Bürokratieabbau und Modernisierung der Verwaltung.....	15
	Außenwirtschaftsoffensive.....	15
	Förderung von Zukunftstechnologien	16
	Finanzen und Steuern	16
	Notwendige Strukturreformen.....	17
	Gerechte Steuerpolitik	19
	Ökologische Finanzreform.....	21
	Föderalismus reformieren.....	21
III.	Aufbau Ost.....	23
	Investitionen und Mittelstand fördern.....	24
	Zukunftsinvestitionen in Ausbildung und Forschung	24
	Infrastruktur und Kommunen	25
	Arbeit und neue Qualifikation schaffen.....	26
	Landwirtschaft, Natur und Tourismus	26
	Gesundheitsversorgung.....	27
	EU-Osterweiterung	27
	Opfer des SED-Regimes	27
IV.	Kinderfreundliches Land und bessere Bildung für alle.....	29
	Kinder und Familien im Zentrum.....	29
	Mehr und bessere Betreuungseinrichtungen für Kinder	29
	Verbesserung der wirtschaftlichen Situation von Familien	30
	Bildung und Ausbildung für morgen.....	30

Zukunft Bildung.....	31
Ausbildung für alle Jugendlichen und Qualität der beruflichen Ausbildung stärken	31
Qualitätsoffensive berufliche Weiterbildung	32
Attraktive Hochschulen	32
Forschung, Innovation, Nachhaltigkeit.....	33
Schlüsseltechnologien für neue Arbeitsplätze	34
Forschung für den Menschen	34
Forschung und Gesellschaft.....	35
V. Ökologische Modernisierung und Verbraucherschutz	36
Umsetzung und Weiterentwicklung der Nachhaltigkeitsstrategie	36
Öko-Effizienz – die Jobmaschine von morgen	36
Internationale Umweltpolitik.....	36
Klimaschutz	37
Fortsetzen der Energiewende.....	37
Ausstieg aus der Atomenergie.....	38
Effizienzsteigerung beim Umweltrecht.....	39
Moderne Abfallwirtschaft	39
Gewässer- und Naturschutz	40
Umwelt und Gesundheit	40
Bodenschutz.....	41
Chemikalienpolitik.....	41
Mobilität für das 21. Jahrhundert	41
Verkehrsinvestitionen	42
Innovationen für eine nachhaltige Mobilität der Zukunft	43
Mehr Öffentlicher Verkehr, stärkere Schiene.....	43
Güterkraftverkehr.....	44
Belastung durch Verkehrslärm abbauen	44
Luftbelastung und CO ₂ -Emissionen verringern.....	44
Mehr Sicherheit im Straßenverkehr - Fahrradverkehr	45
Konsequente Verbraucherpolitik – gesunde Lebensmittel – moderne Agrarpolitik.....	45
Verbraucherschutz als Querschnittsaufgabe.....	45
Verbraucherkompetenz stärken und Verbraucherschutz ausbauen.....	45
Gesunde Ernährung und sichere Lebensmittel	46
Grüne Gentechnik: Wahlfreiheit herstellen.....	47
Landwirtschaft und ländlichen Raum zukunftsfähig machen.....	47
Reform der gemeinsamen Agrarpolitik in Europa.....	49
Nachhaltigkeit als globale Herausforderung	49
Tierschutz.....	50

VI.	Solidarische Politik und Erneuerung des Sozialstaats	51
	Sozialpolitik	51
	Soziale Sicherung zukunftsfest machen	51
	Gesellschaftliche Teilhabe von Menschen mit Behinderung stärken	52
	Fördern und Fordern - Sozialhilfe modern gestalten	52
	Armuts- und Reichtumsberichterstattung fortsetzen	53
	Mehr Qualität und mehr Wettbewerb im Gesundheitswesen	53
	Solidarische Finanzierung sichern – Beitragssätze stabilisieren	53
	Wettbewerb verbessern – effektiv steuern	54
	Leistungen sichern - Qualität nachhaltig steigern	54
	Patientensouveränität stärken – Transparenz erhöhen	55
	Arbeit der Beschäftigten anerkennen und Belastungen vermindern	56
	Sucht- und Drogenpolitik	56
	Humane Pflege	56
	Kinder und Jugendliche stärken und schützen	57
	Politik für ältere Menschen	58
	Lebenswerte Städte – sozialer Zusammenhalt	58
	Angemessener Wohnraum für alle	59
	Innovative Konzepte für unsere Städte	59
	Bauen einfacher machen - die Baukultur in Deutschland stärken	59
VII.	Gleichstellung von Frauen und Männern	61
	Frauen in der Arbeitswelt	61
	Frauen vor Gewalt schützen	62
	Frauenrechte sind Menschenrechte	62
	Gender Mainstreaming im Gesundheitsbereich und in der Verwaltung	62
VIII.	Sicherheit, Toleranz und Demokratie	64
	Rechts- und Innenpolitik	64
	Das Jahrzehnt der Integration	64
	Interreligiöser und interkultureller Dialog	65
	Verstärkung der europäischen und internationalen Zusammenarbeit	65
	Modernisierung der Verwaltung und Reform des Föderalismus	65
	Wirtschaftsrecht modernisieren	65
	Innere Sicherheit	66
	Bundesgrenzschutz: Polizei des Bundes	66
	Sportförderung auf hohem Niveau halten	67
	Schutz der Bevölkerung vor Katastrophen ausbauen	67
	Demokratische Beteiligungsrechte und Datenschutz	67

Drogenpolitik.....	67
Modernisierung von Verfahren und Institutionen der Justiz.....	67
Moderne Gesellschaftspolitik.....	68
Bürgergesellschaft stärken	68
Zivildienst.....	69
Kultur- und Medienpolitik	69
IX. Gerechte Globalisierung – Deutschland in Europa und in der Welt.....	72
Außen- und Sicherheitspolitik	72
Stärkung und Reform der Vereinten Nationen und multilateraler Strukturen	72
Transatlantische Beziehungen	73
NATO und NATO-Osterweiterung	73
Russland/Osteuropa.....	73
Zivile Krisenprävention	74
Kampf gegen den Terrorismus	74
Menschenrechte	75
Auswärtige Kultur- und Bildungspolitik	75
Bundeswehr und internationale Einsätze	75
Abrüstung und Rüstungskontrolle.....	76
Rüstungsexportkontrolle	77
Europäischer Einigungsprozess	78
Erweiterung und Vertiefung	78
Europäische Außen- und Sicherheitspolitik	78
Stabilitätspakt Südosteuropa.....	79
Europäische Justiz- und Innenpolitik	79
Das europäische Wirtschafts- und Sozialmodell stärken.....	80
Reform der Gemeinsamen Agrarpolitik	81
Faire finanzielle Lastenverteilung für eine solidarische Union	81
Globale Gerechtigkeit und Entwicklungszusammenarbeit	82
Weltwirtschaftsordnung	82
Entwicklungspolitik.....	83
Ausfuhrleistung des Bundes (HERMES).....	85
Zusammenarbeit mit Zivilgesellschaft, Gemeinden und Kommunen.....	85
X. Kooperation der Parteien	86
Allgemeines	86
Arbeit im Bundestag	86
Arbeit im Kabinett	86

Zuschnitt des Kabinetts	87
Personelle Vereinbarungen	87

I. PRÄAMBEL

Unser Deutschland heute – ein Land mit dem Mut zur Veränderung. Ein Land mit der Kraft zur Verantwortung. Ein Land, das solidarisch ist. Die vielen tausend Helfer in den Tagen der Flutkatastrophe haben uns gezeigt, dass wir auf die Kraft des Gemeinsinns bauen können.

Es kommt viel auf uns alle zu. Vier Jahre harte Arbeit liegen vor uns. Wir wollen durch klare Orientierung Sicherheit vermitteln und mit Augenmaß handeln. Wir alle wissen, dass wir nur so die natürlichen Lebensgrundlagen, Freiheit, Wohlstand und soziale Sicherheit bewahren können.

Die Erneuerung von Staat und Gesellschaft in den letzten vier Jahren hat dem Land gut getan, und sie hat den gesellschaftlichen Zusammenhalt gestärkt. Dafür haben wir am 22. September einen neuen Auftrag von den Bürgerinnen und Bürgern bekommen. Wir stehen vor der Aufgabe, die begonnene Reformarbeit fortzusetzen, sie zu beschleunigen und gleichzeitig die konjunkturelle Wachstumsschwäche anzugehen. Gerechtigkeit, Wachstum und Nachhaltigkeit sind dabei unsere Ziele.

Gerechtigkeit. Nur Starke können sich einen schwachen Staat leisten. Wir stehen auf der Seite der Menschen, die auf die Solidarität der Gemeinschaft angewiesen sind. Die Stärkung von Familien und Beziehern von kleinen und mittleren Einkommen werden wir fortsetzen. Gerechtigkeit bedeutet für uns auch, gleiche Chancen beim Zugang zu gesellschaftlichen Ressourcen. Deswegen wollen wir die Beteiligungsrechte für alle hier lebenden Menschen stärken und die Integration verbessern.

Wachstum. Zur Bekämpfung der Arbeitslosigkeit ist die Belebung des Wirtschaftswachstums von entscheidender Bedeutung. Die Verbesserung von wirtschaftlichen Rahmenbedingungen und die Stärkung öffentlicher Investitionen sind hierfür die Voraussetzung. Den Strukturwandel in vielen Branchen wollen wir nutzen, um die anstehende Modernisierung ökologisch zu gestalten.

Nachhaltigkeit. Der Erhalt der natürlichen Lebensgrundlagen ist die Voraussetzung zur dauerhaften Sicherung von Gerechtigkeit und Wachstum. Ökonomie und Ökologie gehören für uns zusammen. Nachhaltigkeit in der Finanzpolitik sichert die Handlungsfähigkeit des Staates heute und morgen.

Wir werden in den kommenden Jahren maßgeblich über die Chancen entscheiden können, die wir unseren Kindern und Enkeln mit auf den Weg geben. Das erfordert klare Schwerpunkte in unserer Politik. Sie ist daher ausgerichtet am Ziel der Generationengerechtigkeit.

Vier Aufgaben überragen dabei alles andere:

- Der Abbau der Arbeitslosigkeit und der Staatsverschuldung als größte Erblasten der Vergangenheit.
- Die Förderung von Bildung, Familie, Gesundheit, Integration und besseren öffentlichen Dienstleistungen als drängendste Aufgaben der Gegenwart.

- Die Vorsorge für eine friedliche und gerechte Welt.
- Die Politik einer nachhaltigen Entwicklung, die uns auf den Erhalt der natürlichen Lebensgrundlagen verpflichtet.

Die Regierungskoalition von SPD und Bündnis 90/DIE GRÜNEN steht für vier weitere Jahre in der Verantwortung. Aber wir haben die Chance, dieses ganze Jahrzehnt zu gestalten. Darauf verpflichten wir uns:

Wir bringen mehr Menschen in Arbeit. Wir stärken die Familien und das Leben mit Kindern. Wir wollen in zehn Jahren an der Spitze der Bildungsnationen stehen und mehr Chancengerechtigkeit schaffen. Wir stärken die Wirtschaft und die Teilhabe der Arbeitnehmerinnen und Arbeitnehmer. Wir arbeiten an der inneren Einheit Deutschlands und der Herstellung gleichwertiger Lebensverhältnisse in West und Ost. Wir schützen unsere natürlichen Lebensgrundlagen und werden unserer Verantwortung für den Klimaschutz gerecht. Wir sorgen für sichere, hochwertige Nahrungsmittel und einen verlässlichen Verbraucherschutz. Wir machen unsere sozialen Sicherungssysteme zukunftsfähig. Wir machen unsere Städte und Gemeinden noch sicherer. Wir investieren in Mobilität. Wir wollen eine lebendige Kultur und eine tolerante Gesellschaft.

Wir werden die Bürgerrechte sichern und ausbauen. Wir setzen auf das soziale Engagement im Ehrenamt, in den Kirchen und den Wohlfahrtsorganisationen. Wir bringen die Gleichstellung von Frauen und Männern weiter voran. Wir wollen die Potentiale unseres Landes nachhaltig entwickeln, zum Wohle auch derjenigen, die nach uns kommen. Unsere Politik setzt klar auf die Erweiterung Europas und die Vertiefung der europäischen Integration. Wir stärken Deutschlands Ansehen in der Welt und bleiben ein verlässlicher Partner. Wir machen Politik mit dem Ziel einer gerechten Globalisierung.

Die Koalition von SPD und Bündnis 90/DIE GRÜNEN ist eine Koalition der Erneuerung. Erneuerung ist nicht allein Aufgabe des Staates. Wir brauchen dazu den Willen und die Bereitschaft aller gesellschaftlicher Kräfte. Zusammen mit den Bürgerinnen und Bürgern unseres Landes wird die Erneuerung gelingen.

II. MEHR BESCHÄFTIGUNG, STARKE WIRTSCHAFT UND SOLIDE FINANZEN

Wir brauchen neuen Schwung beim Kampf gegen die Arbeitslosigkeit. Sie ist eine gesamtgesellschaftliche Herausforderung und unsere zentrale Aufgabe. Mehr Wachstum und mehr Beschäftigung zu schaffen, das erfordert eine aktive Koordinierung der europäischen Wachstums- und Beschäftigungspolitik, ineinandergreifende Reformen in der Arbeitsmarkt-, Wirtschafts- und Finanzpolitik und die Überwindung des traditionellen Ressortdenkens. Deshalb bündeln wir die Ressorts Arbeit und Wirtschaft in einer Hand, um Reibungsverluste im Kampf gegen die Arbeitslosigkeit zu vermeiden und die Vorschläge der Hartz-Kommission schnellstmöglich Punkt für Punkt umzusetzen. Das ist die größte Arbeitsmarktreform in der Geschichte der Bundesrepublik.

Mit den nächsten Steuerreformstufen 2004 und 2005 entlasten wir den Mittelstand und die Arbeitnehmer und ihre Familien. Damit verbessern wir die Rahmenbedingungen für zusätzliche Investitionen und die Belebung der Binnenkonjunktur nachhaltig. Den Mittelstand werden wir von unnötiger Bürokratie befreien und die Eigenkapitalbasis von Existenzgründern und kleinen und mittleren Betrieben stärken. Durch einen umfassenden Bürokratieabbau in der Verwaltung werden wir mehr Qualität und bessere öffentliche Dienstleistungen schaffen. Spielräume zur Senkung der Lohnnebenkosten werden wir konsequent nutzen – auch das trägt zu mehr Wachstum und Beschäftigung bei. Wir setzen unsere Politik der ökologischen Modernisierung fort – das ist gut für die Umwelt und schafft Arbeitsplätze.

Leitlinie unseres Handelns für Erneuerung und Gerechtigkeit ist das Prinzip der Nachhaltigkeit. Nachhaltige Erneuerung bedeutet, dass wir Innovationen fördern, in Zukunftstechnologien investieren und Netzwerke aus Wissenschaft und Wirtschaft zur besseren Wissensverwertung unterstützen. Unser Land braucht mehr wirtschaftliche Dynamik, engagierte Unternehmerinnen und Unternehmer und mehr regionale Wachstumszentren – insbesondere in den neuen Ländern. Den Aufbau Ost wollen wir als solidarische Kraftanstrengung aller Menschen in Deutschland fortsetzen und zukunftsichere Arbeitsplätze schaffen. Wir wollen die Angleichung der Lebensverhältnisse zwischen West und Ost weiter voranbringen.

Um auch künftig Handlungsspielräume für Zukunftsinvestitionen zu erhalten, setzen wir den notwendigen Kurs der Haushaltskonsolidierung fort. Dabei verstetigen wir die staatlichen Investitionen auf hohem Niveau und räumen ihnen auch bei weiteren Konsolidierungsmaßnahmen Vorrang ein. Bis 2006 werden wir einen Bundeshaushalt ohne neue Schulden vorlegen. Solide Finanzen sind ein elementares Gebot der Generationengerechtigkeit und unerlässlich für ein nachhaltiges Wachstum von Wirtschaft und Beschäftigung gerade auch in der privaten Wirtschaft.

Nicht alles, was wünschbar wäre, ist gegenwärtig auch finanzierbar. Die durch die weltweite Wachstumsschwäche 2001 und 2002 hervorgerufenen finanziellen Belastungen und die Vereinbarungen im Rahmen des Europäischen Stabilitäts- und Wachstumspaktes erfordern eine konsequente Fortführung des Konsolidierungskurses. Neue finanzwirksame Vorhaben können nur realisiert werden, wenn sie gegenfinanziert sind.

Für folgende Vorhaben ist die Finanzierung jedoch gesichert: das Ganztagschulprogramm, die erforderliche Verbesserung der Betreuungseinrichtungen für die unter Dreijährigen, das JUMP-Plus-Programm zur Bekämpfung der Jugendarbeitslosigkeit sowie die Fortführung der Programme zur Markteinführung erneuerbarer Energien.

Nachhaltige Erneuerung erfordert neben Schuldenabbau, Haushaltskonsolidierung und Zukunftsinvestitionen auch konsequente strukturelle Reformen in den Bereichen Bildung, Familie und Gesundheit.

Bildung und Forschung haben für uns weiterhin Priorität. Wir wollen unseren Kindern Bildungschancen eröffnen, die international Spitze sind – vom Kindergarten bis zu den Hochschulen. Dazu gehört die Förderung aller Talente ebenso wie echte Chancengerechtigkeit. Deutschland – insbesondere Westdeutschland – hat bei der Kinderbetreuung einen großen Nachholbedarf, den wir zügig decken wollen. Das Ziel unserer Familienpolitik ist es, die Wahlmöglichkeiten für Eltern zwischen Familie und Beruf und die materielle Sicherheit für Familien zu verbessern.

Wir haben in der letzten Legislaturperiode erste Schritte zur nachhaltigen Erneuerung des Gesundheitswesens auf den Weg gebracht. Daran knüpfen wir an. Wir fördern den medizinischen Fortschritt, indem wir einen Wettbewerb um die beste Versorgung entfachen und vorhandene Effizienzreserven heben. So stellen wir ein hohes Qualitätsniveau für die Patienten auch in Zukunft sicher. Dabei werden wir die bewährte Solidarität erhalten, denn sie ist eine wichtige Grundlage für den gesellschaftlichen Zusammenhalt. Eine Zwei-Klassen-Medizin wird es mit uns nicht geben.

Mit unserer nationalen Nachhaltigkeitsstrategie geben wir Gesellschaft, Wirtschaft und Politik eine langfristige Orientierung. Nicht zuletzt die große Flutkatastrophe hat uns auf erschreckende Weise vor Augen geführt, dass wir jetzt handeln müssen, um Lebensqualität und eine intakte Umwelt auch für unsere Kinder und Enkel zu bewahren. Deshalb werden wir in der Energiepolitik unseren Weg der Erneuerung weitergehen, den wir mit der Energiewende eingeschlagen haben. Das ist ökologisch sinnvoll und das schafft Arbeitsplätze. Bis 2010 wollen wir den Anteil der Erneuerbaren Energien am Primärenergieverbrauch verdoppeln. Unsere ehrgeizige Klimaschutzpolitik setzen wir fort. Wir wollen und wir werden Vorreiter in Europa und weltweit bleiben.

Umweltschutz und Mobilität sind keine Gegensätze. Durch integrierte Verkehrskonzepte verknüpfen wir Straße, Schiene, Luftverkehr und Wasserstraßen intelligent miteinander. Dafür steht unser 90 Mrd. €-Investitionsprogramm. Das verbessert die Chancen für umweltgerechte Mobilität und schafft Arbeitsplätze.

Nachhaltige Erneuerung heißt schließlich auch, dafür zu sorgen, dass Bürgerinnen und Bürger sich darauf verlassen können, gesunde Lebensmittel einzukaufen. Deshalb haben wir die Agrarwende und den neuen Verbraucherschutz etabliert. Wir wollen den vorsorgenden Verbraucherschutz weiterentwickeln, den ökologischen Landbau stärken und die EU-Agrarpolitik neu ordnen.

Wir halten Kurs beim Schutz der Bürgerinnen und Bürger vor Verbrechen und Kriminalität. Unser Leitbild ist eine freiheitliche, sichere und offene Gesellschaft. Die Zuwanderung nach Deutschland werden wir im Sinne unserer ökonomischen,

sozialen und humanitären Interessen und Verantwortung steuern. Die Integration von Migrantinnen und Migranten wollen wir durch bessere staatliche Integrationsangebote fördern und auch fordern. Wir wollen ein Jahrzehnt der Integration.

Arbeit

Der Abbau der Arbeitslosigkeit bleibt unser wichtigstes Ziel. Die Finanz-, Wirtschafts-, Arbeitsmarkt- und Bildungspolitik müssen dabei zusammenwirken. Auch die Senkung der Lohnnebenkosten trägt zu mehr Wachstum und Beschäftigung bei. Mit der vollständigen Umsetzung der Vorschläge der Kommission „Moderne Dienstleistungen am Arbeitsmarkt“ beginnen wir die größte Arbeitsmarktreform der Nachkriegsgeschichte. Wir überwinden damit die teilweise lähmenden Auseinandersetzungen zwischen den Sozialpartnern und den politischen Kräften über die richtige Strategie zur Bewältigung der Arbeitslosigkeit. Es besteht endlich die Möglichkeit, eine weitreichende und in sich geschlossene Konzeption umzusetzen, von der alle profitieren. Wir werden dabei die wirtschaftlichen Bedürfnisse nach Flexibilität ebenso berücksichtigen wie den Anspruch auf Sicherheit und Solidarität und damit einen gerechten Zugang zum Arbeitsmarkt sicherstellen. In diesem Kontext wollen wir auch das Bündnis für Arbeit, Ausbildung und Wettbewerbsfähigkeit in neuen Strukturen fortführen.

Arbeitsplätze schaffen – Arbeitslosigkeit bekämpfen

Alle gesellschaftlichen Kräfte sind gefordert, ihrer Verantwortung nachzukommen. Die Bundesregierung wird kurzfristig die Umsetzung der Vorschläge der Kommission „Moderne Dienstleistungen am Arbeitsmarkt“ auf den Weg bringen. Dies wird entscheidend zum Abbau der Arbeitslosigkeit und in der Folge auch zur Entlastung aller betroffenen öffentlichen Haushalte und der sozialen Sicherungssysteme beitragen. Sie ist einzupassen in die Konsolidierungspolitik. Entlastungen, die sich im Bereich der Bundesanstalt für Arbeit ergeben, sind zur Senkung der Beiträge zur Arbeitslosenversicherung zu verwenden.

Wir setzen auf drei Handlungsebenen an:

- Beschäftigung schaffen,
- Vermittlung in Arbeit stärken,
- Kundenfreundliche und effiziente Strukturen in der Arbeitsmarktpolitik schaffen.

Beschäftigung schaffen

Wir unterstützen die Schaffung von Arbeitsplätzen in kleinen und mittleren Unternehmen. Im Rahmen des Programms „Kapital für Arbeit“ können Unternehmen, die einen Arbeitslosen dauerhaft einstellen, ein Darlehen bis zu 100.000 € erhalten, das zur Hälfte Eigenkapital ersetzt. Auf diese Weise verknüpfen wir aktive Mittelstandspolitik mit gezielter Beschäftigungsförderung.

Wir werden die Beschäftigungsreserven der Zeitarbeit erschließen und Personal-Service-Agenturen flächendeckend einführen. Die Bundesregierung wird sich dafür einsetzen, dass die Arbeitsbedingungen der Zeitarbeit durch den Abschluss von

Tarifverträgen geregelt werden. Die gesetzlichen Rahmenbedingungen für die Arbeitnehmerüberlassung werden wir durch die Einführung einer Tariföffnungsklausel im Arbeitnehmerüberlassungsgesetz flexibilisieren.

Wir werden die Schwarzarbeit bekämpfen und die Schaffung neuer Arbeitsplätze durch die steuerliche Begünstigung von haushaltsnahen Dienstleistungen, Dienstleistungsagenturen und Mini-Jobs fördern. Bei haushaltsnahen Beschäftigungsverhältnissen (Haushaltshilfen, Kinderbetreuung, Altenbetreuung etc.), die durch private Haushalte begründet werden, wird bis zur Grenze von 500 € ein Pauschalbeitrag zur Sozialversicherung von 10 % erhoben. Gleichzeitig wird das Beitragseinzugs- und Meldeverfahren insgesamt vereinfacht.

Die Bundesregierung wird nach Vorlage des Berichts gemäß Art. 18 des Gesetzes über Geringfügige Beschäftigung unverzüglich prüfen, ob durch eine weitere Erhöhung der Geringfügigkeitsgrenze ein wirksamer Beitrag zur Bekämpfung der Schwarzarbeit geleistet werden kann.

Wir werden die Selbständigkeit fördern: Mit der Ich-AG erhalten Arbeitslose sozial abgesichert und steuerlich begünstigt neue Möglichkeiten zur Existenzgründung. Um die Beschäftigungspotenziale der Ich-AG auszuschöpfen, wird die Bundesregierung bestehende öffentlich-rechtliche Hindernisse abbauen, wobei die Reichweite der Arbeitsinhalte der Ich-AG großzügig definiert werden soll.

Wir stellen die Zukunftschancen junger Menschen und deren Anspruch auf Arbeit und Ausbildung in den Mittelpunkt unserer Politik. Wir werden zusätzliche Mittel für die Schaffung von 100.000 Arbeitsplätzen für junge Menschen in sozialen, ökologischen und kulturellen Bereichen in strukturschwachen Gebieten bereitstellen (JUMP-Plus).

Wir werden den Ausbildungskonsens im Bündnis für Arbeit mit dem Ziel fortsetzen, dass jedem Jugendlichen ein Ausbildungsplatz zur Verfügung steht.

Investitionen in die kommunale Infrastruktur (z. B. Schulen, Kindertagesstätten, Wasserver- und -entsorgung) sichern Beschäftigung und fördern den Beschäftigungsaufbau. Entlastungen, die sich bei der Umsetzung der Vorschläge der Kommission „Moderne Dienstleistungen am Arbeitsmarkt“ in den Haushalten der Kommunen ergeben, können für kommunale Investitionen eingesetzt werden. Dies ist bei der Umsetzung der Ergebnisse der Kommission zur Reform der Gemeindefinanzen zu berücksichtigen.

Vermittlung in Arbeit stärken

Wir werden die Vermittlungskompetenz und die Vermittlungsgeschwindigkeit erhöhen, das im Job-AQTIV-Gesetz angelegte Prinzip „Fördern und Fordern“ und den Grundsatz des Gender Mainstreaming konsequent umsetzen sowie die Zumutbarkeitsregeln neu ausrichten.

Wir erwarten von den Arbeitgeberinnen und Arbeitgebern, dass sie ihre Verantwortung stärker wahrnehmen. Das gilt sowohl für die Schaffung neuer Stellen, wie auch für die Ausschöpfung vorhandener Potenziale. Deshalb werden wir gemeinsam mit den Sozialpartnern die Einführung von freiwilligen Beschäftigungsbilanzen von

Unternehmen erörtern und auf dieser Basis verantwortungsvolle Arbeitgeberinnen und Arbeitgeber, die auch in schwierigen Zeiten ihre Probleme nicht durch Personalabbau zu lösen suchen, durch ein geeignetes Bonussystem unterstützen.

Wir werden die Voraussetzungen für eine schnellere Vermittlung älterer Arbeitsloser durch flexible Möglichkeiten und finanzielle Anreize weiter verbessern. Zugleich werden wir prüfen, wie eine echte Altersteilzeit für Arbeitnehmerinnen und Arbeitnehmer verwirklicht werden kann.

Wir werden eine international vergleichbare Arbeitsmarktstatistik schaffen, in der nur Personen, die auch tatsächlich dem Arbeitsmarkt zur Verfügung stehen, erfasst werden.

Wir werden die Kompetenzen zur Bekämpfung von Langzeitarbeitslosigkeit durch die Zusammenführung der Arbeitslosenhilfe und Sozialhilfe bündeln. So erhalten erwerbsfähige Leistungsbezieher den Zugang zu erforderlichen Beratungs-, Vermittlungs- und Integrationsleistungen sowie Geldleistungen zur Sicherstellung des Lebensunterhalts. In einem ersten Schritt zur Umsetzung des Hartz-Konzepts für die Zusammenführung von Arbeitslosenhilfe und Sozialhilfe werden wir bei den Leistungen der Arbeitslosenhilfe Einkommen und Vermögen stärker berücksichtigen. Das Einkommen des Partners wird nicht angerechnet, soweit der Arbeitslosenhilfempfänger durch diese Anrechnung Hilfe zum Lebensunterhalt beanspruchen kann.

Kundenfreundliche und effiziente Strukturen in der Arbeitsmarktpolitik schaffen

Wir werden die Wirksamkeit der Arbeitsförderung erhöhen und die Bundesanstalt für Arbeit zu einem modernen Dienstleister für Arbeitssuchende und Unternehmen umbauen. Das Leistungsrecht und die arbeitsmarktpolitischen Instrumente werden vereinfacht. Durch Bürokratieabbau werden wir die Handlungsspielräume der engagierten Mitarbeiter der Bundesanstalt für Arbeit erweitern und damit die Vermittlungstätigkeit stärken.

Modernisierung der Arbeitswelt

Die Entwicklungen im Zuge einer globalisierten Weltwirtschaft laufen nicht unabhängig von uns ab, sie sind gestaltbar. Wir werden alle Möglichkeiten nutzen, um die Modernisierung der Arbeitsbedingungen sozial und human zu gestalten.

Wir wollen die Chancengleichheit in Deutschland durch Umsetzung der hierzu gemeinsam mit unseren europäischen Partnern vereinbarten Richtlinien weiter voranbringen. Im Rahmen eines arbeitsrechtlichen Antidiskriminierungsgesetzes werden wir eine sinnvolle und anwenderfreundliche Lösung für die betriebliche Praxis umsetzen.

Informations-, Beteiligungs- und Mitbestimmungsrechte für Arbeitnehmerinnen und Arbeitnehmer tragen wesentlich zur wirtschaftlichen und sozialen Stabilität Deutschlands bei. Die Bundesregierung wird sich daher dafür einsetzen, Mitbestimmungsrechte für Arbeitnehmerinnen und Arbeitnehmer auch im europäischen Kontext voranzutreiben.

Tarifautonomie und Flächentarifvertrag haben sich bewährt und bieten heute die notwendige Flexibilität. Sie setzen durchsetzungsfähige Tarifvertragsparteien und

deren Chancengleichheit voraus. Die Zukunftsfähigkeit des Flächentarifvertrages setzt voraus, dass neue und differenzierte betriebliche Anforderungen berücksichtigt werden können. Hier sind die Tarifvertragsparteien gefordert. Tarifverträge als Mindestregelungen sind wichtige Voraussetzung für fairen Wettbewerb. Aus diesem Grunde werden wir auch das Tariftreuegesetz wieder einbringen.

Mit der Erweiterung der Initiative "Neue Qualität der Arbeit" wollen wir die zahlreichen Aktivitäten zur Verbesserung der Arbeitsbedingungen bündeln. Wir wollen eine gesellschaftliche Debatte zur Zukunft der Arbeitsbedingungen in Gang bringen und branchenübergreifende Vereinbarungen treffen, um Gesundheitsgefahren praxisbezogen zu minimieren und Verfahren zu entwickeln, um beispielsweise arbeitsbedingten Stress oder Mobbing abzubauen.

Wirtschaftspolitik

Politik für Wachstum und Beschäftigung

Unser Land braucht eine Offensive für Wachstum und Beschäftigung. Mehr Wohlstand für alle ist nur durch nachhaltiges Wirtschaftswachstum erreichbar. Wir wollen eine transparente und konsistente, eine ökologische und sozial verträgliche Wirtschaftspolitik, die Vertrauen und Rückhalt in Wirtschaft und Gesellschaft findet. Kern dieser Politik ist, die Investitionskraft und Leistungsfähigkeit unserer Volkswirtschaft durch den Abbau von Wachstumshemmnissen nachhaltig zu stärken, um Arbeitsplätze zu schaffen und Beschäftigung zu sichern. Ziel ist, Unternehmensgründungen zu forcieren, überflüssige Bürokratie zu beseitigen und unternehmensfreundliche Investitionsbedingungen zu schaffen. Wir werden eine gezielte Politik für den Mittelstand machen, um das Herzstück der Sozialen Marktwirtschaft und damit den Beschäftigungsmotor unserer Wirtschaft zu stärken. Und wir werden die Wachstumschancen der Globalisierung für Deutschland nutzen. Bei der europäischen Integration achten wir darauf, dass es bei der Verabschiedung und Umsetzung von Richtlinien der Gemeinschaft zu keinen Wettbewerbsnachteilen der Wirtschaft kommt.

Mittelstandsinitiative

Unser Land braucht mehr Unternehmerinnen und Unternehmer. In der Wissensgesellschaft von morgen sind mehr denn je Menschen gefragt, die den Mut haben, eigene unternehmerische Ideen zu verwirklichen, Verantwortung zu übernehmen und Arbeitsplätze zu schaffen. Wir werden deshalb

- mit einer neuen Gründerinitiative (Beratung und Information, Existenzgründerlehrstühle, verbesserte Start-up-Finanzierung) den Sprung in die berufliche Selbstständigkeit fördern und begleiten. Dazu gehört auch, den unternehmerischen Generationswechsel zu erleichtern sowie den Berufszugang und die Vereinbarkeit von Beruf und Familie zu verbessern;
- im Handwerksbereich den durch die Leipziger Beschlüsse eingeleiteten Liberalisierungsprozess fortführen (erleichterte Betriebsübernahme durch langjährige Gesellen und Lockerung des Inhaberprinzips) und darauf hinwirken, dass das Handwerksrecht einen wirksameren Beitrag zur Bekämpfung der Schwarzarbeit erbringen wird.

- Existenzgründer in den ersten vier Jahren von Kammerbeiträgen der Industrie- und Handelskammern freistellen;
- die Kreditanstalt für Wiederaufbau und die Deutsche Ausgleichsbank zu einem Förderinstitut zur Unterstützung der mittelständischen Wirtschaft (Mittelstandsbank des Bundes) mit dem Ziel kostengünstiger Förderinstrumente zusammenlegen;
- die Förderprogramme für den Mittelstand optimieren, den Zugang zu Fördermitteln sichern, die Beteiligungskapitalfinanzierung verbessern und weitere steuerliche Erleichterungen für kleine und mittlere Unternehmen einführen;
- mit einer Initiative „Innovation und Zukunftstechnologien im Mittelstand“ die Innovationskompetenz der kleinen und mittleren Unternehmen stärken;
- die Ausbildungsberufe verstärkt modernisieren und hierbei Entscheidungsverfahren straffen, differenziertere, zweijährige modulare Ausbildungsberufe einführen und durch ein reformiertes Berufsbildungsgesetz mehr Jugendlichen eine echte Chance auf eine Ausbildung geben.

Bürokratieabbau und Modernisierung der Verwaltung

Der Abbau von bürokratischen Hemmnissen und Überregulierungen ist im Interesse von Bürgerinnen und Bürgern und Unternehmen. Mit dem Programm „Moderner Staat – Moderne Verwaltung“ hat die Bundesregierung in der zurückliegenden Legislaturperiode begonnen, den Modernisierungsrückstand aufzuholen, unnötige Bürokratie abzubauen und Überregulierung zu beseitigen.

Im Dialog mit der Wirtschaft hat sie Vorschläge erarbeitet, wie der Aufwand für Unternehmen verringert werden kann, um gesetzliche Vorgaben z. B. im Steuerrecht, Baurecht oder Sozialrecht zu erfüllen. Im März 2001 wurden über 80 konkrete Maßnahmen veröffentlicht. Ein Teil von ihnen ist bereits umgesetzt, etwa die Abschaffung von Rabattgesetz und Zugabeverordnung oder der bessere Datenaustausch zwischen Unternehmen und Krankenkassen im Leistungsbereich. Auf den Weg gebracht wurde eine bundeseinheitliche Wirtschaftsnummer für jeden Betrieb, deren Einführung bis zum Jahr 2005 geplant ist.

Die erfolgreichen Vorhaben der Bundesregierung werden in der kommenden Wahlperiode konsequent fortgeführt und zu einem flächendeckenden Masterplan Bürokratieabbau erweitert.

Außenwirtschaftsoffensive

Die Ost-Erweiterung der EU, die Öffnung und Erschließung neuer Auslandsmärkte sowie die zusätzlichen Möglichkeiten, die das Internet für grenzüberschreitenden Handel eröffnet – all dies schafft zusätzliche Exportmöglichkeiten und Chancen für neue Arbeitsplätze in Deutschland. Wir messen deshalb einer aktiven Außenwirtschaftspolitik gerade auch für kleine und mittlere Unternehmen besondere Priorität bei. Zugleich wollen wir mit einer entschiedenen Marktöffnungspolitik einen wichtigen Beitrag zur nachhaltigen weltwirtschaftlichen Entwicklung leisten. Unter Berücksichtigung der vereinbarten Leitplanken zur gerechten Globalisierung und der ökologischen und sozialen Belange werden wir eine Außenwirtschaftsoffensive starten.

Dabei wollen wir insbesondere die kleinen und mittleren Unternehmen durch den konsequenten Einsatz und die Weiterentwicklung der Instrumente der Außenwirtschaftsförderung bei ihrem Engagement auf den Auslandsmärkten stärken. Mit dem Einsatz der Finanzierungs- und Garantieinstrumente (Hermes-Deckungen, Investitionsgarantien) stärken wir darüber hinaus die Wettbewerbsfähigkeit deutscher Unternehmen unter Berücksichtigung von ökologischen, sozialen und entwicklungspolitischen Gesichtspunkten.

Förderung von Zukunftstechnologien

Dauerhafte Wettbewerbsfähigkeit auf den Weltmärkten erfordert eine Spitzenposition bei Zukunftstechnologien. Ein dynamischer, zukunftsgerichteter Unternehmenssektor ist nicht nur Garant für neue Arbeitsplätze und wirtschaftliches Wachstum, sondern trägt auch mit immer neuen Produkten zur besseren Befriedigung der Verbraucherwünsche bei. Wir werden deshalb

- eine umfassende und konsistente, ethisch verantwortbare Biotechnologie-Strategie entwickeln, um das Potenzial der Biotechnologie zu nutzen und die Wettbewerbsfähigkeit des Biotechnologiestandortes Deutschland zu sichern und auszubauen. Wichtige Elemente sind dabei Maßnahmen auf den Feldern Forschungsförderung, Technologietransfer und Ausbildung, Eigenkapitalförderung einschließlich der Schaffung eines neuen Fonds für Anschlussfinanzierungen, rechtliche und steuerliche Rahmenbedingungen, internationale Zusammenarbeit, gesellschaftlicher Dialog;
- mit dem Programm „Informationsgesellschaft Deutschland 2006“ den Wandel zur Informationsgesellschaft weiter aktiv gestalten, um die Chancen der modernen Informations- und Kommunikationstechnologien für Wachstum und Beschäftigung auszuschöpfen und allen Bürgerinnen und Bürgern die Teilhabe an den neuen Medien zu ermöglichen und vor Missbrauch zu schützen;
- die wettbewerbsorientierte Telekommunikationspolitik fortführen, die schnelle Einführung von UMTS unterstützen und die Einführung des digitalen Rundfunks vorantreiben, damit Verbraucher und Wirtschaft weiterhin von niedrigen Tarifen und einer breiten Angebotspalette profitieren und neue Arbeitsplätze geschaffen werden;
- die Chancen von Erneuerbaren Energien, Energieeffizienz- und Energiespartechnologien für die Umstrukturierung der Energieversorgung sowie von modernen, umweltfreundlichen Kraftwerken ergreifen und deren erhebliches Einsparpotential nutzen.

Finanzen und Steuern

Oberstes Ziel unserer Politik in der neuen Wahlperiode ist es, die Bedingungen für nachhaltiges Wachstum und damit für mehr Beschäftigung zu verbessern. Die Modernisierungspolitik für Deutschland ist ausgerichtet an den Zielen der sozialen Gerechtigkeit und der Ökologie. Dabei werden wir, gerade weil die Gesellschaft immer älter wird, die Interessen künftiger Generationen beachten. So gewinnen wir die Zukunft.

Unsere Finanzpolitik spielt eine wichtige Rolle für mehr Wachstum und Beschäftigung heute und trifft Vorsorge für morgen.

Unser Ziel des Schuldenabbaus ist ein elementarer Beitrag zur Generationengerechtigkeit. Die von uns eingeleitete Konsolidierung der Staatsfinanzen ist eine wichtige Basis für eine nachhaltige Verbesserung des Wachstums. Sie dient der Vertrauensbildung, stabilisiert die Erwartungen der Märkte, setzt Mittel für Zukunftsausgaben und die soziale Abfederung von Strukturreformen frei. Sie ist die Voraussetzung für die nachhaltige Sicherung des Sozialen und für die notwendigen Investitionen in Bildung und Infrastruktur.

Konsolidierung erlaubt das konjunkturgerechte Wirkenlassen der automatischen Stabilisatoren im Abschwung und sichert die finanzpolitische Flanke der Geldpolitik. Diese Politik bedarf auf europäischer Ebene allerdings einer geldpolitischen Ergänzung, die zu mehr Investitionen und damit zu mehr Wachstum führt.

Die Politik der kommenden vier Jahre werden wir im Einklang mit der weiteren Konsolidierung der Staatsfinanzen gestalten. Konsolidierung und Zukunftsgestaltung ergänzen sich dabei. Wir sparen und bauen Subventionen ab. Wir reformieren veraltete Strukturen, um Kosten in der Gegenwart und für die Zukunft zu senken. Wir tun dies mit Blick auf die Investitionstätigkeit unseres Landes. Wir werden die Investitionen von 22,9 Mrd. € (2002) auf 29 Mrd. € (2003) anheben.

Leitlinien unserer Finanzpolitik bleiben die Förderung von Wachstum und Beschäftigung durch ein tragfähiges und gerechtes Steuer- und Abgabensystem sowie der Schuldenabbau für nachhaltig solide Staatsfinanzen und mehr Generationengerechtigkeit. Diesen Leitlinien wollen wir auch in dieser Wahlperiode konsequent folgen.

Mit dem finanzpolitischen Konzept des Zukunftsprogramms 2000 haben wir wesentliche Erfolge auf dem Weg zum ausgeglichenen Bundeshaushalt erzielt. Die bisherigen Etappen wurden erreicht, aber mit Blick auf das Ziel – einen Bundeshaushalt 2006 ohne Neuverschuldung – befinden wir uns erst auf halbem Wege.

Notwendige Strukturreformen

Das wirtschaftliche Wachstum hat sich in 2001 und 2002 erheblich abgeschwächt und die Beschäftigungsentwicklung belastet. Diese Konjunkturschwäche drückt deutlich auf die Steuer- und Beitragseinnahmen und hebt gleichzeitig die Ausgaben spürbar an. Daraus ergibt sich ein zusätzlicher Konsolidierungsbedarf, den wir jetzt und in den kommenden Jahren schultern müssen. Vor diesem Hintergrund werden wir zukünftig den Eckwerten der Haushaltsaufstellung und der Finanzplanung zur Stützung des Konsolidierungskurses zurückhaltendere Annahmen auf der Basis des Durchschnitts der letzten zehn Jahre zu Grunde legen.

Auf Basis dieser Wachstumsannahmen und des sich daraus ergebenden Konsolidierungsbedarfs werden wir ein Sparpaket umsetzen, das sowohl den Abbau von Steuersubventionen als auch weitere Einsparungen umfasst.

Wir werden die Beiträge zur Rentenversicherung durch maßvolle Anhebung der Beitragsbemessungsgrenze und eine weitere vertretbare Absenkung der Schwankungsreserve stabilisieren.

Unter dem Aspekt der sozialen Gerechtigkeit bauen wir fragwürdige Steuersubventionen ab und schließen Steuerschlupflöcher.

Unternehmen können Verluste künftig nur noch bis zur Hälfte ihrer Gewinne abziehen, der Verlustvortrag wird auf sieben Jahre begrenzt. Die Steuerpflicht von Privatpersonen für Veräußerungsgewinne aus Wertpapieren wird erweitert, Kapitalerträge wollen wir durch Kontrollmitteilungen besser erfassen.

Das Dickicht der Umsatzsteuerreduzierung wird gelichtet. Die steuerlichen Begünstigung des produzierenden Gewerbes bei der Ökosteuer wird vermindert.

Die Eigenheimzulage werden wir auf diejenigen konzentrieren, die sie wirklich brauchen: Familien mit Kindern. Die Öko-Zulage für energiesparende Bauten bleibt bestehen.

Die Pauschale für die private Nutzung von Dienstwagen werden wir von bisher 1 % auf 1,5 % monatlich anheben.

Die Konsolidierung muss begleitet werden durch zusätzliche Maßnahmen für Zukunftsinvestitionen und durch weitere Strukturreformen bei den sozialen Sicherungssystemen.

Wir leisten unseren Beitrag zur Einhaltung des europäischen Stabilitäts- und Wachstumspaktes. Wir treten dabei dafür ein, den Pakt in seinen Grundsätzen und Zielen unangetastet zu lassen und erwarten, dass sich alle an diesem Prozess Beteiligten dem anschließen.

Die notwendigen weiteren Konsolidierungsschritte ermöglichen es, die Qualität des Budgets im Hinblick auf Wachstum und Beschäftigung weiter zu verbessern. Zukunftssichernde Ausgaben, unabhängig ob als Investitions- oder Konsumausgabe klassifiziert, wollen wir auf hohem Niveau erhalten oder sogar noch verstärken. Dies gilt insbesondere bei den Ausgaben für Familien, gesunde Umwelt, Bildung, Forschung und Innovationen, eine funktionsfähige Infrastruktur und den Aufbau Ost. Insbesondere volkswirtschaftlich fragwürdige und ökologisch schädliche Subventionstatbestände werden wir weiter zurückführen.

Wir werden das Investitionsvolumen des Zukunftsinvestitionsprogramms weiter verstetigen und unsere wichtigen Projekte weiter vorantreiben. Die klare Finanzierungsperspektive schafft Planungssicherheit und löst zusätzliche Impulse für mehr Investitionen aus.

Hohe Sozialabgaben hemmen Wachstum und Beschäftigung. Strukturreformen im Sozialversicherungsbereich und auf dem Arbeitsmarkt sind deshalb unverzichtbar. Deswegen werden wir die Vorschläge der Hartz-Kommission konsequent umsetzen. Auch in der Sozialversicherung muss alles auf den Prüfstand, inwieweit es den veränderten Rahmenbedingungen angepasst werden und zu mehr Wachstum und Beschäftigung beitragen kann. Die notwendigen Reformen werden sowohl zu einer

nachhaltigen Senkung der Sozialversicherungsbeiträge als auch zu einer Entlastung des Bundeshaushaltes beitragen.

Gerechte Steuerpolitik

Auch in der Steuerpolitik werden wir in den kommenden Jahren weitere Impulse für Wachstum, Beschäftigung und soziale Gerechtigkeit setzen. Wir werden die schon beschlossenen Steuersenkungen in den weiteren Entlastungsstufen 2004 und 2005 umsetzen.

Modernisierung und Vereinfachung wird in den nächsten vier Jahren die Leitlinie unserer Steuerpolitik sein. Auf der Basis des Geschaffenen wollen wir strukturelle Reformen fortsetzen und akzentuieren. Dazu gehören neben dem weiteren Abbau steuerlicher Subventionstatbestände spürbare Vereinfachungen der Einkommenssteuer sowie deutliche Schritte zur Verbesserung der Effizienz der Steuerverwaltung.

Wir wollen die Normenflut eindämmen. Die Zahl der Änderungsgesetze wollen wir verringern, den Bestand der etwa 70.000 Verwaltungsvorschriften im Einvernehmen mit den Ländern deutlich und nachhaltig reduzieren. Die gesetzlichen Regelungen müssen für die Bürgerinnen und Bürger verständlicher werden.

Wir werden insbesondere für Arbeitnehmerinnen und Arbeitnehmer das Steuerrecht vor allem auch dort vereinfachen, wo es spürbar wird: bei den Steuererklärungen. Durch mutige Typisierungen und Pauschalierungen bei Werbungskosten, Sonderausgaben und außergewöhnlichen Belastungen wollen wir einen beträchtlichen Teil der Steuererklärungen entbehrlich machen.

Wir wollen einen kundenorientierten Vollzug der Steuergesetze, Fairness, Service und Kulanz für die ehrlichen Steuerzahler. Zur Erreichung dieses Ziels werden wir bei der steuerlichen Auftragsverwaltung auf ein einheitliches Kontraktmanagement zwischen Bund und Ländern dringen, um bundesweit einheitliche Standards im Hinblick auf die gleichmäßige Steuererhebung, die Zufriedenheit der Steuerpflichtigen, der in der Steuerverwaltung Beschäftigten und im Interesse eines wirtschaftlichen Einsatzes ihrer Ressourcen durchzusetzen.

Wir werden den Abbau ungerechtfertigter, ökonomisch fragwürdiger und ökologisch schädlicher Steuersubventionen und Steuervergünstigungen konsequent fortführen. Dauersubventionen belasten die Allgemeinheit, hemmen Wachstum und Beschäftigung, engen die staatlichen Handlungsspielräume ein und verzerren die Preise am Markt. Sie behindern einen fairen Wettbewerb, verkomplizieren das Steuerrecht und führen zu Ungerechtigkeiten.

Wir werden das nationale Steuerrecht auch so weit an internationale Erfordernisse anpassen, dass der Investitions- und Beschäftigungsstandort Deutschland im internationalen Wettbewerb bestehen kann.

Wir wollen, dass auch große und international tätige Unternehmen ihren Beitrag für das Gemeinwesen leisten. Deshalb wollen wir geeignete Maßnahmen umsetzen wie beispielsweise eine Begrenzung der Verlustverrechnungen als eine faktische Mindestbesteuerung für große Unternehmen. Wir werden dabei gewährleisten, dass Verluste auch weiterhin angemessen verrechnet werden können.

Wir wollen die Bekämpfung der Steuerhinterziehung weiter voranbringen. Über die Bekämpfung des Umsatzsteuerbetrugs hinaus wollen wir die Steuerhinterziehung auch bei Kapitaleinkommen und grenzüberschreitend eindämmen. Einen Schwerpunkt unserer Steuerpolitik werden wir deshalb – gemeinsam mit den Ländern – auf die bessere Durchsetzung des Steuerrechts legen. Denn Steuerhinterziehung bedeutet Umverteilung: vom Ehrlichen zum Unehhrlichen, aber auch von Arm zu Reich. Sie widerspricht damit zutiefst unserem Verständnis von Gerechtigkeit und Rechtsstaatlichkeit; im betrieblichen Bereich verzerrt sie den Wettbewerb.

Wir wollen die gesetzlichen Aufzeichnungs-, Beleg-, Kassen- und Meldepflichten modernisieren, um bestehende Wettbewerbsverzerrungen zu beseitigen und die Steuerbasis zu sichern. Und wir wollen geeignete Anreize setzen, um Schwarzarbeit weiter zurückzudrängen, wie dies auch im Hartz-Konzept vorgesehen ist.

Ein besonderes Augenmerk werden wir auf die effektive Bekämpfung des Umsatzsteuerbetrugs richten und dazu sowohl zusätzliche administrative als auch gesetzgeberische Maßnahmen in Betracht ziehen.

Wir werden sicherstellen, dass das geltende Steuerrecht insbesondere für private Veräußerungsgeschäfte und Kapital- sowie Mieterträge effektiver angewandt wird.

Wir werden bei der Umsetzung des Urteils des Bundesverfassungsgerichts zur unterschiedlichen Besteuerung von Renten und Beamtenpensionen sicherstellen, dass bestehendes Vertrauen geschützt wird, indem lange Übergangszeiten eingerichtet und Doppelbesteuerungen vermieden werden.

Der größte Teil der Rentnerinnen und Rentner wird durch die notwendigen Änderungen auch weiterhin steuerlich nicht belastet sein. Wir werden im Sinne der nachgelagerten Besteuerung die Aufwendungen für die Altersvorsorge schrittweise von der Besteuerung befreien.

Wir wollen den Steuerwettbewerb in Europa und weltweit fairer machen. Der EU-Binnenmarkt benötigt faire Wettbewerbsbedingungen und kein Steuerdumping. Bei den direkten Steuern setzen wir uns für die Harmonisierung von Mindeststeuersätzen und eine einheitliche Bemessungsgrundlage der Körperschaftssteuer ein. Auch bei den Öko- und Energiesteuern streben wir europäische Regelungen an. Für den Binnenmarkt relevante steuerpolitische Fragen dürfen nicht länger durch das Einstimmigkeitsprinzip blockiert werden.

Steueroasen wollen wir austrocknen. Wir streben auf internationaler Ebene an, die Möglichkeiten zu Steuerhinterziehung und den unfairen Steuerwettbewerb zwischen den Ländern einzuschränken.

Wir wollen mehr Anlegerschutz erreichen. Wir wollen mehr Transparenz und Informationsrechte, aber auch mehr Klagerechte für Anleger durchsetzen. Wir wollen die Verantwortung und Haftung für die Vorstände und für die Wirtschaftsprüfer ausweiten. Wir wollen die Kontrollmöglichkeiten ausdehnen und effizienter gestalten, damit Bilanzskandale in Deutschland künftig vermieden werden. Deshalb wollen wir die Allfinanzaufsicht stärken.

Ökologische Finanzreform

Die seit 1999 neue Besteuerung unter ökologischen Gesichtspunkten (Ökosteuer) hat sich bewährt. Sie hat den Umweltverbrauch teurer gemacht und den Verbrauch von Energie minimiert. Gleichzeitig hat sie den Faktor Arbeit entlastet. In dieser Legislaturperiode wird die bereits vom Gesetzgeber beschlossene 5. Stufe der Ökosteuer zum 1. Januar 2003 in Kraft treten; daran halten wir fest. Im Vordergrund steht in der nächsten Zeit das Abschmelzen umweltschädlicher Subventionen im Steuerrecht.

Im Jahr 2004 werden wir im Hinblick auf die Emission klimaschädlicher Gase, den Ölpreis, die gesamtwirtschaftliche Entwicklung, die Wettbewerbsfähigkeit der deutschen Wirtschaft und die soziale Verträglichkeit überprüfen, ob und wie die Besteuerung unter ökologischen Gesichtspunkten weiterzuentwickeln ist.

Unter anderem werden wir folgende Maßnahmen umsetzen:

- Das Marktanreizprogramm für Erneuerbare Energien wird in den kommenden Jahren verstärkt (2004: 200 Mio. €; 2005: 220 Mio. €; 2006: 230 Mio. €).
- Die Mehrwertsteuerbefreiung für Flüge in andere EU-Länder wird aufgehoben.
- Die steuerliche Begünstigung des produzierenden Gewerbes im Rahmen der Ökosteuer wird vermindert.
- Die Eigenheimzulage für Alt- und Neubauten wird angeglichen und auf Familien mit Kindern konzentriert. Dabei wird weiterhin eine Ökozulage gewährt.
- Die KfZ-Steuer wird gemeinsam mit den Ländern aufkommensneutral ökologisch weiterentwickelt (CO₂ als Bemessungsgrundlage).
- Um eine ökologisch sinnvolle Besteuerung der Energieträger nach dem jeweiligen Energiegehalt zu erreichen, wird die Besteuerung von Gas angepasst. Dabei wird sichergestellt, dass der Ausbau der Kraft-Wärme-Kopplung auf Basis der Selbstverpflichtungen der deutschen Wirtschaft und des KWK-Gesetzes nicht gefährdet wird.
- Auf europäischer Ebene werden wir uns weiter für eine Kerosinbesteuerung im Flugverkehr einsetzen.
- Die Steuerermäßigung für Erdgasautos im Verkehr wird bis zum Jahre 2020 fortgeschrieben.
- Wir werden die Umstrukturierung des deutschen Steinkohlebergbaus fortführen und über Verhandlungen mit den Bergbauländern, dem Bergbau und der IGBCE die Finanzierung des deutschen Steinkohlebergbaus im Zeitraum von 2006 bis 2010 sichern. Der Beitrag aus dem Bundeshaushalt – der heute 3,05 Mrd. € beträgt und der bis 2005 auf 2,17 Mrd. € absinken wird – wird sich dann weiter degressiv entwickeln.

Föderalismus reformieren

Wir brauchen einen starken und handlungsfähigen Föderalismus, der sich den Herausforderungen in einem Europa der Regionen stellen muss. Bürgernähe, Demokratie und eine moderne Verwaltung brauchen klare Regelungen der Verantwortung. Deshalb wird es in den nächsten vier Jahren eine wichtige Aufgabe sein, Zuständigkeiten der staatlichen Ebenen und Mischfinanzierungen Zug um Zug zu entflechten,

damit die Verantwortlichkeiten für Entscheidungen transparenter werden und die Eigenverantwortung dominiert. Zusammen mit den Ländern werden wir darüber hinaus die finanziellen Auswirkungen von Bundesgesetzen auf Länder und Kommunen überprüfen.

Wir treten dafür ein, dass Aufgabenverlagerungen im Verhältnis der staatlichen Ebenen – Bund und Länder einschließlich ihrer Gemeinden – im Rahmen des bundesstaatlichen Finanzausgleichs berücksichtigt werden (Konnexitätsprinzip).

Wir werden – ausgehend von dem Ergebnis der Kommission Gemeindefinanzreform – die Finanzkraft der Kommunen stärken und auf eine breite und solide Basis stellen. Wir wollen das Band zwischen örtlicher Wirtschaft und Gemeinde festigen. Deshalb wollen wir im Konsens aller Beteiligten eine tragfähige Gewerbesteuerreform als wesentliches Element der Gemeindefinanzreform umsetzen.

Wir wollen auch ein generelles Verbot der steuerrechtlichen Anrechnung gewerbesteuerlicher Organschaften durchsetzen, damit das Gewerbesteueraufkommen auch dort anfällt, wo es erwirtschaftet wird und kein steuerminderndes Verschieben von Gewinnen und Verlusten mehr möglich ist.

Bund und Länder tragen Verantwortung für die Hauptstadt Berlin. Wir stehen zu unserer Verantwortung. Für den 2004 auslaufenden Hauptstadtvertrag streben wir eine Anschlussregelung an.

III. AUFBAU OST

In Ostdeutschland hat in den zwölf Jahren seit der deutschen Vereinigung ein umfassender Modernisierungsprozess stattgefunden, der die Lebensumstände jedes Einzelnen und die Gesellschaft tiefgreifend veränderte. Getragen wurde dies durch erhebliche solidarische Leistungen der Menschen in ganz Deutschland.

Die in vielen Bereichen erneuerte Infrastruktur in Ostdeutschland ist das Fundament für eine moderne Wirtschaft, deren Motor neue Unternehmen und deren Beschäftigte sind, die ihre Leistungsfähigkeit bewiesen haben. Noch reicht diese Basis für eine selbsttragende wirtschaftliche Entwicklung und ein ausreichendes Arbeitsplatzangebot nicht aus. Arbeitslosigkeit und Abwanderung von Arbeitssuchenden sind die Ursachen vieler ostdeutscher Probleme.

Unser Ziel ist es, weiterhin und vermehrt zukunftssichere Arbeitsplätze zu schaffen, damit die Menschen selbstbestimmt und aus eigener Kraft ihre Zukunft gestalten können. Bis zur Schaffung gleichwertiger Lebensverhältnisse in Ost und West sind die Herausforderungen immer noch groß.

Wir stehen deshalb weiter für eine Politik der gesamtstaatlichen Solidarität ein,

- wie wir sie mit unserer Entscheidung für den Solidarpakt II als den wichtigsten Durchbruch für die Zukunft der ostdeutschen Länder und Regionen bis Ende des nächsten Jahrzehnts erreicht haben und
- wie sie zur Bewältigung der Flutkatastrophe im schnellen und umfassenden staatlichen Handeln und der überwältigenden menschlichen Solidarität in Ost und West sichtbar wurde.

Selbstbewusstsein und Leistungswillen der Menschen in Ostdeutschland unterstützen wir durch Investitionen und strukturpolitische Weichenstellungen, die

- die Voraussetzungen für eine eigenständige wirtschaftliche Entwicklung konsequent ausbauen und verbreitern;
- die Entwicklungspotenziale in den verschiedenen ostdeutschen Regionen in Verbindung mit Forschung und Bildung profilieren und die wirtschaftliche und soziale Infrastruktur vernetzen;
- die Potenziale für die ökologische Modernisierung konsequent nutzen;
- die im erweiterten europäischen Binnenmarkt liegenden Chancen für Ostdeutschland als neue europäische Verbindungsregion nutzen.

Für die zweite Hälfte des Weges beim Aufbau Ost gilt, dass es immer weniger um einen Nachbau West, sondern um Zukunftsfähigkeit und die Chancen für die kommende Generation in einem zusammenwachsenden Europa geht. Wir werden deshalb an der Neuorientierung der Förderpolitik auf die Schwerpunkte Investition, Innovation und Infrastruktur für eine eigenständige regionale Entwicklung festhalten und sie nach dem Leitbild einer nachhaltigen Wirtschaft weiterentwickeln.

Wir werden in sozialer Verantwortung die aktive Arbeitsmarktpolitik fortentwickeln, insbesondere Perspektiven für Jugendliche schaffen, indem wir die Ausbildungschancen verbessern und Brücken in Beschäftigung bauen.

Investitionen und Mittelstand fördern

Investitionen sind die Triebfeder der wirtschaftlichen Entwicklung. Wir werden deshalb die Investitionsförderung in Ostdeutschland auf hohem Niveau beibehalten. Die Gemeinschaftsaufgabe der Verbesserung der regionalen Wirtschaftsstruktur und die Investitionszulage sind die Eckpfeiler der Investitionsförderung in den neuen Ländern. Sofern die Investitionszulage ab 2005 nach europäischem Recht ausläuft, wird sie durch eine gleichwertige Nachfolgeregelung ersetzt. Die ostdeutschen Länder müssen im Rahmen der EU-Strukturfonds nach 2006 weiterhin so behandelt werden wie andere vergleichbare Regionen Westeuropas.

Das Herz der ostdeutschen Wirtschaft schlägt im gewerblichen Mittelstand. Deshalb werden wir durch eine Existenzgründungsinitiative und Bestandsförderung die Finanzierungsbedingungen vor allem der kleinen und mittleren Unternehmen verbessern. Hierzu werden die Möglichkeiten der Förderbanken zur Finanzierung von Investitionen (Anhebung der Hausbankenmarge) und die Bewilligung von Förderkrediten aus einer Hand erweitert.

Wichtig bleibt, die Arbeits- und Lebensbedingungen der Menschen vor Ort konkret zu verbessern und dort die Kräfte zu bündeln, um leistungsfähige Wirtschaftsregionen zu stärken. Die Bundesregierung wird deshalb die Initiative ergreifen, in Ostdeutschland gemeinsam mit den Landesregierungen in Pilotregionen integrierte Konzepte aus den Bereichen Innovation, Investition, Infrastruktur und Ansiedlungsförderung zu entwickeln. Dabei orientieren wir uns an vorhandenen Branchenschwerpunkten und Nachhaltigkeitsstrategien. So entstehen leistungsfähige Regionen, in denen vernetzt produziert, geforscht und gelernt wird und die auf ihr Umland ausstrahlen.

Zukunftsinvestitionen in Ausbildung und Forschung

Mehr denn je entscheidet heute die Innovationsfähigkeit einer Gesellschaft über Erfolg und Wohlstand. Auf die erreichten Fortschritte bei Bildung, Forschung und Wissenschaft in Ostdeutschland können wir deshalb stolz sein. Wir werden die Innovationsförderung vor allem für kleine und mittlere Unternehmen weiter konsequent ausbauen und einen Schwerpunkt auf die Zusammenarbeit zwischen Wirtschaft und Wissenschaft legen.

Dazu werden wir die erfolgreichen Programme für innovative Initiativen und Ausgründungen sowie unsere Forschungsinitiativen „InnoRegio“ und „Regionale Wachstumskerne“ verstärkt fortführen. Damit stärken wir die regionale Vernetzung von know-how und erleichtern es den Unternehmen, mit Hochschulen und Forschungsstätten zusammenzuarbeiten, neue Märkte zu erschließen und so zukunfts-trächtige Arbeitsplätze zu schaffen.

Im Rahmen unserer Gründungsoffensive wollen wir einen Schwerpunkt bei der Förderung von Ausgründungen aus der Wissenschaft in den neuen Bundesländern setzen. Als Grundlage werden wir auch in Zukunft die Einrichtung von Innovations- und

Gründerlaboren unterstützen und damit die Fähigkeit der Hochschulen und Forschungseinrichtungen verbessern, Erfindungen bis zur Anwendungsreife zu bringen.

Die Hochschulen und Forschungseinrichtungen in den neuen Ländern wollen wir zu „Leuchttürmen“ der Wissenschaftslandschaft mit internationaler Ausstrahlungswirkung weiterentwickeln. Ein Bundesprogramm für Wissenschaftliche Kompetenzzentren und die finanzielle Förderung von Hochschulbibliotheken tragen dazu bei, dass ostdeutsche Hochschulen erfolgreich um wissenschaftliche Spitzenkräfte konkurrieren können. Bei der Entscheidung über neu einzurichtende Forschungszentren des Bundes wollen wir die ostdeutschen Länder vorrangig berücksichtigen.

Neben Spitzenqualifikationen brauchen wir in den neuen Ländern auch ein solides Fundament in der Berufsausbildung. Die Ausbildungsplatzprogramme für die neuen Länder setzen wir fort, insbesondere wenn die im Ausbildungskonsens mit der Wirtschaft vereinbarten Eigenanstrengungen der Wirtschaft zur Hebung des Lehrstellenangebots nicht ausreichen. Dabei werden besondere Schwerpunkte auf die Verbesserung der Ausbildungsfähigkeit und der Ausbildungsbereitschaft von kleineren und mittleren Unternehmen sowie auf die Verknüpfung von regionaler Wirtschafts- und Strukturentwicklung gelegt.

Infrastruktur und Kommunen

Die zur Beseitigung der Flutkatastrophe zugesagten Mittel werden weiterhin zügig bereitgestellt. Dabei muss in Absprache mit den Ländern sichergestellt werden, dass die entsprechenden öffentlichen Investitionen nicht zu Lasten von Einsparungen an anderer Stelle erfolgen. Wir werden weiterhin dafür sorgen, dass vorzugsweise ortsansässige Firmen mit der Beseitigung der Flutschäden beauftragt werden.

Ein leistungsfähiges Verkehrssystem ist eine entscheidende Voraussetzung für die Wettbewerbsfähigkeit der Wirtschaft, für die Ansiedlung neuer Unternehmen und für die Schaffung neuer Arbeitsplätze. Wir wollen, dass der neue Bundesverkehrswegeplan 2003 einen klaren Schwerpunkt in Ostdeutschland hat.

Das Programm „Stadtumbau Ost“ in Höhe von 2,7 Mrd. € zur Verbesserung und Stabilisierung der Wohnungsmärkte sowie eine tragfähige Altschuldenhilferegelung zur wirtschaftlichen Existenzsicherung in Not geratener Wohnungsunternehmen sind für die Entwicklung der kommunalen Infrastruktur unverzichtbar.

Zum Erhalt und zur Förderung wesentlicher kultureller Institutionen in Ostdeutschland wollen wir eine Initiative auf den Weg bringen.

Die im Bereich der vorschulischen Kinderbetreuung bessere Situation in Ostdeutschland darf nicht dazu führen, dass Ostdeutschland bei den beschlossenen Maßnahmen zur Verbesserung der Kinderbetreuung nicht ausreichend berücksichtigt wird. Hier müssen die aufgestockten Mittel dazu verwendet werden, die Qualität und die Ausstattung der bestehenden Einrichtungen und Schulen zu verbessern und/oder die Elternbeiträge zu senken.

Mit der Entscheidung der Bundesregierung, die Mittel des Investitionsfördergesetzes den neuen Ländern ab 2002 als ungebundene Finanzzuweisung zur Verfügung zu stellen, wurde die Möglichkeit geschaffen, den spezifischen Problemen ostdeutscher

Kommunen flexibler zu begegnen. Den strukturellen Problemen der ostdeutschen Kommunalhaushalte ist darüber hinaus bei den anstehenden Entscheidungen zur Reform des kommunalen Finanzsystems besondere Beachtung zu schenken.

Um das bei der Flutkatastrophe sichtbar gewordene Engagement der ostdeutschen Bürgerinnen und Bürger zu verstärken, werden wir die Rahmenbedingungen für bürgerschaftliches Engagement stärken. Wir wollen eine Initiative „Kommunale Infrastruktur Ost“ auf den Weg bringen. Dabei geht es auch um den Ausbau der sozialen Infrastruktur unter stärkerer Beteiligung der Bürger. Ziel ist es, im Rahmen eines Wettbewerbs und durch die Verknüpfung der Finanzierung mit Mitteln der Arbeitsmarktförderung und der Förderung kommunaler Infrastrukturinvestitionen den Arbeitsmarkt zu entlasten und die kommunale Infrastruktur bedarfsgerecht zu verbessern. Wir wollen ausgewählte Modellstandorte fördern, durch die die Kommunen in die Lage versetzt werden, Ansiedlungsanreize durch die Wiederbelebung von Altstandorten zu schaffen und zugleich den Flächenverbrauch einzudämmen.

Arbeit und neue Qualifikation schaffen

Damit die Vorschläge der Hartz-Kommission auch in den neuen Ländern ihre Wirkung voll entfalten können, sollen die Personal-Service-Agenturen in Ostdeutschland beschleunigt aufgebaut und das Programm „Kapital für Arbeit“ auf die betrieblichen Verhältnisse in den neuen Ländern ausgerichtet werden. In diesem Zusammenhang gilt es, die Arbeitsmarktpolitik stärker auf besonders betroffene Gruppen zu konzentrieren und mit neuen Lösungsansätzen zu verstärken.

Mit einem JUMP-Plus-Programm soll den Jugendlichen nach der Erstausbildung eine Brücke in den Arbeitsmarkt gebaut werden. Wir werden dafür die bestehende „Beschäftigungsbrücke Ost“ erweitern und um einen Qualifizierungs-Baustein ergänzen, der den teilzeitbeschäftigten Jugendlichen zusätzliche Qualifizierung in der arbeitsfreien Zeit ermöglicht.

Die Bundesregierung beginnt im Jahr 2003 mit dem Wettbewerb „Die Jugend bleibt“, mit dem innovative und kreative Jugendprojekte sowie Beispiele für die Gestaltung des Lebens- und Wohnumfeldes junger Menschen ausgezeichnet werden.

Für die zweite besonders betroffene Gruppe, die älteren Langzeitarbeitslosen, werden wir das Programm „AKTIV-PLUS“ starten. Hierfür soll das bestehende Instrumentarium der Strukturanpassungsmaßnahmen für Ältere gestärkt und durch die Verbindung mit der Initiative „Kommunale Infrastruktur Ost“ attraktiver gestaltet werden.

In den künftigen Tarifverhandlungen von Bund, Ländern und Gemeinden mit den Gewerkschaften wollen wir eine differenzierte Stufenregelung zur Angleichung der Einkommen im Öffentlichen Dienst in Ost und West bis 2007 umsetzen.

Landwirtschaft, Natur und Tourismus

Um den ostdeutschen landwirtschaftlichen Betrieben endlich die notwendige Rechtssicherheit zu geben, werden wir kurzfristig einen Gesetzentwurf zur Regelung der Altschuldenfrage in der Landwirtschaft vorlegen.

Mit unserer Entscheidung, die Pachtverträge der BVVG-Flächen zu verlängern, haben wir den landwirtschaftlichen Betrieben in Ostdeutschland langfristig Planungssicherheit gegeben. Bei der Neuvergabe von Pachtverträgen und bei Verkäufen von BVVG-Flächen wollen wir erreichen, dass die Faktoren Arbeit und Umwelt stärker berücksichtigt werden.

Wir wollen die Direktzahlungen so gestalten, dass mehr Gerechtigkeit geschaffen wird, dass Produktionszweige differenziert beurteilt werden, keine einseitige Benachteiligung von Regionen fortgeführt oder herbeigeführt wird sowie die besondere strukturelle, betriebsgrößenbedingte Situation der ostdeutschen Landwirtschaft Berücksichtigung findet. Ziel muss es sein, insbesondere Arbeitsplatzverluste zu vermeiden. Darüber hinaus setzen wir uns für einen höheren Tierbestand in Ostdeutschland ein, um Wertschöpfung wieder verstärkt in ländlichen Regionen Ostdeutschlands anzusiedeln.

Der einmalige Naturreichtum Ostdeutschlands ist eine wichtige Grundlage für eine eigenständige und erfolgreiche Entwicklung der Tourismuswirtschaft. Die Bundesregierung wird durch die Sicherung ökologisch besonders bedeutsamer Bundesliegenschaften (z. B. Militärflächen, Bergbaufolgelandschaften und Flächen im Gebiet des Grünen Bandes) dafür Sorge tragen, dass dieser Naturreichtum bewahrt wird und so zur Attraktivität der touristischen Potenziale Ostdeutschlands beiträgt.

Gesundheitsversorgung

Wir setzen uns für den Erhalt des Risikostrukturausgleichs der Gesetzlichen Krankenkassen ein. Eine ausreichende medizinische Versorgung ist ein wichtiger Teil der Lebensqualität in den Regionen. Es müssen Anreize für Haus- und Fachärzte geschaffen werden, sich in unterversorgten Regionen der neuen Länder niederzulassen. Dabei stehen die Kassenärztlichen Vereinigungen mit in der Verantwortung.

EU-Osterweiterung

Die EU-Osterweiterung bietet vielfältige Chancen. Wir werden deshalb grenzüberschreitende Kooperationen von Betrieben, Hochschulen, Vereinen und Kommunen mit Osteuropa besonders fördern und in der Wissenschaftskooperation stärkere Akzente in den Natur- und Ingenieurwissenschaften sowie in der Informatik setzen. Dazu gehören auch Stipendien für besonders begabte Nachwuchswissenschaftlerinnen und -wissenschaftler aus Osteuropa, die an ostdeutschen Hochschulen und Forschungseinrichtungen arbeiten wollen.

Ostdeutschland hat damit die Chance, sich zu einer europäischen Verbindungsregion fortzuentwickeln. Durch den Aufbau eines Osteuropazentrums für Wirtschaft und Kultur werden wir dies weiter unterstützen.

Opfer des SED-Regimes

Die Bundesregierung hat in der vergangenen Wahlperiode wichtige Initiativen ergriffen, um eine Besserstellung der SED-Opfer zu erreichen. Wir wollen weiter dafür sorgen, dass Menschen, die für Demokratie gekämpft haben, nicht vergessen wer-

den. Im Rahmen des Beruflichen und des Verwaltungsrechtlichen Rehabilitierungsgesetzes werden wir die Antragsfristen bis 2006 verlängern und die Wirkungen auf die Rentenanwartschaften prüfen. Die Stiftung für ehemalige politische Häftlinge soll gestärkt werden.

IV. KINDERFREUNDLICHES LAND UND BESSERE BILDUNG FÜR ALLE

Kinder und Familien im Zentrum

Unser Familienbegriff ist so vielfältig wie die Lebensumstände der Menschen: Familie ist für uns, wo Kinder sind. Uns geht es um die Kinder und die Eltern – unabhängig davon, in welcher Lebensgemeinschaft sie zusammen leben. Familien halten unsere Gesellschaft zusammen. Eine verantwortliche Politik für Kinder und Familien bedeutet, heute schon an morgen zu denken. Politik für Kinder ist eine Querschnittsaufgabe, die nur im Zusammenspiel aller Politikbereiche gelingen kann.

Seit dem Regierungswechsel 1998 haben wir die wirtschaftliche Situation von Familien deutlich verbessert und die finanziellen Leistungen um über 13 Mrd. € pro Jahr erhöht. In dieser Legislaturperiode ist die bessere Vereinbarkeit von Kindern und Beruf ein zentrales gesellschaftspolitisches Reformvorhaben dieser Koalition. Dafür werden wir die Infrastruktur für Kinder und Familien ausbauen. Ein bedarfsgerechtes und verlässliches Betreuungsangebot für Kinder bis 16 Jahre ist oberstes Ziel der Familienpolitik in den nächsten Jahren.

Mehr und bessere Betreuungseinrichtungen für Kinder

Wir werden 10.000 zusätzliche Ganztagschulen aufbauen und die Betreuung der Kinder unter drei Jahren qualitativ und quantitativ deutlich verbessern. Durch den Aufbau von 10.000 zusätzlichen Ganztagschulen und die sinkenden Kinderzahlen werden in den nächsten Jahren 500.000 Kindergarten- und Hortplätze frei. Die Bundesregierung erwartet von Ländern und Kommunen, die freiwerdenden Plätze nicht abzubauen, sondern in Betreuungsangebote für unter Dreijährige und Ganztagsplätze im Kindergarten umzuwandeln.

Der Bund wird durch eine gesetzliche Regelung sicherstellen, dass in dieser Legislaturperiode in jedem Bundesland eine bedarfsgerechte Betreuungsquote für Kinder unter drei Jahren von mindestens 20 % erreicht wird.

Hierfür wird der Bund den Kommunen ab 2004 jährlich 1,5 Mrd. € zur Verfügung stellen. Die erforderlichen Mittel werden dadurch bereitgestellt, dass die Kommunen durch die Umsetzung des Hartz-Konzepts bei ihnen entstehende Minderausgaben in entsprechender Höhe behalten dürfen. Durch ein besseres Kinderbetreuungsangebot erweitern wir insbesondere auch die Chancen für Alleinerziehende, Kinder und Beruf zu vereinbaren.

Wir werden alle an Fragen der Kinderbetreuung Beteiligten – Bund, Länder, Kommunen, Freie Träger, Unternehmen – zu einem Gipfel für Bildung und Betreuung einladen, auf dem wir gemeinsam Vereinbarungen über die bedarfsgerechte und qualitativ hochwertige Kinderbetreuung treffen werden. Dabei werden wir auch prüfen, ob durch nachfrageorientierte Finanzierungsinstrumente (beispielsweise Betreuungsgutscheine) die Interessen von Eltern und Kindern in der Kinderbetreuung besser berücksichtigt werden können.

Wir werden dafür sorgen, dass die Kindertageseinrichtungen mehr als bisher zu Einrichtungen der frühkindlichen Bildung werden. Bund und Länder werden sich umgehend über Wege und Ziele frühkindlicher Bildung verständigen und für Deutschland allgemein verbindliche Bildungsziele aufstellen. Wir wollen, dass in der frühkindlichen Bildung die Vermittlung von Normen und Werten, die musische und motorische Erziehung und die Hinführung zum Lernen zum Standard werden.

Wir wollen zu einer Zusammenführung und engeren Zusammenarbeit zwischen schulischen und außerschulischen Bildungseinrichtungen kommen. Wir werden die Angebote der außerschulischen Jugendbildung stärken und in enger Kooperation mit der Institution Schule gestalten.

Verbesserung der wirtschaftlichen Situation von Familien

Die nächsten Stufen der Steuerreform werden die Familien weiter spürbar entlasten.

Im Rahmen der finanziellen Möglichkeiten des Bundeshaushalts wollen wir die steuerliche Abzugsfähigkeit von Betreuungskosten weiter ausbauen.

Wir werden alle Anstrengungen unternehmen, um Armut von Familien zu vermindern. Wir werden Eltern dabei unterstützen, durch Erwerbsarbeit ihren Unterhalt selbst zu verdienen, damit sie wegen ihrer Kinder nicht von Leistungen der Sozialhilfe abhängig werden. Wir werden entsprechende Instrumente prüfen.

Bildung und Ausbildung für morgen

Zu Beginn des 21. Jahrhunderts stehen wir in Deutschland vor zwei großen Herausforderungen: Erstens wollen wir die wirtschaftliche Position unseres Landes im globalen Wettbewerb stärken, neue Arbeitsplätze schaffen und unseren Lebensstandard sichern und ausbauen. Zweitens müssen wir unser gesamtes Handeln darauf ausrichten, das Leben auf unserem Planeten auch für kommende Generationen lebenswert zu erhalten. Mit einer zukunftsorientierten Bildungs- und Forschungspolitik nehmen wir diese Herausforderungen an. Dabei setzen wir auf das Wissen, das Können und die Kreativität der Menschen in unserem Land. Wir setzen auf die bestmögliche Bildung für alle, auf ein Bildungssystem, das die Fähigkeiten des Einzelnen fördert und nicht nach seiner ethnischen oder sozialen Herkunft fragt. Forschungsergebnisse müssen den Menschen und der Gesellschaft unmittelbar zugute kommen und einen Beitrag für eine nachhaltige Entwicklung leisten. Wir haben seit 1998 die Zukunftsinvestitionen in Bildung und Forschung um mehr als 20 % erhöht. Wir werden diesen Kurs mit dem Programm „Zukunft Bildung und Betreuung“ fortsetzen.

Deutschland muss im Bildungsbereich weltweit einen Spitzenplatz einnehmen. Dazu brauchen wir weitere materielle Anstrengungen im Bildungsbereich und länderübergreifende Strukturreformen unseres Bildungssystems in Zusammenarbeit zwischen Bund und Ländern. Chancengleichheit stärken und Leistung fördern sind dabei unsere Leitprinzipien.

Zukunft Bildung

Wir stellen mit dem Programm „Zukunft Bildung und Betreuung“ im Zeitraum von 2003 bis 2007 vier Milliarden € für die Einrichtung von Ganztagschulen zur Verfügung. Gefördert werden Ganztagschulen auf der Basis eines pädagogischen Konzeptes für den Ganztagesbetrieb.

Alle Kinder in Deutschland müssen unabhängig vom Wohnort ihrer Eltern gleiche Chancen haben. Dazu brauchen wir zügig nationale Bildungsstandards. Deren Einhaltung soll durch eine unabhängige wissenschaftliche Einrichtung (Evaluationsagentur) überprüft werden. Den Bildungseinrichtungen soll dabei mehr Bildungsaufonomie gewährt werden.

Wir wollen gemeinsam mit den Ländern eine unabhängige international besetzte Expertenkommission einrichten, die Empfehlungen für die Weiterentwicklung des Bildungswesens erarbeiten und alle 2 Jahre einen nationalen Bildungsbericht vorlegen soll.

Wir wollen mit den Ländern eine Qualitätsoffensive zur Verbesserung des Unterrichts verabreden, insbesondere zur Förderung der Sprach-, Lese- und Schreibkompetenz, der mathematisch-naturwissenschaftlichen Kompetenz und zur besseren Förderung von Migrantinnen und Migranten. Alle Kinder in Deutschland müssen vor der Einschulung über ausreichende Deutschkenntnisse verfügen.

Wir wollen die Bildung für nachhaltige Entwicklung in den Schulen stärken und dazu auch ein Modellprojekt für die Lehrerbildung auflegen.

Die Bundesregierung wird die Bildungsforschung weiter ausbauen und eine Stiftung „Bildung und Erziehung“ als Grundlage für einen breiten bildungspolitischen Dialog einrichten, die auch bundesweit innovative Programme, Initiativen und Projekte fördern soll.

Wir werden die bundesrechtlichen Voraussetzungen für eine stärkere Flexibilisierung der Lehrerbefoldung schaffen.

Ausbildung für alle Jugendlichen und Qualität der beruflichen Ausbildung stärken

Eine gute und qualifizierte Berufsausbildung ist ein Kernstück jeder modernen Bildungspolitik und eine wichtige Form der Zukunftsvorsorge. Jeder junge Mensch, der will und kann, soll eine Berufsausbildung erhalten. Dabei kommt der Wirtschaft - auch in ihrem eigenen Interesse - eine besondere Verantwortung zu.

Die Sicherung eines ausreichenden Ausbildungsplatzangebots für alle Jugendlichen hat für uns Priorität. Die Modernisierung der Berufsbilder und Schaffung neuer Berufe wird zusammen mit den Sozialpartnern entschlossen fortgesetzt. Unser Anliegen ist es, den Anteil von Frauen in den technischen und naturwissenschaftlichen Berufen deutlich zu steigern.

Um sowohl den leistungsstarken Jugendlichen als auch den Jugendlichen mit schlechten Startchancen eine zukunftsorientierte Berufsausbildung zu ermöglichen, werden wir die Rahmenbedingungen verbessern.

Das Berufsbildungsgesetz wird mit dem Ziel novelliert, die duale Ausbildung zu stärken, mehr Durchlässigkeit zwischen den Bildungswegen zu schaffen, die berufliche Bildung weiter zu internationalisieren, das Prüfungswesen zu modernisieren und den Geltungsbereich des Gesetzes zu erweitern.

Wir wollen durch flexibel gestaltete Ausbildungsordnungen und Zusatzqualifikationen die berufliche Aus- und Weiterbildung besser miteinander verknüpfen. Ein Modell dafür ist das IT-Weiterbildungssystem. Wir streben entsprechende Vereinbarungen in anderen Branchen an.

Wir wollen Jugendlichen mit schlechteren Startchancen den Einstieg in den Beruf erleichtern, indem wir ein System von Qualifikationsbausteinen einführen. Jede Qualifikation, die nach einem Abschnitt der Ausbildung erreicht wird, wird zertifiziert und ist zugleich Element für den künftigen Erwerb eines vollen Berufsabschlusses.

Die Maßnahmen für Jugendliche mit schlechteren Startchancen, junge Erwachsene ohne abgeschlossene Berufsausbildung, gering Qualifizierte und Menschen mit Behinderungen oder gesundheitlichen Einschränkungen werden bedarfs- und zielgerecht weiterentwickelt. Die Förderung Jugendlicher mit Migrationshintergrund werden wir verstärken, damit eine bessere Integration in die Gesellschaft gelingt.

Unser Ziel ist: Kein junger Mensch darf nach der Schule in die Arbeitslosigkeit entlassen werden. Dazu bedarf es des Zusammenwirkens von Wirtschaft, Städten und Gemeinden, der Arbeitsverwaltung und der Schulen.

Qualitätsoffensive berufliche Weiterbildung

Eine Berufsausbildung oder ein Hochschulstudium reichen heute für ein ganzes Berufsleben nicht mehr aus. Nur wer die Möglichkeit hat, seine Kenntnisse und Fähigkeiten kontinuierlich zu erweitern, kann seine Beschäftigungschancen auf Dauer sichern und sich neue berufliche Entwicklungsmöglichkeiten erschließen.

Die „Stiftung Bildungstest“ werden wir weiter ausbauen. Wir starten die Initiative zum Aufbau eines bundesweiten Zertifizierungssystems für die berufliche Weiterbildung.

Wir werden die Vorschläge der Expertenkommission „Finanzierung lebenslanges Lernen“ nutzen, um die Weiterbildungslandschaft zielgerecht weiterzuentwickeln und die Weiterbildungsbeteiligung zu erhöhen. Hierzu gehören auch verbesserte Angebote zur Bildungsberatung, um jeden Einzelnen optimal auf dem Bildungsweg zu unterstützen.

Attraktive Hochschulen

Die Hochschule des 21. Jahrhunderts steht im globalen Wettbewerb. Sie muss junge Menschen auf hohem Niveau schnell, praxisorientiert und international ausbilden. Und sie muss Raum für Exzellenz und Innovation bieten. Unser Ziel ist es, mindestens 40 % eines Jahrgangs die Aufnahme eines Hochschulstudiums zu ermöglichen.

Wir werden den Ländern einen „Pakt für die Hochschulen“ anbieten. Kernpunkte sind dabei die Erhöhung der Qualität des Studiums, die Einführung eines gestuften Systems von Studienabschlüssen, die wechselseitige Anerkennung von Abschlüs-

sen, die Schaffung eines geschlossenen Systems der Nachwuchsförderung und eine stärkere internationale Ausrichtung unserer Hochschulen.

Wir werden uns durch die weitere Verbesserung der rechtlichen und sozialen Rahmenbedingungen dafür einsetzen, dass der Studienstandort Deutschland für ausländische Studierende sowie für Wissenschaftlerinnen und Wissenschaftler attraktiver wird. Auf europäischer Ebene streben wir die Ausweitung der Mobilitätsprogramme (Sokrates, Leonardo) für Studierende an. Es bedarf im Rahmen der Wohnungsbauförderung des Bundes neuer Anstrengungen, um das Wohnraumproblem für ausländische Studierende zu verringern und die Möglichkeit des Arbeitsrechtes auszuweiten.

Im Rahmen der internationalen Verhandlungen über den Handel mit Dienstleistungen (GATS) tritt die Bundesregierung dafür ein, dass die Struktur des öffentlich finanzierten Hochschulwesens in Deutschland im Grundsatz weiterbestehen kann und die Einhaltung von Qualitätsstandards auch für private Bildungsangebote verpflichtend gemacht wird.

Wir werden in dieser Legislaturperiode die Initiative dazu ergreifen, dass alle deutschen Hochschulen in ihren spezifischen Stärken evaluiert werden und ein Leistungsvergleich (Ranking) der deutschen Hochschulen in Lehre und Forschung erstellt wird.

Frauen sollen in Lehre und Forschung bessere Chancen erhalten. Wir wollen den Frauenanteil bei den Hochschullehrkräften und in den außeruniversitären Wissenschaftseinrichtungen deutlich steigern und auf eine familienfreundliche Gestaltung der Hochschulen drängen. Wir setzen uns für die Ausweitung des Angebotes von Frauenstudiengängen und von Frauen- und Genderforschung an den Hochschulen ein. Die Etablierung eines bundesweiten Netzwerkes für internationale Frauenstudiengänge werden wir fördern.

Mit einem Wissenschaftstarifvertrag für Hochschulen und Forschungseinrichtungen wollen wir den besonderen Bedingungen in Wissenschaft und Forschung Rechnung tragen und Mobilitätshemmnisse zwischen Wissenschaft und Wirtschaft abbauen. Unser Ziel ist die zügige Schaffung von Bedingungen, die den Realitäten des hochdynamischen Arbeitsmarktes in Wissenschaft und Forschung gerecht werden.

Die Reform der Ausbildungsfinanzierung (BAföG) und die Einführung von Bildungskrediten haben zu einer Verbesserung der studentischen Lebenssituation geführt. Wir wollen diese Instrumente weiterentwickeln.

Forschung, Innovation, Nachhaltigkeit

Wissenschaft ist für die Fortschritte der Zivilisation ebenso mitverantwortlich wie für die Risiken und Bedrohungen, die aus wissenschaftlich begründeten Eingriffen in gesellschaftliche und ökologische Prozesse folgen. Die Herausforderung des Leitbildes der nachhaltigen Entwicklung besteht darin, Forschung und Wissen über Umwelt, Gesellschaft, Kultur, Wirtschaft und Technik in einen produktiven Zusammenhang zu bringen und für gesellschaftliche Handlungsstrategien nutzbar zu machen.

Der Forschungsstandort Deutschland ist seit 1998 deutlich gestärkt worden: Wir müssen weitere Anstrengungen unternehmen, um weltweite Spitzenleistungen in der Forschung zu ermöglichen. Es gilt, Innovationen in Deutschland zu fördern, die Grundlagenforschung zu stärken und durch Beiträge von Wissenschaft und Forschung die Entwicklung einer nachhaltig zukunftsfähigen Wirtschaft und Gesellschaft in Deutschland voranzubringen. Unser Ziel ist, dass der Anteil der öffentlichen und privaten Investitionen in Forschung und Entwicklung bis 2010 auf 3 % des Bruttoinlandsprodukts steigt.

Schlüsseltechnologien für neue Arbeitsplätze

Wir werden die Förderung von Schlüsseltechnologien wie Informations- und Kommunikationstechnologien, Biotechnologie, Nanotechnologie, Optische Technologien sowie Umwelt- und Energietechnologien weiter vorantreiben. Damit schaffen wir eine Basis für die Entwicklung neuer Produkte, Verfahren und Dienstleistungen und für Märkte und Arbeitsplätze von morgen.

Wir werden die Vernetzung von Hochschulen, außeruniversitären Forschungseinrichtungen und Unternehmen verstärken und ihre Einbeziehung in den Aufbau von EU-weiten Exzellenzzentren unterstützen.

Der Zugang kleiner und mittlerer Unternehmen zur öffentlichen Forschungsförderung wird gezielt verbessert. Antrags- und Bewilligungsverfahren sollen weiter vereinfacht werden. Information und Beratung werden durch eine spezielle Beratungsstelle weiter ausgebaut. Unternehmensgründungen aus Hochschulen und Forschungseinrichtungen heraus sollen vereinfacht, ihre Wachstumsfinanzierung durch geeignete Rahmenbedingungen erleichtert werden.

Forschung für den Menschen

Die Forschung muss in Zukunft größere Beiträge zur Lösung gesellschaftlicher Fragen und zur Entwicklung von Strukturen einer nachhaltig zukunftsfähigen Gesellschaft leisten. Sie muss Orientierungswissen im raschen gesellschaftlichen Wandel erarbeiten und Menschen in die Lage versetzen, sich ihr Urteil über Chancen und Risiken wissenschaftlicher Ergebnisse und technischer Entwicklungen zu bilden.

Die Umwelt- und Energieforschung leistet einen wichtigen Beitrag zur Erhaltung unserer natürlichen Lebensgrundlagen und zur ökologischen Modernisierung unserer Volkswirtschaft. Zur Stärkung einer nachhaltigen Energieversorgung in Deutschland werden wir ein Energieforschungsprogramm erarbeiten, in dem Erneuerbare Energien und Energieeinsparung Priorität haben. Dies gilt auch für zusätzliche Investitionsprogramme. Dabei wollen wir auch die institutionelle Struktur für die Bioenergieforschung stärken. Um auf europäischer Ebene eine Umorientierung in der Energieforschung zu ermöglichen, setzen wir uns für die Beendigung der Sonderstellung des EURATOM-Vertrages im Rahmen der nächsten Reform des EU-Vertragswerkes ein.

Neue produktionsorientierte Technologien und Verfahren, die an den Ursachen der Umweltzerstörung ansetzen, und die Erarbeitung umweltfreundlicher Lösungen für Mobilität und Verkehr werden besonders gefördert.

Im Bereich der Gesundheitsforschung werden wir die Entwicklung neuer Arzneimittel und Therapieansätze fördern, die klinische Forschung als integralen Bestandteil des gesundheitlichen Versorgungssystems stärken und neue Aktivitäten auf den Gebieten der Altersforschung und Präventionsforschung ergreifen. Dabei werden wir Fragen der Frauengesundheit ein besonderes Gewicht beimessen.

Für die Geistes- und Sozialwissenschaften werden wir ein neues Förderkonzept entwickeln, um Innovationen und die Interdisziplinarität der Forschung zu fördern und ihren Beitrag zum Diskurs über wichtige gesellschaftliche Fragen zu stärken. Die Finanzierung der Deutschen Stiftung Friedensforschung soll gestärkt und dauerhaft gesichert werden. Auf europäischer Ebene werden wir uns um die Integration von Themen der Friedens- und Konfliktforschung, die für die gemeinsame Außen- und Sicherheitspolitik von Bedeutung sind, in die Forschungsrahmenprogramme bemühen.

Forschung und Gesellschaft

Auf dem Weg zur Wissensgesellschaft kommt der gegenseitigen Verständigung von Wissenschaft und Öffentlichkeit und der Erarbeitung von Maßstäben für einen verantwortlichen Umgang mit Wissenschaftsdisziplinen und Technologien große Bedeutung zu. Fragen des Schutzes von Mensch und Umwelt und einer möglichen Gefährdung der Menschenwürde sowie von Freiheitsrechten des Einzelnen haben besonderes Gewicht.

Wir werden deshalb den gesellschaftlichen Dialog zwischen Wissenschaft und Öffentlichkeit stärken und unsere aktive Mitarbeit in der Initiative „Wissenschaft im Dialog“ fortsetzen.

Wegen der möglichen weitreichenden Ausweitung der Gentechnik bzw. der Biomedizin müssen in diesen Bereichen Sicherheitsfragen und Folgewirkungen intensiv untersucht und Grenzen gesetzt werden. Wir werden den Umgang mit genetischen Untersuchungen in einem Gentestgesetz regeln, um die Persönlichkeitsrechte der Bürgerinnen und Bürger zu schützen, das Recht auf Nichtwissen zu gewährleisten, sie vor genetischer Diskriminierung zu bewahren sowie klare Grenzen für die Weitergabe genetischer Daten an Dritte (z. B. Arbeitgeber und Versicherungen) zu ziehen.

Wir werden den mit der deutsch-französischen VN-Initiative gegen das reproduktive Klonen begonnenen Prozess für europäische und weltweite Vereinbarungen auf dem Gebiet der Biomedizin verstärken mit dem langfristigen Ziel einer VN-Konvention zu ethischen Fragen der Biomedizin.

V. ÖKOLOGISCHE MODERNISIERUNG UND VERBRAUCHERSCHUTZ

Umsetzung und Weiterentwicklung der Nachhaltigkeitsstrategie

Das Leitbild der Nachhaltigen Entwicklung bestimmt unser Regierungshandeln. Nachhaltige Entwicklung ist zentrales Ziel unserer Reformpolitik. Wir wollen sie in einem intensiven Dialog mit allen wichtigen gesellschaftlichen Gruppen weiter konkretisieren. Die Bundesregierung wird erstmals im Frühjahr 2004 und danach regelmäßig alle zwei Jahre einen Bericht zur Umsetzung der nationalen Nachhaltigkeitsstrategie vorlegen. Darüber hinaus werden wir für die in der Strategie bereits perspektivisch angelegten Schwerpunktfelder konkrete Ziele und Maßnahmen entwickeln. Die Umsetzung der Nachhaltigkeitsstrategie wird der Deutsche Bundestag in geeigneter Weise parlamentarisch begleiten.

Öko-Effizienz – die Jobmaschine von morgen

Mit der Politik der ökologischen Modernisierung führen wir Arbeit und Umwelt zusammen. Dadurch wird eine Steigerung der Öko-Effizienz, eine Kostenentlastung bei den Unternehmen und eine Verbesserung der Wettbewerbsfähigkeit erreicht. Gleichzeitig werden mehr Arbeitsplätze geschaffen und die Umwelt geschützt. Der heutige Material- und Energieeinsatz ist in diesem Umfang nicht notwendig. Durch eine Effizienzrevolution beim Einsatz von Energie, Rohstoffen und Material wird eine Produktivitätssteigerung möglich, die die starke Exportstellung der Bundesrepublik ausbaut.

Mehr Öko-Effizienz stärkt vor allem den Mittelstand und das Handwerk, entlastet die öffentlichen Haushalte, ermöglicht eine höhere Umweltqualität und schafft im großen Umfang mehr Beschäftigung durch eine verbesserte Wettbewerbsfähigkeit. Dafür werden wir Netzwerke aus Politik, Wissenschaft und Wirtschaft fördern, die systematisch die Voraussetzungen für eine derartige Innovationsstrategie verwirklichen.

Internationale Umweltpolitik

Die Bundesrepublik unterstreicht nachdrücklich die Verpflichtungen, die sie beim Weltgipfel für nachhaltige Entwicklung in Johannesburg eingegangen ist.

Der Zugang zum elementaren Lebensmittel Wasser muss verbessert werden. Deutschland wird in den nächsten Jahren 350 Mio. € bereitstellen, um die Zahl der Menschen zu verringern, die keinen Zugang zu sauberem Wasser und einer angemessenen Abwasserbehandlung haben.

Zur Bekämpfung von Armut ist der Zugang zu Energie eine Voraussetzung. Hierbei spielen Erneuerbare Energien und Energieeffizienz eine Schlüsselrolle. Die Bundesregierung wird in den nächsten 5 Jahren den Entwicklungsländern 500 Millionen € zum Ausbau der Erneuerbaren Energien und weitere 500 Millionen € zur Steigerung der Energieeffizienz bereitstellen.

Deutschland wird im Jahr 2003 zu einer internationalen Konferenz für Erneuerbare Energien einladen und an der Schaffung einer Internationalen Agentur für Erneuerbare Energien arbeiten.

Die Bundesregierung setzt sich für die Aufnahme verbindlicher Sozial- und Umweltstandards in der WTO und für eine Fortentwicklung der UNEP zu einer Weltumweltorganisation ein. Sie wird die Initiativen für eine international koordinierte Einführung von Entgelten auf die Nutzung von Luftraum und Weltmeeren unterstützen. Wir werden uns an der Entwicklung einer internationalen Strategie zur Minimierung der negativen Auswirkungen von Chemikalien auf Mensch und Natur beteiligen.

Klimaschutz

Deutschland wird seine Vorreiterrolle beim internationalen Klimaschutz weiter offensiv wahrnehmen. Wir werden vorschlagen, dass die EU sich im Rahmen der internationalen Klimaschutzverhandlungen für die zweite Verpflichtungsperiode des Kyoto-Protokolls bereit erklärt, ihre Treibhausgase bis zum Jahr 2020 um 30 % (gegenüber dem Basisjahr 1990) zu reduzieren. Unter dieser Voraussetzung wird Deutschland einen Beitrag von minus 40 % anstreben.

Wir bekräftigen das nationale Klimaschutzprogramm von 2000 mit seinen sektoralen Ansätzen. Wir werden es entsprechend dem Kyoto-Protokoll und einer solchen EU-Lastenverteilung fortschreiben.

Die Bundesregierung unterstützt die Einführung eines Emissionshandelssystems in Europa; dies auch in Ansehung der Spitzenstellung Deutschlands beim Klimaschutz. Die im Rahmen der europäischen Lastenverteilung für den Zeitraum von 2008 bis 2012 übernommene Verpflichtung ist nahezu erfüllt. Dazu leisten vor allem die Vereinbarungen der Bundesregierung mit der Wirtschaft einen wesentlichen Beitrag. Deshalb legen wir Wert darauf, dass eine europäische Richtlinie über den Emissionshandel die Selbstverpflichtungen nicht gefährdet. Vor diesem Hintergrund muss eine europäische Richtlinie folgende wesentliche Anliegen berücksichtigen:

- Die seit 1990 ergriffenen Maßnahmen zur Minderung der Treibhausgase müssen bei der Zuteilung der Emissionsrechte voll berücksichtigt werden.
- Die Emissionsrechte sollen dauerhaft kostenlos zugeteilt werden.
- Der Emissionshandel soll mit den flexiblen Instrumenten des Kyoto-Protokolls kompatibel sein.
- Zur Einbeziehung der Selbstverpflichtungen zu entwickelnde Lösungen – z. B. gesetzlich geregelte Pool-Lösungen – müssen praktikabel sein.

Fortsetzen der Energiewende

Klimaschutz und Energiewende stellen nicht nur ein Plus für die Umwelt dar. Hier sind in den vergangenen Jahren Zehntausende neuer Arbeitsplätze entstanden. Umwelt schafft Arbeit. Dieses wollen wir fortsetzen und verstärken.

Zur Fortentwicklung der Energieeinsparung im Gebäudebereich werden

- ein Förderprogramm zur Errichtung von Passivhäusern mit 30.000 Wohneinheiten und

- ein Anschlussprogramm zur energetischen Modernisierung des Gebäudebestandes aufgelegt, das anstelle von zinsvergünstigten Krediten Zuschüsse oder Sonderabschreibungen beinhaltet.

Das EEG und die Förderpolitik werden mit dem Ziel weiterentwickelt, den Anteil der Erneuerbaren Energien an der Stromerzeugung und am Primärenergieverbrauch bis spätestens zum Jahr 2010 (gegenüber dem Basisjahr 2000) zu verdoppeln.

Die Bundesregierung wird den Ausbau der Kraft-Wärme-Kopplung und den Marktdurchbruch der Brennstoffzelle sowie der dezentralen Blockheizkraftwerke gemäß dem in der letzten Legislaturperiode geschaffenen Kraft-Wärme-Kopplungs-Gesetz und der Vereinbarung mit der Industrie zum Ausbau der Kraft-Wärme-Kopplung vorantreiben.

Im Offshore-Bereich sollen bis 2006 Windenergieanlagen mit mindestens 500 Megawatt Leistung und bis 2010 mit 3000 Megawatt installiert werden. Die zeitliche Befristung der Förderung im EEG wird an diese Ziele angepasst.

Die Bundesregierung wird das EEG überprüfen und dabei die Förderhöhe technologiebezogen degressiv anpassen.

Wir wollen den energierechtlichen Ordnungsrahmen fortentwickeln und die bereits vorliegende Energierechtsnovelle umgehend unverändert erneut in den Bundestag einbringen. Für den Fall, dass für die 2003 auslaufende Verbändevereinbarung Gas keine akzeptable Anschlussregelung gefunden wird, wird die Bundesregierung eine Netzzugangsverordnung auf den Weg bringen.

Bei der Erzeugung von Wärme durch Erneuerbare Energien wird für eine Verstärkung des Rahmens der Förderung Sorge getragen. Ziel ist es, die Fläche an Sonnenkollektoren in den nächsten vier Jahren zu verdoppeln.

Die Bundesregierung wird die Exportinitiative Erneuerbare Energien fortsetzen und verstärken.

Ausstieg aus der Atomenergie

Mit der Vereinbarung vom 14. Juni 2000 haben sich die Bundesregierung und die Energieversorgungsunternehmen darauf verständigt, die künftige Nutzung der vorhandenen Kernkraftwerke zu befristen und für die verbleibende Nutzungsdauer den sicheren Betrieb der Kernkraftwerke wie auch deren Entsorgung zu gewährleisten.

Die Vereinbarung wird nach Geist und Inhalt konsequent umgesetzt. Dies gilt auch für die Positionierung der Bundesregierung in internationalen Gremien und für Vorhaben der Europäischen Kommission.

Nach der endgültigen Stilllegung des AKW Mülheim-Kärlich in 2002 wird in 2003 das AKW Stade vom Netz gehen.

Entsprechend der Vereinbarung mit den Energieversorgungsunternehmen und den Festlegungen der Umweltministerkonferenz wird für bestehende Anlagen ein umfas-

sendes Sicherheitsmanagement eingeführt. Die Forschung zur Erhöhung der Sicherheit vorhandener Reaktoren wird unterstützt.

Spätestens mit dem Inkrafttreten des Transportverbots zu den Wiederaufarbeitungsanlagen am 1.7.2005 sollen alle erforderlichen dezentralen Zwischenlager an den AKW-Standorten betriebsbereit sein, um innerdeutsche Atomtransporte zu vermeiden.

Nach Abschluss der Arbeiten des „Arbeitskreises Auswahlverfahren Endlager“ wird die Bundesregierung dem Bundestag einen Beschlussvorschlag zu den Auswahlkriterien und dem Auswahlverfahren für den Standort eines Endlagers entsprechend der Koalitionsvereinbarung von 1998 unterbreiten. Zur Frage der Finanzierung der Erkundungsarbeiten strebt die Bundesregierung eine Verständigung mit den Energieversorgungsunternehmen an, die deren Verantwortung als Abfallverursacher gerecht wird. Zuständigkeits- und Verfahrensfragen, einschließlich der Standortentscheidung für ein Endlager, werden gesetzlich geregelt.

Die Bundesregierung unterstützt die Initiative der Europäischen Kommission, in einer erweiterten Europäischen Union einheitliche Mindeststandards für den sicheren Betrieb von Kernkraftwerken festzulegen.

Verträge mit anderen Staaten, die der Förderung der Kernenergie dienen, werden mit dem Ziel überprüft, ob sie aufzuheben oder anzupassen sind.

Die staatliche Förderung der Entwicklung von nuklearen Techniken zur Stromerzeugung wird beendet.

Effizienzsteigerung beim Umweltrecht

Eine Straffung des zersplitterten Umweltrechts in einem Umweltgesetzbuch und eine damit einhergehende Entbürokratisierung erfordert eine einheitliche Bundeskompetenz im Umweltschutz. Wir werden daher eine Initiative für eine entsprechende Verfassungsänderung beim Wasserrecht starten. Damit wird der Schutz der Umwelt effektiver gewährleistet und das Umweltrecht praktikabler und transparenter gestaltet. Die Aarhus-Konvention, die den Zugang zu Umweltdaten festlegt, wird zügig ratifiziert.

Moderne Abfallwirtschaft

Im Zentrum unserer Abfallpolitik steht die Produktverantwortung. Mit ihr wollen wir erreichen, dass bereits in der Produktionsphase die Voraussetzungen für eine effektive und umweltverträgliche Abfallvermeidung und -verwertung geschaffen werden. Stoffkreisläufe wollen wir schließen. Mit der Ablagerungs-, der Gewerbeabfall-, der Altholz- und der Bergversatzverordnung haben wir ökologische Standards für eine umweltverträgliche Verwertung geschaffen und Schlupflöcher für Billigentsorgungen geschlossen. Diese Politik wollen wir konsequent fortsetzen.

Die Emissionsstandards für die Mitverbrennung von Abfällen in Industrieanlagen werden wir verschärfen.

Es werden alle erforderlichen Maßnahmen ergriffen, um das Dosenpfand pünktlich zum 1. Januar 2003 einzuführen.

Zum Schutz von Boden, Luft und Wasser dürfen ab 2005 nur noch vorbehandelte Siedlungsabfälle abgelagert werden. Die Kommunen sind aufgefordert, die erforderlichen Anlagen zügig bereitzustellen. Die vom Bundesrat mitbeschlossene Frist 2005 wird nicht verändert.

Gewässer- und Naturschutz

Auf der Donau zwischen Straubing und Vilshofen wird die Schiffbarkeit ohne den Bau weiterer Staustufen verbessert. Staustufen an der Saale werden nicht gebaut. Die Ausbaumaßnahmen und in ihren Auswirkungen vergleichbare Unterhaltungsmaßnahmen auf der Elbe werden nicht umgesetzt.

Zur Verbesserung des vorbeugenden Hochwasserschutzes wird das „5-Punkte-Programm“ der Bundesregierung zur Flusskonferenz vom 15. September 2002 zügig realisiert. Entscheidend kommt es darauf an, in den verschiedenen Flusskommissionen die länderübergreifenden Aktionspläne zügig fertig zu stellen und umzusetzen. Der Bund wird mit den Ländern unverzüglich Gespräche darüber aufnehmen, wie die bestehenden Vollzugsdefizite beseitigt werden können. Zur Herstellung einheitlicher Standards beim Hochwasserschutz und zur Regelung eines Interessenausgleichs zwischen Ober- und Unterliegern ist es erforderlich, die grundgesetzlichen Kompetenzen des Bundes im Bereich des Hochwasserschutzes zu stärken.

Zum Erhalt der hohen Qualität der Trinkwasserversorgung bleibt die Wasserversorgung eine kommunale Aufgabe.

Der Erhalt der biologischen Vielfalt ist national und international ein wichtiges Anliegen. Wir werden den Naturschutz weiter stärken. Die Bundesregierung wird mindestens einmal in der Wahlperiode einen Bericht zur Lage der Natur vorlegen, der ausführlich über die Entwicklung in den einzelnen Bereichen informiert.

Die Bundesregierung wird in Nord- und Ostsee Meeresschutzgebiete ausweisen.

Der Aufbau des Nationalen Naturschutzes, dessen Grundlage die Übertragung von 100.000 Hektar ökologisch wertvoller Flächen in den neuen Bundesländern ist, wird fortgesetzt. Beim Verkauf von Naturschutzflächen im Besitz des Bundes wollen wir diese zuerst den Naturschutzbehörden der Länder beziehungsweise Naturschutzverbänden zum Kauf anbieten.

Die Bundesregierung wird eine Strategie zur Reduzierung der Flächeninanspruchnahme gemäß den Zielen der Nationalen Nachhaltigkeitsstrategie entwickeln.

Die Waldflächen des Bundes werden in Zukunft nach den Regeln der naturnahen Waldbewirtschaftung unterhalten und nach FSC-Qualitätskriterien zertifiziert. Tropenholz wird im Bereich des Bundes nur noch aus FSC-zertifizierten Beständen beschafft. Bis zum Ende der Legislaturperiode wird die gesamte Holzbeschaffung auf diesen Standard umgestellt.

Umwelt und Gesundheit

Das Aktionsprogramm „Umwelt und Gesundheit“ wird konkretisiert und fortentwickelt. Kinder und Jugendliche sollen als Zielgruppe in den Mittelpunkt des Aktionspro-

gramms gerückt werden. Insbesondere soll durch gezielte Aufklärung bereits im Kindesalter die Grundlage für eine selbständige und ausgewogene Einschätzung von Gesundheitsrisiken (z. B. Umweltrisiken, Fehlernährung und Lärm) gelegt werden.

Lärm ist eine wachsende Belastung für viele Menschen. Wir wollen nachdrücklich zu einer Minderung dieser Belastung beitragen. Hierfür soll die EU-Richtlinie zum Umgebungslärm handlungsorientiert umgesetzt werden.

Mit der Vergabe des „Blauen Engels“ für strahlungsarme Mobiltelefone wird den Kunden eine Entscheidungshilfe beim Kauf geboten. Die jährlichen Haushaltsmittel für die Erforschung der Wirkung von elektromagnetischen Feldern werden deutlich erhöht; im Zeitraum 2002 bis 2005 werden mehr als 8,5 Mio. € zur Verfügung gestellt.

Die Einhaltung der Selbstverpflichtung der Mobilfunkbetreiber zur Stärkung des Verbraucher- und Gesundheitsschutzes beim Ausbau der Mobilfunknetze wird auf der Grundlage eines unabhängigen jährlichen Gutachtens überprüft.

Die Regulierungsbehörde für Telekommunikation und Post wird die Daten von Sendeanlagen über eine zentrale Datenbank der Öffentlichkeit verfügbar machen.

Bodenschutz

Der Einsatz von Düngemitteln (z. B. Klärschlamm, Gülle und Mineraldünger) bei der Produktion von Nahrungsmitteln darf nicht zu einer schleichenden Anreicherung von Schadstoffen in den landwirtschaftlichen Böden führen. Es werden geeignete Grenzwerte eingeführt, um die Erzeugung von gesunden Nahrungsmitteln auf sauberen Böden auf Dauer zu gewährleisten. Darüber hinaus werden wir zum Schutz des Bodens eine Konzeption vorlegen, die insbesondere darauf abzielt, Bodenerosionen und weitere Bodenverdichtungen zu vermeiden.

Chemikalienpolitik

Mit dem im Februar 2001 vorgelegten Weißbuch hat die EU-Kommission einen Vorschlag für eine umfassende Neugestaltung der europäischen Chemikalienpolitik präsentiert, der das übergreifende Ziel der nachhaltigen Entwicklung verfolgt. Wir sehen im Weißbuch eine insgesamt tragfähige Grundlage und werden die Fortentwicklung des europäischen Chemikalienrechts auf der Grundlage der „Gemeinsamen Position der Bundesregierung, des VCI und der IG BCE“ vom März 2002 konstruktiv unterstützen.

Mobilität für das 21. Jahrhundert

Wir verfolgen das Leitbild einer nachhaltigen Mobilität, wie es die Bundesregierung in der Nationalen Nachhaltigkeitsstrategie entwickelt hat. Mit den Investitionen in die Verkehrsinfrastruktur und mit wichtigen Grundsatzentscheidungen für ein integriertes Verkehrssystem hat die Bundesregierung die Weichen richtig gestellt. Wir wollen darauf aufbauen und die Wege für eine nachhaltige Mobilität im 21. Jahrhundert bauen. Das Verkehrssystem wollen wir insgesamt umweltfreundlicher gestalten und damit auch einen Beitrag zum Klimaschutz leisten.

Verkehrsinvestitionen

Das starke Verkehrswachstum als Folge des Wirtschaftswachstums, der Globalisierung der Märkte, der Integration Europas, der Ausweitung des Handels mit Osteuropa, aber auch veränderter Produktions- und Kostenstrukturen stellt uns vor große Herausforderungen. Deshalb werden wir die Investitionen des Bundes in Straße, Schiene und Wasserstraße auf dem erreichten hohen Niveau beschäftigungswirksam fortsetzen. Dabei werden wir Schiene und Straße unter Einbeziehung der LKW-Maut, der kontinuierlich erhöhten Regionalisierungsmittel und der Mittel des Gemeindeverkehrsfinanzierungsgesetzes gleichwertig berücksichtigen.

Mit einem 90-Milliarden- „Zukunftsprogramm Mobilität“ werden wir die Steigerung der Investitionen in die Verkehrsinfrastruktur bei allen Bundesverkehrswegen verstetigen. Das Programm wird 2003 auf Grundlage des neuen Bundesverkehrswegeplans erarbeitet. Die Investitionen werden noch vor Ende des Jahrzehnts umgesetzt.

Mit dem Investitionsprogramm werden fünf Schwerpunkte festgelegt:

- Orientierung des Investitionsprogramms an der gezielten Engpassbeseitigung sowie der notwendigen Sanierung des bestehenden Bestandes des Straßen- und Schienennetzes, um es damit leistungsfähiger und sicherer zu machen. Die Funktionsfähigkeit der Wasserstraßen wollen wir ökologisch behutsam sicherstellen.
- Beschleunigter Ausbau von Ortsumgehungen, die zur Erhöhung der Lebensqualität und Sicherheit der Bewohner und zur Entlastung der Ortskerne führen.
- Stärkung des maritimen Standorts Deutschland durch gezielten Ausbau der Hinterlandanbindungen und Verbindung mit den Wirtschaftszentren in Deutschland.
- Integrierter Ausbau der Verkehrsinfrastruktur in den neuen Bundesländern.
- Für die finanzielle Unterstützung für den Bau von Anwendungsstrecken für die Magnetschwebbahntechnologie stehen auch weiterhin Bundesmittel in einer zugesagten Gesamthöhe bis zu 2,3 Mrd. € zur Verfügung.

Die LKW-Maut werden wir wie beschlossen 2003 einführen, um Güterverkehr von der Straße auf die Schiene und Wasserstraße zu verlagern, die Umwelt zu entlasten und Staus zu verhindern. Die Einnahmen aus der LKW-Maut werden überwiegend in die Verkehrsinfrastruktur reinvestiert. Mit der Gründung einer Infrastrukturfinanzierungsgesellschaft werden die Einnahmen für verkehrsträgerübergreifende Infrastrukturprogramme verwendet sowie die Umsetzung von Betreibermodellen unterstützt.

Die Aufstellung des neuen Bundesverkehrswegeplans wird zügig abgeschlossen. Dabei sind die bereits vorliegenden und noch zu erwartenden Ergebnisse aus Umweltrisikoeinschätzung, Raumwirksamkeitsanalyse, Kosten-Nutzen-Verhältnis sowie Finanzierbarkeit in einem gegenseitigen Abwägungsprozess im Sinne nachhaltiger Mobilität integraler Bestandteil der Erarbeitung.

Die Befahrbarkeit der Flüsse sollte durch die Entwicklung flussangepasster Binnenschiffe verbessert werden. Auf der Donau zwischen Straubing und Vilshofen wird die Schiffbarkeit ohne den Bau weiterer Staustufen verbessert. Staustufen an der Saale

werden nicht gebaut. Die Ausbaumaßnahmen und in ihren Auswirkungen vergleichbare Unterhaltungsmaßnahmen auf der Elbe werden nicht umgesetzt.

Die untere Havel wird vor 2006 aus dem Netz der Bundeswasserstraßen herausgenommen, indem das Verfahren zur Renaturierung der unteren Havel mit den betroffenen Ländern beschleunigt durchgeführt wird. Die Bundesregierung wird nach dem 5-Punkte-Programm Nutzungskonzepte der Flussgebiete in Abstimmung mit den Hochwasserschutzkonzepten erarbeiten.

Innovationen für eine nachhaltige Mobilität der Zukunft

Gemeinsam mit Wirtschaft, Gewerkschaften und Verbänden wollen wir die Mobilitätsoffensive fortsetzen und intelligente Lösungen für eine mobile Zukunft entwickeln.

Die Preise der Mobilität sollten sich nach den verursachten Kosten richten. Wir unterstützen die EU in ihrem Bemühen im Hinblick auf die Preise der Mobilität auch externe Kosten einzubeziehen und hierbei eine Harmonisierung der Wettbewerbsbedingungen sicherzustellen. Ungleichgewichte bei der Kostenanlastung auf die Verkehrsträger werden wir abbauen. Der Abbau fiskalischer Belastungsunterschiede innerhalb der EU – auch unter Nutzung nationaler Spielräume – muss fortgesetzt werden. Dies schließt den konsequenten Abbau aller europäisch nicht harmonisierter Subventionen innerhalb der einzelnen Verkehrszweige ein.

Mehr Öffentlicher Verkehr, stärkere Schiene

Wir setzen auf den Erfolg des neuen Tarifsystems bei der Deutschen Bahn und planen ab 2005 zur weiteren Erhöhung der Attraktivität – insbesondere für Familien – den Mehrwertsteuersatz für den Schienenpersonenfernverkehr auf 7 % zu reduzieren.

Den Güterverkehr auf der Schiene wollen wir bis 2015 verdoppeln. Hierfür werden wir mit der Umsetzung des Konzeptes „Netz 21“ und mit einer verbesserten Hinterlandanbindung der deutschen Häfen notwendige Voraussetzungen schaffen und die Errichtung und Reaktivierung von Gleisanschlüssen fördern. Der Kombinierte Verkehr wird gezielt gefördert. Zur Verkehrsverminderung und Verkehrsverlagerung werden geeignete Maßnahmen ergriffen. Die Verantwortung für das Streckennetz verbleibt in öffentlicher Hand.

Um den Schienenverkehr effizienter und auf dem Verkehrsmarkt konkurrenzfähiger zu machen, ist eine entscheidende Voraussetzung, dass der diskriminierungsfreie Zugang zur Eisenbahninfrastruktur und der einfache Kundenzugang zu Fahrplandaten für alle Wettbewerber sichergestellt wird. Die Ergebnisse der Task-Force „Schiene“ werden konsequent umgesetzt. Wir wollen den wechselseitigen Zugang für Güter- und Personenbahnen zu allen Netzen der EU auf Basis von Diskriminierungsfreiheit und Gegenseitigkeit durchsetzen. Den Abbau von Hemmnissen für den grenzüberschreitenden Schienenverkehr und die Entbürokratisierung des Eisenbahnrechts werden wir energisch vorantreiben.

Unser Ziel ist ein für die Benutzer attraktives öffentliches Verkehrssystem mit flächendeckendem Angebot, anbieterübergreifender Fahrplanauskunft und einem Ticket von Tür zu Tür. Wettbewerb sorgt für gute Angebote und günstige Preise für den Verkehrskunden. Wir werden im Personenverkehr mit Bus und Bahn einen

kontinuierlichen Übergang in den Wettbewerb unter Beachtung ambitionierter und verbindlicher Umwelt-, Sozial- und Qualitätsstandards sicherstellen.

Technische Lösungen zur Bewältigung des Verkehrszuwachses und zur effizienteren Nutzung der Infrastruktur wie auch zur Steigerung von Verkehrssicherheit und Umweltschutz werden wir verstärkt nutzen, wie Systeme der Verkehrstelematik, die Magnetschwebbahntechnologie oder die Satellitennavigation.

Einen erheblichen Anteil der Punkt-zu-Punkt-Verbindungen im innerdeutschen Luftverkehr wollen wir durch attraktive Angebote im Schienenverkehr ersetzen und die Anbindung der zentralen Flughäfen an die Schiene weiter ausbauen.

Güterkraftverkehr

Den in Deutschland erreichten hohen Standard bei den Sozialvorschriften, Sicherheitsstandards und Umweltvorschriften für den Verkehrsbereich wollen wir – auch durch entsprechende Kontrolle und Ahndung – weiter verbessern und wettbewerbsrelevante Ungleichbehandlungen vermeiden. Eine EU-weite und für globale Verkehrsträger internationale Harmonisierung dieser Vorschriften und Standards muss gewährleistet sein. Wir streben bei den Kostenbelastungen im europäischen Wettbewerb eine Harmonisierung an.

Belastung durch Verkehrslärm abbauen

Das Fluglärmgesetz wird mit dem Ziel novelliert, für alle Flughäfen den Schutz der Bevölkerung vor Lärm deutlich zu verbessern.

Das von uns eingeführte Programm zur Lärmsanierung an Schienenwegen werden wir fortentwickeln und die Verkehrswirtschaft bei ihren Anstrengungen bei der Entwicklung und Anwendung von technologischen Innovationen zur Lärminderung unterstützen. Erstmals werden wir ein Programm zur Lärmsanierung an bestehenden Bundesautobahnen auflegen.

Luftbelastung und CO₂-Emissionen verringern

Die Schadstoffbelastungen durch den Autoverkehr wollen wir weiter verringern, vor allen Dingen beim Dieselruß und bei den Stickoxiden. Dafür ist neben steuerlichen Anreizen vor allem eine Fortentwicklung der europäischen Abgasnormen erforderlich mit dem Ziel der Einführung des Partikelfilters oder vergleichbarer technischer Lösungen. Die Markteinführung von Erdgasfahrzeugen, die heute schon höchste Abgasstandards erfüllen, und die Entwicklung anderer alternativer Antriebssysteme werden wir vorantreiben. Wir unterstützen die Markteinführung von Null-Emissions-Fahrzeugen, wie wir es z. B. mit dem Clean-Energy-Projekt für den Wasserstoff-einsatz begonnen haben.

Die Einführung einer europäischen flugstreckenbezogenen Emissionsabgabe und die weitere Differenzierung von Start- und Landegebühen auch nach Emissionen unterstützen wir nachdrücklich. Im Luftverkehr sind im Rahmen bilateraler Abkommen solche Regulierungen zügig abzubauen, die den Marktzugang hemmen.

Mehr Sicherheit im Straßenverkehr - Fahrradverkehr

Das Programm für mehr Sicherheit im Straßenverkehr wird umgesetzt und weiterentwickelt. Dabei steht im Vordergrund, vor allem schwächere Verkehrsteilnehmer (Kinder, Behinderte und ältere Menschen) und Fußgänger zu schützen und Unfallrisiken junger Fahrer zu reduzieren.

Wir werden mit dem Ziel, den Anteil des Radverkehrs kontinuierlich zu erhöhen, den „Nationalen Radverkehrsplan 2002“ konsequent umsetzen. Der Bund wird die Mittel für seine Radwege auf dem erreichten erhöhten Niveau verstetigen. Die Entwicklung innovativer Verkehrsdienstleistungen werden wir weiter unterstützen.

Konsequente Verbraucherpolitik – gesunde Lebensmittel – moderne Agrarpolitik

Verbraucherschutz als Querschnittsaufgabe

Wir messen dem Verbraucherschutz in allen Politikbereichen einen herausragenden Stellenwert bei. Wir werden die Verbraucherrechte hinsichtlich Sicherheit, Information und Wahlfreiheit in unserer nationalen Politik stärken. Wir werden zugleich darauf hinwirken, dass infolge des freien Verkehrs von Waren und Dienstleistungen Gesundheits-, Umwelt- und Sicherheitsvorschriften auch EU-weit und international durchgesetzt werden. Die Verbraucher müssen umfassende Informationen erhalten, damit sie Kaufentscheidungen bewusst treffen können und vor missbräuchlichen Praktiken geschützt werden. Wir sehen in einem höheren Verbraucherschutzniveau einen wichtigen Standortvorteil für unsere Wirtschaft.

Verbraucherschutz ist eine Querschnittsaufgabe. Die Koalitionsparteien sorgen daher für eine systematische Einbeziehung der Verbraucherinteressen in alle relevanten Politikbereiche. Der Schutz der Verbraucher vor Gesundheitsgefährdungen hat absoluten Vorrang vor wirtschaftlichen Interessen. Grundsätzlich wollen wir mit allen gesellschaftlichen Gruppen dazu beitragen, die Wertschätzung der „Mittel zum Leben“ in ihrer zentralen Bedeutung für Gesundheit und Lebensfreude wieder zu erhöhen. Der „kluge“ Konsum der gut informierten Verbraucherin und des Verbrauchers spielt künftig eine immer wesentlichere Rolle.

Mit der immer weiter fortschreitenden Internationalisierung der Warenströme wird Verbraucherschutz zum wesentlichen Globalisierungsthema. Er soll als „Leitplanke“ im Liberalisierungsgeschehen der globalen Märkte wirken und hat damit eine wesentliche Schutzfunktion.

Beim vorsorgenden Verbraucherschutz geht es um den gesundheitlichen Verbraucherschutz, den wirtschaftlichen und rechtlichen Verbraucherschutz, die Verbraucherinformation und den Täuschungsschutz.

Verbraucherkompetenz stärken und Verbraucherschutz ausbauen

Wir werden eine verbraucherpolitische Gesamtstrategie entwickeln und diese konsequent an den Kriterien der Nachhaltigkeit ausrichten. Wir werden einen „Aktionsplan Verbraucherschutz“ erarbeiten und beginnend ab 2004 in einem „Fortschrittsbericht Verbraucherschutz“ über die Umsetzung Auskunft geben.

Mit einem Verbraucherinformationsgesetz werden wir die Informationsrechte der Verbraucherinnen und Verbraucher gegenüber Behörden und Anbietern nachhaltig verbessern. Bei der Ausgestaltung sind Betriebs- und Geschäftsgeheimnisse der Wirtschaft und effektive Selbstverpflichtungen sowie der Datenschutz zu berücksichtigen.

Es soll ein neuer Schwerpunkt „Verbraucherschutz in der Informations- und Dienstleistungsgesellschaft“ geschaffen werden. Verbraucher sollen vor Fehlinformationen über Produkte, Verträge und Dienstleistungen geschützt werden und ggf. Schadenersatzansprüche erhalten. Deshalb treten wir ein für mehr Verbraucherschutz beim Eigenheimkauf und -bau, erweiterte Kennzeichnung für Produkte und Dienstleistungen, eine verbraucherfreundliche Gestaltung des Telekommunikationsrechts, eine Reform des Versicherungsvertragsgesetzes, Qualitätssicherung in der Aus- und Weiterbildung sowie aussagekräftige Informationen und die Verbesserung der Beratungspflicht vor allem bei Finanzdienstleistungen. Angesichts gestiegener Insolvenzrisiken bei Anbietern von Finanzdienstleistungen im Binnenmarkt sollen neben einer effektiven Aufsicht auch andere Sicherungsinstrumente (z. B. Einrichtung von Sicherungsfonds) treten.

Die verbraucherrelevante Forschung soll ausgebaut werden. Die Ressortforschung wird auf verbraucherrelevante Fragen ausgeweitet, an die neuen Anforderungen der Agrarpolitik konzeptionell angepasst und effizienter organisiert. Besonders die Auswirkungen von Stoffen in Lebensmitteln auf die Gesundheit und Entwicklung von Kindern und Jugendlichen sollen verstärkt untersucht werden.

Unabhängige Verbraucherberatung und die Stiftung Warentest stellen wichtige Informationen für Bürgerinnen und Bürger insbesondere bezüglich der Alltagsgeschäfte zur Verfügung. Die Stiftung soll gestärkt werden.

Gesunde Ernährung und sichere Lebensmittel

Gesunde Ernährung ist zentral für individuelle Lebensqualität und beste Voraussetzung für Leistungsfähigkeit von Kindesbeinen an bis in das hohe Alter. Wir wollen die steigende Zahl an ernährungsbedingten Krankheiten senken. Besonders Kinder sind immer öfter von chronischen Krankheiten betroffen. Einen weiteren Schwerpunkt wollen wir auf die ausgewogene und gesunde Ernährung von älteren Menschen legen, um Wohlbefinden und Gesundheit bis ins hohe Alter zu fördern. Wir wollen daher in zielgruppenorientierten Kampagnen besonders für Kinder und ältere Menschen über eine altersgemäße gesunde Ernährung aufklären. Ein Modellvorhaben Ernährung als Lehrfach in Schule und Hochschule werden wir unterstützen.

Auch die Lebensmittelsicherheit muss weiterhin nachhaltig verbessert werden. Der Schutz der Verbraucherinnen und Verbraucher vor Gesundheitsgefahren durch mikrobielle Verunreinigungen und Rückstände von Tierarzneimitteln, Pflanzenschutzmitteln und Mykotoxinen und sonstigen Kontaminanten hat hohe Priorität. Dabei spielen die Futtermittel als wesentliches Glied in der Lebensmittelproduktionskette eine entscheidende Rolle.

Wir setzen uns für durchgehende Sicherungssysteme in der gesamten Produktionskette ein, damit Deutschland seine Spitzenstellung bei der Herstellung gesunder Lebensmittel weiter ausbauen kann.

Wir werden das Bundesamt für Verbraucherschutz und Lebensmittelsicherheit und das Bundesinstitut für Risikobewertung zu wirksamen Einrichtungen ausbauen.

Die Kennzeichnung von Lebensmitteln soll hinsichtlich Herkunft, Herstellungsbedingungen und Inhaltsstoffen novelliert werden.

Bei der Umsetzung der EU-Basisverordnung 178/2002 für Lebensmittel und Futtermittel hat für uns ein neues Lebensmittelgesetzbuch Priorität. Des weiteren wollen wir Vorsorgemaßnahmen gegen die Ausweitung der Antibiotikaresistenz sowie die Kontrolle importierter Lebensmittel durch ein risikoorientiertes Überwachungskonzept vorantreiben.

Im Lichte der Globalisierung des Lebensmittelhandels, des neuen integrierten Ansatzes „vom Acker bis zum Teller“, der Rückverfolgbarkeit und der notwendigen Verzahnung von Lebensmittel- und Futtermittelkontrolle ist es notwendig, neue Strategien zur Erhöhung der Schlagkraft der Lebensmittelüberwachung zu erarbeiten und umzusetzen. Das Futtermittelrecht muss verbessert und es müssen ausreichende Haftungsregelungen für gewerbliche Futtermittelhersteller eingeführt werden.

Grüne Gentechnik: Wahlfreiheit herstellen

Wir wollen für die Verbraucherinnen und Verbraucher bei der Grünen Gentechnik Wahlfreiheit und Transparenz sicherstellen. Gentechnikfreier konventioneller wie auch ökologischer Landbau müssen auch in Zukunft abgesichert sein.

Die Bundesregierung setzt sich für Rückverfolgbarkeit und Kennzeichnung ein, um die Wahlfreiheit der Verbraucher sicherzustellen. Daher setzen wir uns auf EU-Ebene bei Verunreinigungen durch gentechnisch veränderte Organismen für möglichst niedrige Schwellenwerte und die Kennzeichnung von Saatgut und aller Bestandteile eines Futter- bzw. Lebensmittels sowie für eine Prozesskennzeichnung und die Verbesserung des Haftungsrechts gemäß dem Verursacherprinzip ein. Die Novelle des Gentechnikgesetzes zur Umsetzung der EU-Freisetzungsrichtlinie muss unter Verbraucherschutzgesichtspunkten erfolgen. Wir streben ein effizientes Monitoring an und werden dafür die wissenschaftlichen Grundlagen erarbeiten sowie ein Kataster anlegen. Diese Grundsätze werden wir auch weiterhin in internationalen Verhandlungen vertreten.

Landwirtschaft und ländlichen Raum zukunftsfähig machen

Unser Leitbild für eine Neuausrichtung der nationalen Agrarpolitik ist eine wettbewerbsfähige und nachhaltige Landwirtschaft, in deren Zentrum Mensch, Gesundheit und Natur stehen. Wir unterstützen daher den über den landwirtschaftlichen Bereich hinausgehenden Ansatz der EU-Kommission, die 2. Säule für Maßnahmen der ländlichen Entwicklung zu stärken und die integrierte ländliche Entwicklung voranzubringen. Wir nehmen die Herausforderungen an, Ausbildungs- und Arbeitsplätze im ländlichen Raum zu erhalten und neue zu schaffen, insbesondere in den neuen Ländern. Wir wollen, dass sich auch in Zukunft junge Menschen für das Berufsfeld Landwirtschaft entscheiden. Besonders Jugendlichen und Frauen im ländlichen

Raum sollen neue Beschäftigungsperspektiven und damit Lebensperspektiven eröffnet werden.

Wir wollen eine zukunftsfähige Landwirtschaft in Deutschland. Wir wollen, dass die Landwirtschaft ein moderner Wirtschaftsbereich mit zukunftsweisender Agrartechnik ist. Wir wollen leistungs- und wettbewerbsfähige Betriebe, die eine hohe Prozess- und Produktqualität als Standortvorteil nutzen und im europäischen und internationalen Wettbewerb bestehen können. Deshalb streben wir einheitlich hohe Standards in den Bereichen des Verbraucher-, Umwelt- und Tierschutzes an.

Wir unterstützen eine nachhaltig wirtschaftende Landwirtschaft mit flächengebundener Tierhaltung. Der ökologische Landbau als besonders nachhaltige Form der Landbewirtschaftung verdient weiter unsere Aufmerksamkeit. Teil der Nachhaltigkeitsstrategie der Bundesregierung ist es, den Anteil des ökologischen Landbaus in 10 Jahren auf 20 % zu erhöhen.

Die Bäuerinnen und Bauern sollen zukünftig stärker als bisher für ihre gesellschaftlichen Leistungen zum Nutzen aller entlohnt werden, so z. B. durch Agrarumweltmaßnahmen für die Pflege unserer Kulturlandschaften, denn dies ist ein wesentlicher Beitrag zum Umweltschutz und Erhalt der Artenvielfalt.

Wir werden in unserer Politik für den ländlichen Raum die multifunktionale Landwirtschaft durch Einkommensdiversifizierung stärken und Landwirte zunehmend zu „Energiewirten“ machen. Insbesondere die Energiegewinnung aus Biomasse („zweite Ernte“) sowie Biotreib- und Schmierstoffe sollen verstärkt gefördert werden. Wir wollen die Bereitstellung von Mitteln aus dem „Marktanreizprogramm Erneuerbare Energien“ für die Förderung der Energiegewinnung aus Biomasse verlässlich fortsetzen. Bei der Novellierung des Baurechts werden wir den Bau von Biomasse-/ Biogasanlagen und sonstigen Vorhaben multifunktionaler Landwirtschaft im Außenbereich erleichtern.

Die Aktionsprogramme „Bäuerliche Landwirtschaft“ und „Ökologischer Landbau“ sollen unter Einbindung der regionalen Ebene weiter erarbeitet werden und wichtige neue Anstöße für die Entwicklung der ländlichen Räume geben. Im Sinne einer nachhaltigen Landwirtschaft sollen negative Umweltwirkungen minimiert werden. Dazu muss gewährleistet werden, dass die Bewirtschaftung des Bodens so erfolgt, dass die Produktion gesunder Lebensmittel dauerhaft möglich ist. Hierzu wollen wir u.a. eine Strategie zur Minderung des Einsatzes von Pflanzenschutzmitteln durch Anwendung, Verfahren und Technik sowie gute fachliche Praxis entwickeln. Wir treten aus Verbraucherschutz- und Wettbewerbsgründen für eine schnellere Harmonisierung der Zulassung und Anwendung von Pflanzenschutzmitteln in der EU ein.

Wir wollen die Gemeinschaftsaufgabe „Verbesserung der Agrarstruktur und des Küstenschutzes“ gezielt zu einem Instrument zur Förderung der nachhaltigen Entwicklung des ländlichen Raumes ausgestalten. Im Hinblick auf die verstärkte Marktorientierung der EU-Agrarpolitik werden wir der Investitionsförderung landwirtschaftlicher Betriebe (insbesondere artgerechte Tierhaltung, Qualitätsproduktion, regionale Verarbeitung und Vermarktung) und Verbesserung der Vermarktungsstrukturen eine besondere Aufmerksamkeit schenken, damit sich die Landwirtschaft im Wettbewerb behaupten kann. Ein weiterer Schwerpunkt ist auch die Förderung von Agrarumwelt- und Vertragsnaturschutzmaßnahmen.

Das Marktstrukturgesetz soll novelliert werden, um eine Stärkung der Marktposition von Erzeugergemeinschaften in der überregionalen wie auch der regionalen Vermarktung zu erreichen.

Wir werden das Weingesetz novellieren, um den Qualitätssektor im nationalen und internationalen Weinmarkt mit deutschen Weinen besser besetzen zu können.

Reform der gemeinsamen Agrarpolitik in Europa

Wir wollen eine Reform der EU-Agrarpolitik (Halbzeitbilanz der Agenda 2000), die den Anforderungen einer erweiterten Union und einer gerechteren und reformierten Welthandelsordnung Rechnung trägt und ein nachhaltiges Wirtschaften fördert. Insbesondere unterstützen wir die Bindung der Direktzahlungen an Umwelt- und Tierschutzkriterien sowie Arbeitsplätze, die Stärkung der Maßnahmen zur Entwicklung ländlicher Räume (2. Säule) und die Einführung der obligatorischen Modulation. Durch eine schrittweise Entkoppelung der Agrardirektzahlungen von der Produktion sollen Anreize zur Überproduktion künftig entfallen. Gleichzeitig müssen diese Zahlungen an die Erfüllung bestimmter Standards in den Bereichen Umwelt- und Tierschutz gebunden werden. Die Vorschläge zur sozial gerechteren Gestaltung der Direktzahlungen in den derzeitigen Mitgliedsstaaten und der Verwendung der Gelder in den jeweiligen Mitgliedsstaaten müssen so gestaltet werden, dass mehr Gerechtigkeit hergestellt wird, Produktionszweige differenziert beurteilt werden und keine einseitige Benachteiligung von Regionen fortgeführt oder herbei geführt wird. Insbesondere die Situation der Grünlandstandorte muss hier berücksichtigt werden. Der besonderen strukturellen, betriebsgrößenbedingten Situation der Landwirtschaft in den neuen Ländern muss unter dem Gesichtspunkt der Vermeidung von Arbeitsplatzverlusten angemessen Rechnung getragen werden.

Nachhaltigkeit als globale Herausforderung

Wir verpflichten uns, unseren Beitrag zur Lösung der globalen Herausforderungen, den Erhalt unserer natürlichen Lebensressourcen und den gerechten Zugang aller Menschen und zukünftiger Generationen zu diesen auf nationaler, europäischer und internationaler Ebene zu leisten. Entscheidende Grundlage ist eine sozial, ökologisch und ökonomisch nachhaltige Bewirtschaftung dieser Ressourcen.

Wir wollen dem Recht auf Zugang zu ausreichender und gesunder Nahrung aller Menschen global zur Durchsetzung verhelfen. Zugangsrechte zu Land, Saatgut, Wasser und Wald, wie auch Bildung und Information und medizinischer Versorgung für alle Menschen weltweit sind wesentliche Voraussetzungen für Entwicklung und müssen deshalb (insbesondere auch für Mädchen und Frauen) gesichert werden. Für uns hat die Förderung der Entwicklung der ländlichen Räume weltweit eine hohe Priorität.

Wir wollen bei den anstehenden Verhandlungen mit der Welthandelsorganisation marktverzerrende EU-Exportsubventionen abschaffen und Umwelt-, Tierschutz- und Sozialstandards verankern. Wesentlich für uns ist die Integration der Entwicklungsländer unter dem Aspekt der „besonderen und differenzierten Behandlung“ in den Welthandel. Der faire Handel verdient besonderes Augenmerk, insbesondere in der Kombination „fair und öko“. Entsprechende Kennzeichnungen werden wir fördern.

Weitere Anliegen der Regierungskoalition sind der Schutz der Artenvielfalt sowie der Erhalt der letzten Regenwälder (Erhalt der Biodiversität, Schutz der pflanzengenetischen Ressourcen) und die Durchsetzung einer nachhaltigen Bewirtschaftung der Meere sowie in der Aquakultur. Dabei kommt dem Schutz der Meeressäuger (Wale, Tümmler, Delphine) besonderes Augenmerk zu.

Eine naturnahe Waldwirtschaft ist Teil der Nachhaltigkeitsstrategie der Bundesregierung. Deshalb soll das Bundeswaldgesetz reformiert werden. Auf internationaler Ebene und bei der Einfuhr müssen die Maßnahmen gegen illegalen Holzeinschlag und Handel mit illegal geschlagenem Holz verschärft werden. Wir wollen eine Charta für den stärkeren Holzabsatz bzw. Holzverwendung initiieren. Forst- und Holzwirtschaft bilden eine Einheit und müssen an den Kriterien der Nachhaltigkeit ausgerichtet werden.

Wir werden das Jagdrecht unter Berücksichtigung einer naturnahen Waldbewirtschaftung und unter Tierschutzaspekten novellieren.

Tierschutz

Die Aufnahme des Tierschutzes als Staatsziel in das Grundgesetz war ein wesentlicher Schritt hin zu einem würdigen Umgang mit unseren Mitgeschöpfen, den Tieren. In dieser Legislaturperiode wollen wir in weiteren Schritten die Haltungs- und Transportbedingungen für Tiere, auch für Heimtiere verbessern, die weitere Entwicklung von Alternativen zu Tierversuchen (Forschung, Dialog mit der Wirtschaft) fördern und umsetzen.

Die planungsrechtliche Steuerung von Standorten für Tierhaltungsanlagen ist auf der Grundlage des Berichts der Unabhängigen Expertenkommission „Novellierung des Baugesetzbuchs“ zu verbessern.

Die Tierseuchenbekämpfung wird verbessert. Auch wenn dies in erster Linie Aufgabe der Länder ist, so erfordert es auch auf Bundesebene effiziente Strukturen, sowohl um die Diagnostik sicherzustellen als auch um die Länder z. B. bei epidemiologischen Untersuchungen zu unterstützen.

VI. SOLIDARISCHE POLITIK UND ERNEUERUNG DES SOZIALSTAATS

Sozialpolitik

Generationengerechtigkeit, Nachhaltigkeit und Verlässlichkeit bei der Bewältigung der wichtigsten Lebensrisiken sind unsere Gestaltungsmaximen für einen modernen Sozialstaat. Sozialpolitik gerecht, innovativ, effizient und transparent gestalten - das ist Leitbild unserer Politik. Dieses Leitbild prägt auch das Gesicht unserer erfolgreich durchgeführten und der anstehenden sozialpolitischen Reformprojekte.

Soziale Sicherung zukunftsfest machen

Wir haben die sozialen Sicherungssysteme auf neue Anforderungen ausgerichtet. Mit der Rentenreform haben wir einen großen Schritt getan, die Alterssicherung langfristig zu stabilisieren. Herzstück der Reform ist die zusätzlichen Altersvorsorge, die mit dem größten Programm zum Aufbau von Altersvorsorgevermögen in der Geschichte der Bundesrepublik Deutschland gefördert wird. Dies trägt dazu bei, die Lasten möglichst gerecht zwischen den Generationen zu verteilen. Sie schafft Sicherheit für die jeweils ältere und Bezahlbarkeit für die jeweils jüngere Generation. Wir halten fest an der Zielsetzung der Begrenzung und Stabilisierung des Beitragsatzes zur Gesetzlichen Rentenversicherung.

Wir werden den begonnenen Ausbau der zusätzlichen Altersvorsorge, insbesondere auch der betrieblichen Altersversorgungssysteme, vorantreiben. Dabei sollen die Erfahrungen aus der Praxis berücksichtigt werden, die bei der Neuausrichtung der zusätzlichen Altersvorsorge gewonnen worden sind.

Wir werden bei der Umsetzung des Urteils des Bundesverfassungsgerichts zur unterschiedlichen Besteuerung von Renten und Beamtenpensionen sicherstellen, dass bestehendes Vertrauen geschützt wird, indem lange Übergangszeiten eingerichtet und Doppelbesteuerungen vermieden werden. Der größte Teil der Rentnerinnen und Rentner wird durch die notwendigen Änderungen auch weiterhin steuerlich nicht belastet sein. Wir werden die Aufwendungen für die Altersvorsorge schrittweise von der Besteuerung befreien.

Das Bundesverfassungsgericht hat dem Gesetzgeber bis Ende 2004 Zeit gegeben, die Erziehung von Kindern bei der Bemessung der Beiträge zur sozialen Pflegeversicherung zu berücksichtigen. Wir werden im Rahmen der Umsetzung dieses Urteils dem Auftrag des Bundesverfassungsgerichts Rechnung tragen und die Auswirkungen dieser Entscheidung auf die Rentenversicherung prüfen.

Transparenz, Wirtschaftlichkeit und eine bürgerfreundliche Verwaltung stärken das Vertrauen in die Alterssicherungssysteme. Wir verbessern durch eine umfassende Organisationsreform die Effektivität und Wirtschaftlichkeit der Rentenversicherung und streben Verwaltungsvereinfachungen an. Wir werden dabei die Belange der Mitarbeiterinnen und Mitarbeiter berücksichtigen und die Reform sozialverträglich ausgestalten.

Die gesetzliche Unfallversicherung muss vor dem Hintergrund des Strukturwandels in der Wirtschaft modernisiert werden. Deshalb werden wir die solidarische Lastenverteilung zwischen den Gewerbebranchen stärken und uns hierbei auf Vorschläge der Selbstverwaltung stützen.

Wir wollen die Weiterentwicklung der Sozialversicherungssysteme angesichts der demografischen Entwicklung, einer sinkenden Lohnquote und der zunehmenden Diskontinuität von Erwerbs- und Berufsbiografien bei Männern und Frauen prüfen.

Gesellschaftliche Teilhabe von Menschen mit Behinderung stärken

Von der Versorgung zu Teilhabe und Selbstbestimmung - unter diesem Gesichtspunkt haben wir einen Paradigmenwechsel in der Behindertenpolitik eingeleitet. In der vergangenen Legislaturperiode haben wir das größte gesetzgeberische Programm der Behindertenpolitik seit Mitte der 70er Jahre verabschiedet. Eine zukunftsweisende Politik für Menschen mit Behinderung wird auch weiterhin ein Schwerpunkt unseres Regierungshandelns sein.

Wir werden die Umsetzung des Gesetzes zur Gleichstellung von Menschen mit Behinderung auf allen Ebenen und insbesondere den Abschluss von Zielvereinbarungen fördern. Wir wollen das Prinzip der Barrierefreiheit weiter im Alltag verankern. Im Europäischen Jahr der Menschen mit Behinderung 2003 werden wir die Bevölkerung weiter für dieses Thema sensibilisieren. Wir werden die Selbstbestimmung von Menschen mit Behinderung stärken und Schritte zur Fortentwicklung der Eingliederungshilfe prüfen. Die mit dem Gesetz zur Bekämpfung der Arbeitslosigkeit Schwerbehinderter verfolgte Strategie ist erfolgreich und wird mit weiter entwickelten Zielvorgaben fortgesetzt.

Fördern und Fordern - Sozialhilfe modern gestalten

Die Sozialhilfe ist eine unverzichtbare Säule des Sozialstaates in Deutschland. Sie hat wie kein anderes Sozialleistungssystem auf gesellschaftliche Entwicklungen zu reagieren und ist folglich einem ständigen Wandel unterworfen.

Wir werden daher eine Gesamtreform der Sozialhilfe auf den Weg bringen. Diese wird bewährten Grundsätzen Rechnung tragen und aktivierende Instrumente und Leistungen verbessern und die Selbsthilfe stärken. Die finanziellen Leistungen werden wir transparent und bedarfsgerecht weiter entwickeln. Durch konkrete Hilfevereinbarungen und stärkere Pauschalierungen stärken wir die Selbstverantwortung der Menschen.

Wir stellen sicher, dass die Versicherungspflicht in der Gesetzlichen Krankenversicherung für alle Sozialhilfebezieher verbindlich gilt. Rückwirkungen auf das steuerliche Existenzminimum sind dabei zu vermeiden.

Mit der Zusammenführung von Arbeitslosenhilfe und Sozialhilfe bündeln wir die Kompetenzen zur Bekämpfung der Langzeitarbeitslosigkeit und schaffen Anreize zur Integration in das Arbeitsleben. Bei der Zusammenführung werden wir die Ergebnisse der Kommission zur Reform der Gemeindefinanzen berücksichtigen.

Armuts- und Reichtumsberichterstattung fortsetzen

Die Armuts- und Reichtumsberichterstattung werden wir zur Grundlage für eine Politik machen, die einem Auseinanderdriften der Gesellschaft in Arm und Reich entgegenwirkt. Deshalb werden wir die in der vergangenen Legislaturperiode eingeführte Berichterstattung im nationalen und europäischen Rahmen fortsetzen.

Mehr Qualität und mehr Wettbewerb im Gesundheitswesen

Das Gesundheitswesen in Deutschland ist auch weiter reformbedürftig. Wir wollen das solidarische Gesundheitssystem erhalten. Eine hochstehende medizinische und gesundheitliche Versorgung für alle Bürgerinnen und Bürger unabhängig von Einkommen, sozialer Stellung und Wohnort bleibt unser Ziel. Wir lehnen eine Zweiklassenmedizin ab. Der Wettbewerb um die beste Prävention und Versorgung für die Patientinnen und Patienten ist ein zentrales Anliegen unserer Gesundheitspolitik. Effizienz und Wirtschaftlichkeit, Transparenz und Qualität sind Voraussetzung für die Zukunftsfähigkeit des Gesundheitssystems bei stabilen Beiträgen.

Wir werden die Qualität des deutschen Gesundheitswesens weiter entwickeln, die Interessen der Patientinnen und Patienten stärken, die Wirtschaftlichkeit gewährleisten und die Transparenz erhöhen. Beitragssatzstabilität bleibt ein wichtiges Ziel. Wir stellen die Interessen der Patientinnen und Patienten in den Mittelpunkt unserer Gesundheitspolitik. Wir stärken den gesundheitlichen Verbraucherschutz und bauen die Beteiligungsrechte aus. Die Solidarität bleibt zentrales Element. Wir sorgen durch die Erhöhung von Effizienz und Wirtschaftlichkeit für sichere Finanzgrundlagen der Gesetzlichen Krankenversicherung. Erste Maßnahmen zur Beitragssatzstabilisierung werden wir kurzfristig ergreifen (Vorschaltgesetz).

Die Pflegeversicherung bleibt für uns ein wesentlicher ergänzender Zweig einer modernen, auf die Bedürfnisse der zu pflegenden Menschen ausgerichteten Sozialversicherung. Wir stimmen die Leistungen der Kranken- und Pflegeversicherung und die Rehabilitation besser aufeinander ab.

Mutige strukturelle Veränderungen sind die notwendige Voraussetzung, diese Ziele nachhaltig zu erreichen. Der Ausbau der solidarischen Wettbewerbsordnung verbindet Wahlfreiheiten und solidarischen Ausgleich und erhöht Qualität und Wirtschaftlichkeit.

Mit Fragen der Fortpflanzungs- und Biomedizin werden wir ethisch verantwortlich unter Wahrung der Gewissensfreiheit umgehen.

Solidarische Finanzierung sichern – Beitragssätze stabilisieren

Wir werden die Solidarität im Gesundheitssystem erhalten, d.h. einen funktions- und leistungsfähigen Ausgleich zwischen Jungen und Alten, zwischen denen, die mit und denen, die ohne Kinder leben und nicht zuletzt die paritätische Finanzierung zwischen Arbeitnehmerinnen und Arbeitnehmern auf der einen und Arbeitgebern auf der anderen Seite. Zur Stärkung der Solidarität und der Finanzgrundlagen der Gesetzlichen Krankenversicherung werden wir die Versicherungspflichtgrenze für neue Versicherungsverhältnisse auf das Niveau der Renten- und Arbeitslosenversicherung anheben. Bei der Beitragsbemessungsgrenze gibt es keine Änderungen.

Wettbewerb verbessern – effektiv steuern

Die Gesetzlichen Krankenkassen werden im Rahmen einer Organisationsreform in die Lage versetzt, ihren Beitrag zu einem notwendigen Qualitätswettbewerb zu leisten. Die Organisationen der Leistungserbringer (z. B. die Kassenärztlichen Vereinigungen und die Kassenzahnärztlichen Vereinigungen) werden zu wirksamen Dienstleistern fortentwickelt. Wir stärken die Handlungsmöglichkeiten der Hausärzte innerhalb der Kassenärztlichen Vereinigungen.

Im Zusammenwirken von Gesetzlichen Krankenkassen und Leistungserbringern muss Professionalität, Zielgerichtetheit und zügige Umsetzung garantiert sein. Wir werden entsprechende konfliktauflösende Mechanismen wie z. B. effektivere Schiedsstellen installieren, um die Interessen der Versicherten und der Patienten zu wahren. Die Anbieter von Gesundheitsdienstleistungen und die Krankenkassen werden in die Lage versetzt, neben den notwendigen kollektiven Verträgen Einzelverträge mit festgelegten Qualitätsniveaus abzuschließen. Der Kontrahierungszwang wird modifiziert. Der Zugang zu den medizinisch notwendigen Leistungen bleibt jedermann wohnortnah offen und die freie Arztwahl gewährleistet. Krankenhäuser, medizinische Zentren und andere Gesundheitsberufe werden in das System der Einzelverträge einbezogen. Der Sicherstellungsauftrag wird entsprechend den veränderten Bedingungen angepasst. Wir werden die Systeme der integrierten Versorgung stärken, eine bessere Abstimmung zwischen stationärem, teilstationärem und ambulantem Bereich ermöglichen und das Honorar- bzw. Entgeltsystem entsprechend ausrichten. In der ambulanten Versorgung können neben den freiberuflichen Ärztinnen und Ärzten Gesundheitszentren zusätzlich tätig werden.

Leistungen sichern - Qualität nachhaltig steigern

Im Rahmen der Gesetzlichen Krankenversicherung muss ein einheitlicher Leistungsanspruch sichergestellt sein. Wir orientieren die Versorgung strikt am medizinisch Notwendigen. Der Leistungskatalog der Gesetzlichen Krankenversicherung muss angesichts der demographischen Entwicklung und des medizinischen Fortschritts auf der Basis gesicherter wissenschaftlicher Erkenntnisse und unter Sicherung der Therapievelfalt stetig angepasst werden.

Für die Behandlung der großen Volkskrankheiten und die strukturierten Behandlungsprogramme erfolgt die notwendige Qualitätssicherung auf der Basis allgemein anerkannter medizinisch-wissenschaftlicher und pflegerischer Standards. Diese Transparenz setzt die Patientinnen und Patienten in die Lage, den Behandlungsverlauf selbst mitzugestalten.

Qualität im Gesundheitswesen beginnt mit überprüfbar gut aus- und fortgebildeten Ärztinnen und Ärzten; gleiches gilt für die übrigen Heilberufe. Die integrierte Versorgung chronischer Krankheiten wird Regelversorgung. Die Abstimmung zwischen Haus- und Fachärzten, Krankenhäusern, Rehabilitationseinrichtungen und sonstigen Leistungserbringern wird verbessert.

Der Hausarzt wird als „Lotse“ in dem komplexen System moderner Versorgung, Prävention und Rehabilitation tätig werden. Die Krankenkassen erhalten die Möglichkeit, Anreiz- und Bonussysteme zu etablieren. Möglichkeiten, unterschiedliche Therapieansätze im Rahmen von Satzungsleistungen zu etablieren, werden geprüft.

Um einen dynamischen Prozess der Fortentwicklung der medizinisch-pflegerischen Standards und der Einbeziehung neuer Erkenntnisse zu gewährleisten, werden wir das „Deutsche Zentrum für Qualität in der Medizin“ einrichten. Durch die Arbeit unabhängiger Sachverständiger werden die zügige Erstellung von Behandlungsleitlinien und die Fortschreibung des Leistungskataloges unter gleichberechtigter Einbeziehung komplementärer Therapierichtungen ebenso gewährleistet, wie eine Kosten-Nutzen-Bewertung neuer Arzneimittel. Alle Verfahren werden transparent ausgelegt und eine Beteiligung der Patientinnen und Patienten vorgesehen.

Die Arzneimittelversorgung wird liberalisiert.

Prävention wird eine eigenständige Säule neben der Akutbehandlung, der Rehabilitation und der Pflege. Um Prävention angesichts der Vielzahl von verantwortlichen Entscheidungsträgern durchschlagkräftig zu gestalten, wird das „Deutsche Forum für Prävention und Gesundheitsförderung“ sukzessive ausgebaut. Hier werden die Entscheidungen konzentriert, Kampagnen entwickelt und umgesetzt. Einen Schwerpunkt bildet die präventive Arbeit mit Kindern und Jugendlichen. Zur Steigerung der Wirksamkeit präventiver Maßnahmen werden die entsprechenden Vorschriften in einem Präventionsgesetz zusammengefasst und ergänzt.

Patientensouveränität stärken – Transparenz erhöhen

Patientenschutz und Patientenrechte werden ausgebaut. Patientinnen und Patienten haben einen legitimen Anspruch auf unabhängige Beratung, objektive Information und auf Anhörung auch bei Fragen der Sicherstellung der medizinischen Versorgung. Wir werden ihre Rechte durch eine Patientencharta und die Einsetzung eines Beauftragten stärken.

Zur Erhöhung der Transparenz und der Sicherung von Wirtschaftlichkeit und Effizienz im System führen wir auf freiwilliger Basis eine Gesundheitskarte ein. Sie soll vor unnötigen Doppeluntersuchungen schützen, unerwünschte Arzneimittelnebenwirkungen schneller erkennen lassen und die Datensicherheit stärken. Sie enthält die Notfalldaten und informiert über erforderliche Vorsorgeuntersuchungen. Patientinnen und Patienten haben Anspruch auf vollständige Informationen. Deshalb werden wir eine Patientenquittung einführen, mit der die Behandlungen nachvollzogen werden können.

Im Interesse der Patientinnen und Patienten werden die Leistungen und Angebote des Gesundheitssystems alters- und geschlechtsspezifischen Erfordernissen angepasst. Wir wollen eine Neuorientierung im Gesundheitswesen und der medizinischen Forschung im Hinblick auf Frauen. Die gesundheitliche Versorgung muss die gesamte Lebenssituation von Frauen berücksichtigen. In der Auftragsforschung und der Forschungsförderpolitik wird festgelegt, dass medizinische Forschung grundsätzlich geschlechtsspezifische Aspekte berücksichtigen muss.

Die Behandlung von Brustkrebs wird schnellstmöglich an die europäischen Qualitätsstandards angepasst. Deutschland wird ein Mammographie-Screening für Frauen zwischen 50 und 70 Jahren einführen. Die Einrichtung von interdisziplinären Brustkrebszentren und alternativen Vorsorge- und Behandlungsmethoden werden unterstützt.

Wir werden ein Gentest-Gesetz vorlegen, das auf den Prinzipien Freiwilligkeit, Diskriminierungsverbot, Datenhoheit der Patientinnen und Patienten, umfassende Aufklärung und Beratung sowie einem strikten Arztvorbehalt beruht. Die Nutzung der Ergebnisse wird lediglich für individuelle Therapien erlaubt.

Die Versorgungsforschung sowie die Anwendungsforschung zur schnelleren Umsetzung moderner Erkenntnisse im Gesundheitswesen werden wir verstärken.

Arbeit der Beschäftigten anerkennen und Belastungen vermindern

Die Beschäftigten im Gesundheitswesen brauchen klare Perspektiven. Der Bund wird seinen Beitrag leisten, damit regionale Defizite an Ärztinnen und Ärzten und Pflegepersonal ausgeglichen und unzumutbare Belastungen in Kliniken, Praxen und Pflegediensten vermieden werden. Die Beziehung der Heilberufe untereinander und ihre Kompetenzen werden überprüft.

Die Bundesregierung wird im Rahmen der Europäischen Union ihren Beitrag zur Entwicklung einer europäischen Gesundheitspolitik der Zukunft leisten, die den Interessen der Menschen nach Mobilität und der unbürokratischen Inanspruchnahme von Gesundheitsdienstleistungen auf Reisen und bei der grenzüberschreitenden Gesundheitsversorgung entspricht.

Sucht- und Drogenpolitik

Wir setzen unsere erfolgreiche Sucht- und Drogenpolitik fort, die auf den vier Säulen Prävention, Therapie, Repression und Schadensminderung aufbaut. Suchtstoffübergreifend wollen wir die strukturelle Prävention und den Kinder- und Jugendschutz stärken, Abhängigkeiten senken und Reintegration ermöglichen. Der Zugang zu Therapien soll erleichtert werden. Die Verschreibungsmöglichkeiten von Cannabis-arzneimitteln werden in wissenschaftlich anerkannten Fällen weiter entwickelt.

Wir werden eine nationale Antitabak-Kampagne durchführen, auch um den Nicht-raucherschutz zu stärken. In einem Aktionsplan Drogen und Sucht sollen in Abstimmung mit den Ländern, den Sozialversicherungsträgern und den Verbänden der Jugend- und der Suchtkrankenhilfe gemeinsame Ziele und Maßnahmen zur Verringerung der Suchtprobleme in unserer Gesellschaft festgelegt werden.

Humane Pflege

Die Pflegeversicherung muss leistungsfähig erhalten und weiterentwickelt werden. Es geht im Sinne einer ganzheitlichen Pflege vor allem um die Sicherung der Qualität und eine bedarfsgerechte Versorgungsinfrastruktur im ambulanten, teilstationären und stationären Bereich.

Das Urteil des Bundesverfassungsgerichtes zum Familienlastenausgleich bei der Pflege wird fristgerecht umgesetzt.

Wir lösen noch bestehende Konflikte zwischen der Gesetzlichen Krankenversicherung und der Pflegeversicherung auf und sorgen für eine abgestimmte Aufgaben- und Finanzierungsverteilung zwischen ihnen. Der Pflege sichern wir im Rahmen der

integrierten Versorgung ebenso ihren Platz wie in der Rehabilitation. Die Rechte der Pflegebedürftigen werden gestärkt.

Kinder und Jugendliche stärken und schützen

Kinder wachsen in unserer Gesellschaft anders auf als früher. Neben den Familien tragen zunehmend auch gesellschaftliche Gruppen und Institutionen Verantwortung für die Entwicklung von Kindern und Jugendlichen. In einer breiten Allianz mit Kindern und Jugendlichen wollen wir die Zukunftschancen unserer jungen Generation verbessern und sie zum Mitgestalten gewinnen. Wir werden ihnen den notwendigen Schutz, aber auch die Freiräume geben, die sie brauchen, um ihren Platz in unserer Gesellschaft zu finden.

Wir werden die erfolgreichen Programme zur sozialen und beruflichen Integration von Kindern und Jugendlichen, insbesondere in sozialen Brennpunkten, weiter fortentwickeln, damit der spätere Einstieg in den Beruf gelingt.

Kinder und Jugendliche mit Migrationshintergrund dürfen in unserer Gesellschaft nicht ausgegrenzt werden. Wir werden deshalb für sie und ihre Familien unterstützende, stabilisierende, betreuende und chancenverbessernde Integrationsmaßnahmen gezielt weiter entwickeln.

Wir wollen, dass alle Kinder und Jugendlichen am technologischen Fortschritt teilhaben. Mit der Bundesinitiative „Jugend ans Netz“ werden wir neben den bereits vorhandenen Internetzugängen in der Schule auch Internetzugänge in allen Einrichtungen der Jugendhilfe schaffen. Ziel ist die aktive Beteiligung von Jugendlichen an informellen Bildungsangeboten durch den Aufbau einer Bildungsplattform für alle Jugendlichen.

Wir werden dafür sorgen, dass Eltern und Familien bei der Bewältigung ihrer schwierigen und verantwortungsvollen Erziehungsaufgaben die notwendige Hilfe und Unterstützung erhalten. Wir werden uns weiterhin für das Leitbild einer gewaltfreien Erziehung einsetzen. Dazu werden wir den begonnenen breiten gesellschaftlichen Dialog über Erziehungsfragen intensivieren und weiter vorantreiben.

Wir werden die Teilhabe und Mitsprachemöglichkeiten für junge Menschen in ihren Lebensumfeldern fördern und die Jugendlichen darin unterstützen, sich in der Gesellschaft in konkreten Projekten zu engagieren.

Wir werden einen nationalen Aktionsplan zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung umgehend erarbeiten, um Prävention und Opferschutz zu verbessern.

Mit dem neuen Jugendschutzgesetz haben wir einen wichtigen Meilenstein zum Schutz von Kindern und Jugendlichen vor Gefahren in den Medien gesetzt. Wir werden uns für die Schaffung europa- und weltweiter Mindeststandards des Kinder- und Jugendmedienschutzes einsetzen und den UNESCO-Gipfel zur Informationsgesellschaft 2004 nutzen, um auf internationaler Ebene den Jugendschutz voran zu bringen. Zukünftig werden außerdem Maßnahmen zur Stärkung der Medienkompe-

tenz sowohl für Eltern als auch für Kinder und Jugendliche im Vordergrund unserer Aktivitäten stehen.

Wir werden zur Stärkung von Zivilcourage die erfolgreichen Aktionsprogramme „Jugend für Toleranz und Demokratie – gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus“ fortsetzen. Kinder und Jugendliche sollen ermutigt werden, jede Form von Gewalt zu ächten und aktiv dagegen vorzugehen.

Politik für ältere Menschen

Wir werden sowohl die Rahmenbedingungen für ein aktives Alter als auch den Schutz sowie die Hilfe für diejenigen verbessern, die krank und pflegebedürftig sind. Das gilt auch für Mitbürgerinnen und Mitbürger mit Migrationshintergrund, die einer spezifischen, unterstützenden Hilfe in allen Politikfeldern für ältere Menschen bedürfen. Wir werden gezielte Anstrengungen unternehmen, um allen Mitbürgerinnen und Mitbürgern, die bereit sind, sich sozial zu engagieren, den Zugang zu einem ehrenamtlichen Engagement zu erleichtern.

Auf der Basis des im April 2002 in Madrid verabschiedeten 2. Weltaltenplans und der im September 2002 in Berlin von der Wirtschaftskommission der Vereinten Nationen für Europa beschlossenen regionalen Umsetzungsstrategie werden wir für Deutschland einen „Nationalen Aktionsplan zur Bewältigung der demografischen Herausforderungen“ erarbeiten und umsetzen.

Die Qualität von Betreuung und Pflege wird weiter verbessert und der Verbraucherschutz in der Altenhilfe gestärkt. Zum Schutz der Nutzerinnen und Nutzer werden wir dem Heimgesetz vergleichbare Regelungen für ambulante Dienste schaffen. Wir werden ein Altenhilfestrukturegesetz erarbeiten, das die Nutzerinnen und Nutzer in Planung und Durchführung des Hilfeprozesses einbindet und ihre Position stärkt. Ziel ist, eine bessere Koordination der verschiedenen Hilfen für ältere Menschen zu erreichen sowie die Rahmenbedingungen für die Partizipation älterer Menschen zu verbessern.

Zur Verbesserung der Qualität der professionellen Pflege und Betreuung werden wir nationale Pflegestandards erarbeiten und gezielte Anstrengungen unternehmen, um Personal in der Altenhilfe zu halten und neu zu gewinnen.

Gemeinsam mit allen, die in der Altenhilfe Verantwortung tragen, wie z. B. den Wohlfahrtsverbänden, werden wir Vereinbarungen zur Verbesserung der Betreuung und Pflege alter Menschen treffen. Besonderes Augenmerk werden wir auf die Versorgung Demenzerkrankter richten.

Lebenswerte Städte – sozialer Zusammenhalt

Wir werden die Städtebaupolitik zur Umsetzung der nationalen Nachhaltigkeitsstrategie weiterentwickeln, insbesondere zur Reduzierung der Flächeninanspruchnahme. Dazu gehört die Belebung der Innenstädte und die Stärkung des urbanen Wohnens, die neue Nutzung von Konversionsflächen und innerstädtischen Brachen

sowie der Umbau von Beständen. Hinzu kommen Strategien der innerstädtischen Mobilität und der energetischen Sanierung des Gebäudebestands. Auch die Attraktivität des Wohnens und des öffentlichen Raums für Familien wollen wir steigern. Wir planen außerdem eine Qualitätsoffensive bei der Baukultur.

Angemessener Wohnraum für alle

Wohnen zur Miete und Wohnen im Eigentum sind gleichberechtigte Wohnformen der Bürgerinnen und Bürger. Sie allein bestimmen darüber, für welche dieser Wohnformen sie sich entscheiden. Als gleichberechtigte dritte Wohnform soll das genossenschaftliche Wohnen weiterentwickelt werden. Dazu hat die Bundesregierung eine Expertenkommission zur Erarbeitung von Vorschlägen eingesetzt.

Das Wohngeld als zielgenaue Förderung muss seine soziale Funktion erfüllen, damit unabhängig vom Einkommen auch in Zukunft jeder sich angemessenen und bezahlbaren Wohnraum leisten kann. Deswegen wollen wir für eine bedarfsgerechte Anpassung des Wohngelds sorgen.

Wir werden die Bildung von Wohneigentum weiter unterstützen. Dabei werden wir die Förderung so gestalten, dass Mitnahmeeffekte weiter reduziert werden. Wir werden die Alt- und Neubauförderung angleichen und auf Familien mit Kindern konzentrieren. Eigenheimförderung und Altersvorsorge werden besser miteinander verzahnt.

Die Ökozulage im Zusammenhang mit der Eigenheimzulage soll für besonders energiearme Bauformen, insbesondere für Passivhäuser, und bei energetischer Sanierung von Altbauten gewährt werden. Das Programm zur energetischen Sanierung des Gebäudebestands wollen wir über das Jahr 2005 hinaus fortsetzen.

Innovative Konzepte für unsere Städte

Wir wollen die Städtebauförderung an die Notwendigkeiten des nachhaltigen Stadtumbaus und an das Ziel der kompakten und durchmischten Stadt anpassen.

Städtebau, Wohnungspolitik, Raumordnung und Mobilität werden zu integrierten Stadtentwicklungskonzepten weiterentwickelt. Dabei werden die vernetzten Programme „Soziale Stadt“, „Stadtumbau Ost“ und „Stadtumbau West“ auf hohem Niveau verstetigt. Das Programm „Soziale Stadt“ wollen wir ressortübergreifend und mit arbeitsmarktpolitischen Maßnahmen besser vernetzen. Die Härtefallregelung für die ostdeutsche Wohnungswirtschaft wird an die Entwicklung der Wohnungsleerstände angepasst.

Eine dauerhaft verlässliche Förderung des öffentlichen Personennahverkehrs durch den Bund werden wir sicherstellen.

Bauen einfacher machen - die Baukultur in Deutschland stärken

Wir wollen das Bauen einfacher machen sowie kostengünstiges und ökologisches Bauen erleichtern. Wohnungs- und Städtebau ebenso wie die Modernisierung der Verkehrsinfrastruktur wollen wir beschleunigen, die Transparenz der Planungs- und Genehmigungsverfahren bei weiterhin qualifizierter Bürgerbeteiligung beim Bauen und bei der Infrastrukturbereitstellung erhöhen. Die Vorschläge der Expertenkom-

mission, Planungsstufen effizienter zu gestalten und zusammenzuführen, sollen in die Novellierung des Baugesetzbuchs einfließen. Das Vergaberecht ist im Hinblick auf Planungsvereinfachung und Beschleunigung zu überprüfen. Wir werden die ökologische und planerische Lenkungswirkung im Raumordnungs- und Planungsrecht verbessern und wollen dabei insbesondere auch der Stadtfucht entgegenwirken. Wir werden die Entwicklung und Verwendung von ungiftigen und weiterverwendbaren Baustoffen fördern und für die Verbraucherinnen und Verbraucher transparent machen.

Wir wollen die Marktchancen der deutschen Architekten und Ingenieure verbessern. Dazu werden wir eine Stiftung Baukultur aufbauen, durch deren Arbeit die Qualität, Nachhaltigkeit und wirtschaftliche Leistungsfähigkeit des Architektur- und Ingenieurwesens herausgestellt wird. Das Außenwirtschaftsengagement der Bundesregierung soll das deutsche Architektur- und Ingenieurwesen gezielt auf den internationalen Märkten unterstützen.

Wir wollen Öffentlich-Private-Zusammenarbeit im öffentlichen Hochbau fördern. In einem Lenkungsausschuss sollen die Grundlagen für den Aufbau eines Kompetenzzentrums erarbeitet werden, das Kommunen und private Unternehmen bei der Planung und Durchführung dieser Maßnahmen unterstützen soll. Contracting-Maßnahmen in Wohn- und Dienstleistungsgebäuden werden wir erleichtern.

VII. GLEICHSTELLUNG VON FRAUEN UND MÄNNERN

Wir werden unser großes gesellschaftliches Reformprojekt „Gleichstellung von Frauen und Männern“ fortsetzen. Nur eine geschlechtergerechte Politik ermöglicht die Modernisierung unserer Gesellschaft. Artikel 3 des Grundgesetzes verpflichtet uns, politische Rahmenbedingungen herzustellen, die eine gerechte Verteilung von Macht und Verantwortung zwischen den Geschlechtern ermöglichen. Wir setzen uns für eine zügige Umsetzung von Gender Mainstreaming ein. Die Durchsetzung der tatsächlichen Gleichberechtigung von Frauen und Männern ist durchgängiges Leitprinzip der Bundesregierung in jedem Ressort. Darüber hinaus werden wir das Thema Gleichstellung von Frauen und Männern in der Arbeitswelt zum fortlaufenden Thema des Bündnis für Arbeit mit konkreten Zielen und Umsetzungsvorschlägen machen. Wir halten an dem auf europäischer Ebene vereinbarten Ziel fest, die Frauenerwerbsquote auf über 60 % zu steigern.

Frauen in der Arbeitswelt

Wir werden die Umsetzung der Vereinbarung mit den Spitzenverbänden der deutschen Wirtschaft zur Förderung der Chancengleichheit von Frauen und Männern in der Privatwirtschaft 2003 einer Bilanz unterziehen. Wir werden in diesem Zusammenhang umgehend die einschlägigen EU-Richtlinien umsetzen und diese mit flexiblen, unbürokratischen und effektiven gesetzlichen Regelungen zur Gleichstellung von Frauen und Männern in der Privatwirtschaft verbinden.

Zum Abbau von geschlechtsspezifischer Diskriminierung werden wir mit den Sozialpartnern nach Wegen einer Verringerung der Lohnunterschiede suchen. Ziel bleibt eine gleiche Entlohnung von Frauen und Männern für gleichwertige Arbeit. Hierzu soll ein weiterer Bericht der Bundesregierung vorgelegt werden, der den Schwerpunkt auf die Bewertung von Arbeit legt. Wir werden im Geltungsbereich des Bundes den Grundsatz „Gleicher Lohn für gleichwertige Arbeit“ umsetzen und den Bundesangestelltentarif neu strukturieren. In diesem Zusammenhang sind die Auswirkungen der Steuerklasse V auf die Erwerbstätigkeit von Frauen zu überprüfen mit dem Ziel des Abbaus von Benachteiligungen.

Junge Frauen sollen in besonderem Maße unterstützt werden, ihr Berufswahlspektrum zu erweitern. Wir werden uns intensiv dafür einsetzen, die im Programm „Innovation und Arbeitsplätze im Informationszeitalter des 21. Jahrhundert“ gesteckten Ziele zu erreichen. Bis zum Jahr 2005 sollen Frauen zu 40 % an Studien- und Ausbildungsgängen der IT-Berufe beteiligt sein.

Die Bundesprogramme zur finanziellen Förderung von Unternehmensgründungen beziehen sich eher auf technologie- und produktionsorientierte Unternehmen als auf den Bereich der Dienstleistungen, der vor allem von Frauen bevorzugt wird. Wir wollen daher das bestehende Förderinstrumentarium für die Existenzgründung so modifizieren und erweitern, dass es auch von Frauen favorisierte Unternehmensgründungen erfasst.

Wir werden dafür Sorge tragen, dass der Frauenanteil am wissenschaftlichen Personal an Hochschulen, wissenschaftlichen Einrichtungen und außeruniversitären Forschungseinrichtungen weiter deutlich erhöht wird.

Frauen vor Gewalt schützen

Den erfolgreichen Aktionsplan zur Bekämpfung von Gewalt gegen Frauen werden wir mit den zuständigen Institutionen und Nichtregierungsorganisationen fortschreiben. Nachdem in der letzten Legislaturperiode der zivilrechtliche Schutz der Betroffenen im Vordergrund stand, sollen jetzt der arbeitsrechtliche und der strafrechtliche Schutz verbessert werden. Frauen mit Behinderung und Widerstandsunfähige haben den gleichen Anspruch auf Schutz ihrer körperlichen Unversehrtheit wie Menschen ohne Behinderung. Dies ist sicher zu stellen.

Für Frauen mit Behinderung sind in der letzten Legislaturperiode vielfältige Beteiligungsrechte im Sozialgesetzbuch IX und im Bundesbehindertengleichstellungsgesetz geschaffen worden. Wir wollen dafür sorgen, dass diese Beteiligungsrechte auch über ein Bundesnetzwerk gesichert werden.

Frauenrechte sind Menschenrechte

Die Bundesregierung setzt sich dafür ein, den Frauenrechten weltweit Geltung zu verschaffen. Dazu gehören die Ächtung der Genitalverstümmelung von Mädchen und Frauen und die Berücksichtigung frauenspezifischer Belange in der Entwicklungszusammenarbeit. Die Instrumente des Gender Mainstreaming und des Gender Budgeting finden auch in Außenpolitik und Entwicklungspolitik Anwendung.

In Deutschland werden wir bei der Umsetzung des Zuwanderungsgesetzes dafür sorgen, dass bei den Integrationsmaßnahmen die besondere Situation der Migrantinnen berücksichtigt wird.

Frauenhandel werden wir weiter entschieden bekämpfen und die strafrechtliche Definition entsprechend den Vorgaben der Vereinten Nationen und der EU erweitern. Für die Opfer werden wir spezielle Zeuginnenschutzprogramme sowie Hilfen bei und nach der Rückkehr ins Heimatland schaffen. Die Umsetzung des Zuwanderungsgesetzes gewährt bei erheblicher Gefährdung im Heimatland ein Bleiberecht. Die Beraterinnen in den spezialisierten Beratungsstellen brauchen ein Zeugnisverweigerungsrecht.

Gender Mainstreaming im Gesundheitsbereich und in der Verwaltung

Der im Jahr 2001 vorgelegte Bericht zur gesundheitlichen Situation von Frauen in Deutschland macht deutlich, dass eine zielgenaue, geschlechterdifferenzierte Gesundheitsvorsorge und -versorgung erforderlich ist. Wir brauchen künftig eine geschlechterdifferenzierte Gesundheitsberichterstattung.

Gender Mainstreaming soll als Methode zur Umsetzung von Artikel 3 des Grundgesetzes in allen Ressorts der Bundesregierung nachhaltig verankert werden. Gender Budgeting ist Teil dieser Strategie. Wir werden ein Gender-Kompetenzzentrum aufbauen, das die Einführung von Gender Mainstreaming in alle Politikbereiche unterstützt, Forschung initiiert, Wissen bündelt und Expertinnen und Experten ausbilden wird.

Aus Artikel 3 des Grundgesetzes ergibt sich die Verpflichtung der Bundesregierung, Frauen in allen Ämtern und Funktionen und auf allen Ebenen angemessen zu

berücksichtigen. Um eine stärkere Repräsentanz von Frauen in Gremien des Bundes zu gewährleisten, werden wir das Bundesgremienbesetzungsgesetz überarbeiten.

Wir werden regelmäßig einen Bericht zur Lage der Gleichstellung von Frauen und Männern in der Bundesrepublik Deutschland erstellen. Im Rahmen der Umsetzung der entsprechenden EU-Richtlinien werden wir eine Nationale Gleichstellungsstelle einrichten.

Zur Weiterentwicklung des Gleichstellungsrechts des Bundes sollen die Bereiche, die im Gleichstellungsdurchsetzungsgesetz bisher nicht enthalten sind, ergänzend geregelt werden.

Wir wollen dafür sorgen, dass bei der Vergabeentscheidung öffentlicher Aufträge auch die tatsächliche Förderung der Gleichstellung in einem Betrieb berücksichtigt wird.

VIII. SICHERHEIT, TOLERANZ UND DEMOKRATIE

Rechts- und Innenpolitik

Freiheit, Sicherheit und Recht gehören zusammen. Jeder Mensch hat das Recht auf Freiheit und Sicherheit (Art. 6 EU-Grundrechte-Charta) in Deutschland, in Europa und weltweit. Sicherheitsgefühl und Schutz vor Übergriffen, vor Verbrechen und vor Terror steht allen zu – und nicht nur denjenigen, die sich privaten Schutz kaufen können. Wir setzen uns hierfür mit einem breiten Spektrum von Initiativen ein – von der geistig-politischen Auseinandersetzung und anderen Präventionsstrategien bis hin zur Ausschöpfung aller rechtsstaatlich verfügbaren Mittel für Polizei und Sicherheitsbehörden.

Die Förderung von Toleranz, die Achtung der Rechte von Minderheiten und die Selbstbestimmung der Menschen sind Leitziele unserer Politik. Wir gestalten Einwanderung, schützen Flüchtlinge und fördern Integration.

Demokratie lebt von Einmischung und gesellschaftlichem Engagement. Wir wollen die politischen Beteiligungsrechte erweitern, die Bürgerrechte ausbauen und gezielt Diskriminierungen beseitigen. Wir werden die Modernisierung des Staates mit dem Ziel der Entbürokratisierung, Bürgerfreundlichkeit und Transparenz fortsetzen. Wir stehen für eine moderne Form des Föderalismus mit klaren Regelungen von Verantwortung und Zuständigkeit.

Das Jahrzehnt der Integration

Wir werden das Zuwanderungsgesetz zügig im Sinne seiner Zielsetzungen umsetzen und uns dafür einsetzen, dass die Anwendungshinweise und Verwaltungsvorschriften den humanitären Zielsetzungen und den neuen flüchtlingsrechtlichen Anerkennungskriterien des Gesetzes voll entsprechen. Zugleich werden wir dafür sorgen, dass die Ausreisepflicht von Nicht-Bleibeberechtigten konsequent durchgesetzt wird. Nach zwei Jahren werden wir gemeinsam die Erfahrungen mit dem Zuwanderungsgesetz auf der Grundlage eines Berichtes der Bundesregierung auswerten.

Unsere Integrationspolitik ist Querschnittspolitik. Zur Integrationspolitik gehört auch ein modernes Staatsangehörigkeitsrecht. Wir werden die Anstrengungen fortsetzen, mit einer umfassenden Integrationspolitik die Fehler und Versäumnisse der sog. „Gastarbeiter-Ära“ zu korrigieren. Mit dem Zuwanderungsgesetz haben wir erstmals neu zuwandernden Ausländern und Aussiedlern gleichermaßen einen Anspruch auf die erforderlichen Sprach- und Orientierungskurse gegeben. Wir werden eine den Pflichten und Ansprüchen der Betroffenen entsprechende und bedürfnisgerechte Ausstattung der Kurse einschließlich Kinderbetreuung und sozialpädagogischer Begleitung gewährleisten. Darüber hinaus werden wir uns auch um die nachholende Integration von bereits in Deutschland lebenden Migrantinnen und Migranten und von Ausländern mit humanitären Aufenthaltsrechten bemühen. Die Entwicklungschancen von Kindern und Jugendlichen, denen nach dem Zuwanderungsgesetz ein Aufenthaltsrecht zusteht, werden wir besonders fördern.

Wir werden prüfen, welche humanitären Vorschläge aus dem Bericht der Süssmuth-Kommission umgesetzt werden können. Zur Lösung humanitärer Einzelfälle (ca. 500 pro Jahr) kann der Bundesminister des Innern in Zusammenarbeit mit dem Hohen Flüchtlingskommissar der Vereinten Nationen Flüchtlinge aus dem Ausland aufnehmen.

Zur Abwehr von Rechtsextremismus, Ausländerfeindlichkeit und Antisemitismus werden wir die Handlungs- und Vorbeugungsstrategien für Toleranz und gegen Gewalt weiter ausbauen – unter anderem zum Beispiel im „Bündnis für Demokratie und Toleranz – gegen Extremismus und Gewalt“ einschließlich der Programme Civitas, Xenos und Entimon.

Interreligiöser und interkultureller Dialog

Die Bundesregierung wird den Dialog mit den großen christlichen Kirchen sowie mit Juden und Muslimen fortführen und intensivieren. Den interkulturellen und interreligiösen Dialog verstehen wir als Teil der Integrationspolitik und der Politischen Bildung.

Verstärkung der europäischen und internationalen Zusammenarbeit

Der europäische Raum der Sicherheit, der Freiheit und des Rechts muss entsprechend den Beschlüssen von Tampere ausgebaut werden. Das umfasst auch die weitere Harmonisierung der europäischen Flüchtlings- und Einwanderungspolitik. Wir setzen uns dafür ein, dass diese auf hohen menschen- und flüchtlingsrechtlichen Standards gründen. Die Zuwanderung in die EU muss sinnvoll gesteuert werden. Die europäische Polizeibehörde EUROPOL sollte zu einer mit Ermittlungsbefugnissen ausgestatteten Gemeinschaftseinrichtung ausgebaut werden. Parallel dazu wird der Aufbau der parlamentarischen und justiziellen Kontrolle sowie die Abschaffung der Immunität der EUROPOL-Bediensteten angestrebt. Die bilaterale und multilaterale Zusammenarbeit bei der Bekämpfung von Terrorismus und organisierter Kriminalität wird verstärkt.

Modernisierung der Verwaltung und Reform des Föderalismus

Das Programm zur umfassenden Modernisierung der Bundesverwaltung werden wir fortführen, den bundesrechtlichen Normenbestand bereinigen und überflüssige Gesetze und Vorschriften aufheben. Den öffentlichen Dienst werden wir weiter flexibilisieren und den Bundesangestelltentarif und das Dienstrecht modernisieren. Wir werden den föderalistischen Staatsaufbau im Sinne einer neuen Verantwortungsteilung zwischen Bund und Ländern grundlegend überprüfen.

Wirtschaftsrecht modernisieren

Wir werden das deutsche Unternehmensrecht einschließlich der Haftung von Vorstands- und Aufsichtsratsmitgliedern und der wirksamen Kontrolle der Unternehmensabschlüsse reformieren. Das deutsche Bilanzrecht muss im Hinblick auf internationale Standards überarbeitet werden.

Das Urheberrecht werden wir bezogen auf neue Technologien fortentwickeln. Die Rechtsordnung muss die Wettbewerbsstellung kleiner Betriebe im Software-Bereich stärken. Open-Source-Produkte dürfen nicht benachteiligt werden.

Das Gesetz gegen den unlauteren Wettbewerb werden wir im Hinblick auf Europatauglichkeit und effektiven Verbraucherschutz überarbeiten.

Durch eine Modernisierung des Versicherungsvertragsgesetzes wird der Schutz der Verbraucher auch im Privatversicherungsrecht verbessert. Auf der Basis bereits erlassener Gesetze festigt die Bundesregierung den Rechtsschutz der Verbraucher und baut ihn insbesondere durch besseren Anlegerschutz und Verbesserungen im Bauvertragsrecht aus.

Innere Sicherheit

Die Koalition wird ihre erfolgreiche Politik zur Wahrung der Inneren Sicherheit fortsetzen. Dies gilt für die Bekämpfung von Terrorismus und Organisierter Kriminalität ebenso wie von Alltagskriminalität. Wir werden bis Mitte der Legislaturperiode die Evaluierung der Anti-Terror-Gesetzgebung (sog. Sicherheitspaket II) vornehmen.

Die Geheimdienste stehen bei der Bekämpfung des Terrorismus vor neuen, wichtigen Aufgaben und sind mit neuen Herausforderungen an die Modernisierung ihrer Arbeit konfrontiert. Die Bundesregierung wird Aufgaben, Struktur, Effektivität, Befugnisse und Kontrolle der Geheimdienste evaluieren und daraus die notwendigen Reformkonsequenzen ziehen. Zur Gewährleistung der Inneren Sicherheit ist die umfassende Nutzung moderner Methoden zur Identitätssicherung und zur Aufklärung von Straftaten notwendig. In diesem Sinne werden wir moderne Methoden der Biometrie zur Identitätssicherung weiter entwickeln sowie die Nutzungsmöglichkeiten der DNA-Analyse im Ermittlungsverfahren verbessern. Den Schutz vor Sexualstraftaten werden wir weiter verbessern.

Wir werden die Sicherheit der Versorgungsinfrastruktur verstärken, insbesondere wo sie IT-abhängig ist.

In den Fällen, in denen jemand für das Gericht nachweisbar zur Aufklärung oder Verhinderung schwerer Straftaten beiträgt oder sonstige außergewöhnliche Strafmilderungsgründe vorliegen, werden wir die Möglichkeiten zur Strafmilderung erweitern.

Die Alltagskriminalität werden wir konsequent bekämpfen.

Die Maßnahmen zur Kriminalprävention werden wir intensivieren, insbesondere durch Kooperation von Staat und Wirtschaft im Rahmen des Deutschen Forums für Kriminalprävention, dessen Arbeit wir verstärkt unterstützen.

Wir werden die Korruption verstärkt bekämpfen. Die Zielsetzung, die wir mit der Gesetzesinitiative zur Einrichtung eines Korruptionsregisters verbinden, verfolgen wir weiter und prüfen im übrigen weitere konkrete Maßnahmen auf der Grundlage der Anti-Korruptions-Richtlinie der Bundesregierung.

Bundesgrenzschutz: Polizei des Bundes

Der Bundesgrenzschutz ist die Polizei des Bundes. Dies muss zukünftig auch in der Namensgebung deutlich werden. Eine Erweiterung seines Zuständigkeitsbereichs ist damit nicht verbunden.

Sportförderung auf hohem Niveau halten

Wir werden die Fußball-WM 2006 weiter vorbereiten und die Bewerbungen um weitere internationale Wettbewerbe des Spitzensports unterstützen (Handball-WM 2005, Olympische Sommerspiele 2012). Die Spitzensport-Förderung werden wir weiterführen. Das schließt die besonderen Trainingsbedingungen für Sportlerinnen und Sportler im Dienst des Bundesgrenzschutzes oder der Bundeswehr ein. Wir stärken den Behindertensport. Den „Goldenen Plan Ost“ werden wir verlängern. Wir werden die Doping-Bekämpfung auf hohem Niveau fortsetzen.

Schutz der Bevölkerung vor Katastrophen ausbauen

Angesichts der wachsenden Gefahr von Naturkatastrophen werden wir ein Bundesamt für Bevölkerungsschutz und Katastrophenhilfe schaffen und uns für eine verstärkte europäische Zusammenarbeit im Katastrophenschutz einsetzen.

Demokratische Beteiligungsrechte und Datenschutz

Wir wollen die demokratische Teilhabe fördern und deshalb unser Ziel, Volksinitiative, Volksbegehren und Volksentscheid auf Bundesebene einzuführen, auf der Basis des Gesetzentwurfes der 14. Legislatur weiter verfolgen. Zur Unterstützung politischer Entscheidungsprozesse gehört die Nutzung des Internets für alle – als Teil der e-Demokratie. Diesem Ziel dient auch die Erprobung von Online-Wahlen unterhalb der staatlichen Wahlen.

Wir werden das Datenschutzrecht auf der Grundlage der Vorarbeiten der 14. Legislatur umfassend reformieren. Der Schutz der Daten der Arbeitnehmerinnen und Arbeitnehmer wird erstmals in einem eigenen Gesetz verankert.

Die Verwaltung soll für die Bürgerinnen und Bürger transparenter werden. Deshalb bringen wir ein Informationsfreiheitsgesetz für die Bundesbehörden ein, das dem Grundsatz des freien Zugangs zu öffentlichen Daten und Akten Geltung verschafft. Wir wollen das Petitionsrecht, über die Lösung individueller Anliegen hinaus, zu einem politischen Mitwirkungsrecht der Bürgerinnen und Bürger ausgestalten.

Drogenpolitik

Die drogen- und suchtbedingten Probleme unserer Gesellschaft müssen reduziert werden. Wir werden die präventive Drogenpolitik der letzten Jahre konsequent fortführen und dabei die einschlägigen Entscheidungen des Bundesverfassungsgerichts berücksichtigen.

Modernisierung von Verfahren und Institutionen der Justiz

Wir werden die gerichtlichen Verfahren an die neuen technologischen Entwicklungen anpassen und die Institutionen weiter modernisieren. Die Binnenstruktur der Justiz (Aufgaben der Richter, Rechtspfleger, Urkundsbeamten, Gerichtsvollzieher) sowie das Gesetz über die Angelegenheiten der Freiwilligen Gerichtsbarkeit (FGG) reformieren wir.

Wir ordnen das familiengerichtliche Verfahren neu. Den besonderen Teil des Strafgesetzbuches und das strafrechtliche Sanktionensystem (z. B. gemeinnützige Arbeit, Fahrverbot, Opferhilfe, Geldstrafe auf Bewährung) werden wir überarbeiten. Das Jugendstrafrecht, das Jugendstrafverfahrens- und Jugendstrafvollzugsrecht prüfen wir auf Veränderungsbedarf.

Wir werden die Telefonüberwachung überprüfen, insbesondere den Deliktatalog in § 100a StPO und werden die entsprechenden Verfahren überarbeiten. Dazu werden wir unter anderem prüfen, ob die Anordnung der Telefonüberwachung dem Ermittlungsrichter vorbehalten werden soll und die Staatsanwaltschaft gegenüber dem Richter berichten muss.

Das Rechtsberatungsgesetz von 1935 soll den gesellschaftlichen Bedürfnissen angepasst werden.

Wir werden die sozialen Komponenten im Betreuungsrecht stärken. Den Opfer-schutz bauen wir aus.

Moderne Gesellschaftspolitik

Auf der Grundlage der Rechtsprechung des Bundesverfassungsgerichts wird die Regierungskoalition das Lebenspartnerschaftsgesetz überarbeiten und ergänzen (Lebenspartnerschafts-Ergänzungsgesetz).

Auch der rechtliche Schutz für Menschen in nichtehelichen Lebensgemeinschaften wird verbessert.

Diskriminierung aufgrund der genetischen Konstitution gilt es zu verhindern und das Recht auf Nichtwissen sicherzustellen. Im Rahmen eines Gentestgesetzes werden wir gewährleisten, dass Versicherungen oder Arbeitgeber nicht auf genetische Daten zugreifen können.

Die Regierungskoalition wird auf der Grundlage der Vorarbeiten aus der 14. Legislatur ein Antidiskriminierungsgesetz auf den Weg bringen und die EU-Richtlinien hierzu umsetzen.

Wir setzen uns dafür ein, allen Opfern des Nationalsozialismus ein würdiges Gedenken zu bewahren. Parallel zur Errichtung des Denkmals für die ermordeten Juden Europas sowie des Denkmals für die ermordeten Sinti und Roma soll an zentraler Stelle in Berlin auch ein Gedenkort für die homosexuellen Opfer des NS-Regimes entstehen.

Die Arbeit der Behörde der Bundesbeauftragten für die Aufarbeitung der Stasi-Unterlagen ist ein unverzichtbarer Bestandteil der Aufarbeitung der gemeinsamen Vergangenheit. Der Bund bekennt sich zu seiner Verantwortung.

Bürgergesellschaft stärken

Bürgerschaftliches Engagement ist unverzichtbar für den Zusammenhalt in unserer Gesellschaft. Wir werden auch in Zukunft die Vielfalt des Engagements von Bürge-

rinnen und Bürgern in Vereinen, Wohlfahrtsverbänden, Kirchen und anderen Organisationen in Ehrenämtern, Selbsthilfegruppen, Freiwilligendiensten und anderen Formen nach Kräften unterstützen. Wir werden auf der Grundlage der Handlungsempfehlungen der Enquete-Kommission „Zukunft des bürgerschaftlichen Engagements“ prüfen, wie der gesetzliche Rahmen für die Freiwilligenarbeit weiter entwickelt werden kann und weitere Initiativen zur Verbesserung des freiwilligen Engagements starten.

Zivildienst

Der Zivildienst als staatlicher Pflichtdienst wird zukünftig stärker als qualifizierender Lerndienst für junge Männer ausgestaltet. Dazu wird den Zivildienstleistenden im Rahmen ihres Dienstes ein breitgefächertes Qualifizierungsangebot in sozialen, ökologischen und politischen Themenfeldern angeboten werden. Die Einführungslehrgänge werden fortgeführt.

Die Bundesregierung wird sich weiterhin für die größtmögliche Gerechtigkeit und Gleichbehandlung zwischen Wehr- und Zivildienstleistenden einsetzen und sich bemühen, die Anzahl der Zivildienstplätze dem Wehrdienst anzugleichen.

Kultur- und Medienpolitik

Kultur ist elementare Voraussetzung einer offenen, gerechten und zukunftsfähigen Gesellschaft. Sie wird für das Zusammenleben in einer sozial und ethnisch divergierenden Gesellschaft immer wichtiger. Dazu gehören auch die Förderung der kulturellen Bildung von Kindern und Jugendlichen und die Öffnung für die Kulturen der Migranten und Migrantinnen. Die kulturellen Güter sind öffentliche Güter und müssen für alle zugänglich sein.

Das 1998 neu geschaffene Amt eines Staatsministers für Kultur und Medien hat sich bewährt. Es ist zum Impulsgeber, Ansprechpartner und Interessenvertreter der Kultur in Deutschland und Europa geworden.

Kulturpolitik ist mit dem Engagement der Zivilgesellschaft auf das Engste verbunden. Wo immer möglich sollte der Staat nicht selber handeln, sondern gesellschaftliche Einrichtungen mit den Aufgaben der Kulturverwaltung betrauen.

Ein Schwerpunkt bleibt die weitere Verbesserung der rechtlichen Rahmenbedingungen für Kunst und Kultur. Dazu gehört die stärkere Berücksichtigung der kulturellen Dimension der Gesetzgebung des Bundes und ggfs. von großen Planungsvorhaben (Kulturverträglichkeitsprüfung). Wir streben eine Ausstellungsvergütung für bildende Künstlerinnen und Künstler an und werden die Idee eines modernen Künstlergemeinschaftsrechts („Alte Meister unterstützen junge Künstler“) verfolgen. Aufgrund der Tatsache, dass die Kommunen den Löwenanteil der Kulturausgaben leisten und immer schwerer leisten können, soll eine Enquete-Kommission zum Thema „Kultur in Deutschland“ unter Einbeziehung der Länder eingerichtet werden. Sie soll sich auch mit der sozialen Lage der Künstler und Künstlerinnen befassen.

Die Regierungskoalition steht zu ihrer Verantwortung für die Kulturlandschaft Berlins. Deshalb wird der Bund sein kulturelles Engagement für seine Hauptstadt erhalten

und ausbauen. Die Bundesregierung wird auch weiterhin ihrer Verantwortung für den Kulturstandort Bundesstadt Bonn nachkommen.

Das Kulturförderprogramm für die Neuen Länder wird mit 30 Mio. € p.a. fortgeschrieben, die Förderung der „Leuchttürme“ wird fortgeführt. Für die im Blaubuch genannten Kultureinrichtungen wird ein Verstärkungsfonds (in Höhe von 3 Mio. €) eingerichtet, der sich an der Finanzierung von Projekten beteiligen kann (Ankäufe, Ausstellungen, Investitionen usw.).

Wir werden die mit den Ländern begonnenen Gespräche zur Systematisierung der Kulturförderung konstruktiv mit dem Ziel fortsetzen, eine klare Verantwortungsteilung im kooperativen Kulturföderalismus zu erreichen. Das Konzept der Bundesregierung zur Gedenkstättenarbeit bleibt Grundlage der Politik in diesem Bereich. An der Topographie des Terrors – an der auf 37 Mio. € gedeckelten Verwirklichung des Zumthor-Entwurfs – wird sich der Bund bis zu 50 % beteiligen. Der Bund wird sein Engagement bei Stätten des Weltkulturerbes verstärken.

Medienpolitik ist Gesellschafts-, Wirtschafts-, Kultur- und zugleich Europapolitik. Dabei geht es um die Garantie des öffentlich-rechtlichen, gebührenfinanzierten Rundfunks und seiner Weiterentwicklung auch im Internet, aber auch um die Sicherung eines chancengleichen und diskriminierungsfreien Zugangs zu den neuen Medien. Diese Fragen werden zunehmend von europäischen Richtlinien und von Entscheidungen der EU-Kommission vorgeprägt. Dies gilt auch für das Urheberrecht und die Filmförderung.

Die Reform der Medien- und Kommunikationsordnung wird fortgesetzt, zunächst im Bereich des Datenschutzes (Einführung selbstregulativer Modelle). Zu prüfen bleibt, ob und in welcher Form eine institutionalisierte Plattform zur Koordination eingerichtet werden kann.

Es sind Instrumente der „regulierten Selbstregulierung“ aufzubauen, die zu einer Reduktion der Gewaltdarstellungen in allen Medien führen, wobei die Besonderheiten der jeweiligen Medien berücksichtigt werden (z. B. Offlinemedien, Online-medien, Printmedien). Das Hauptaugenmerk beim Umgang mit Gewalt in den Medien sollte auf dem Ausbau der Medienerziehung von Kindern und Jugendlichen liegen, dessen Ziel der bewusste und verantwortliche Umgang mit den Medien ist.

Das Filmförderungsgesetz wird novelliert. Die Filmförderungsanstalt soll die zentrale Institution der kulturellen, wirtschaftlichen und exportorientierten Filmförderung werden. Die Abgaben – insbesondere der Fernsehanstalten – werden erhöht. Die kriteriengestützte Referenzförderung soll ausgebaut werden; sie soll die unabhängigen Produzenten stärken und die Wettbewerbsfähigkeit des deutschen Films erhöhen. Um eine attraktive Beteiligung von Medienfonds an deutschen Produktionen zu ermöglichen, muss der Medienerlass entsprechend verändert werden.

Das Urheberrecht muss auch in einer digitalen Welt einen angemessenen Ausgleich zwischen Urhebern und Nutzern sicherstellen. Der freie Zugang zum Internet muss weitestgehend erhalten bleiben. Der Schutz vor Raubkopien muss verstärkt werden. Verwertungsgesellschaften, die Pauschalabgaben erhalten, soll ermöglicht werden, einen Teil der Einnahmen auch für die Förderung von Kunst und Kultur einzusetzen.

Die UNESCO-Konvention von 1970 bzw. das UNIDROIT-Übereinkommen von 1995 über gestohlene oder illegal ausgeführte Kulturgüter soll ratifiziert werden.

Der Mehrwertsteuersatz im Kulturbereich muss erhalten bleiben.

Das Deutsche-Welle-Gesetz wird novelliert, um die Möglichkeiten des Senders weiter zu verbessern, die Vielfalt unserer Gesellschaft sowie die Stellung, die Verantwortung und den Beitrag Deutschlands im globalen Entwicklungsprozess zielgruppengerecht vermitteln zu können. Dazu bedarf es insbesondere einer Konkretisierung des Programmauftrags.

IX. GERECHTE GLOBALISIERUNG – DEUTSCHLAND IN EUROPA UND IN DER WELT

Außen- und Sicherheitspolitik

Deutschland ist in der Welt mit einer Vielzahl neuer Herausforderungen konfrontiert. Die gerechte Gestaltung der Globalisierung, der Kampf gegen den Terror und die Bewältigung regionaler Konflikte, bestimmen mit der europäischen Integration und dem transatlantischen Verhältnis die deutsche Außenpolitik. Nur durch internationale Zusammenarbeit können diese Aufgaben gelöst werden.

Die Regierungskoalition bekennt sich daher ausdrücklich zu ihren multilateralen Verpflichtungen im Rahmen internationaler Institutionen wie den Vereinten Nationen, der Europäischen Union, der NATO, der OSZE und dem Europarat. Grundlagen für ihr außenpolitisches Handeln sind Beachtung des Völkerrechts, Eintreten für Menschenrechte, Dialogbereitschaft, Krisenprävention, Gewaltverzicht und Vertrauensbildung. Sie wird ihre außenpolitischen Grundlinien – freundschaftliche Zusammenarbeit mit allen Nachbarn, Pflege der transatlantischen Partnerschaft, Vertiefung und Erweiterung der Europäischen Union und die Förderung nachhaltiger Entwicklung – fortführen.

Im Rahmen der Globalisierungsgestaltung setzen wir uns weiterhin für Zivilisierung und Verrechtlichung der internationalen Beziehungen und für Rüstungsbegrenzung und Abrüstung ein. Wir streben einen ökonomisch, ökologisch und sozial gerechten Interessenausgleich aller Weltregionen an und werden dabei unsere Zusammenarbeit mit den Ländern Afrikas, Asiens und Lateinamerikas verstärken.

Unser gemeinsames Ziel ist, weltweit ein System globaler kooperativer Sicherheit zu entwickeln, das allen Menschen ermöglicht, friedlich, frei und ohne Not zu leben. Deutsche Außenpolitik ist Friedenspolitik.

Stärkung und Reform der Vereinten Nationen und multilateraler Strukturen

Bei der Bewältigung der großen Herausforderungen des 21. Jahrhunderts fällt den Vereinten Nationen eine Schlüsselrolle zu. Die Bundesregierung ist entschlossen, als nicht-ständiges Mitglied des Sicherheitsrats in den Jahren 2003/2004 ihren Beitrag zur Wahrung des internationalen Friedens und der Sicherheit zu leisten. Sie stützt sich dabei auf einen Sicherheitsbegriff, der auch wirtschaftliche, menschenrechtliche und entwicklungspolitische Aspekte berücksichtigt. Die Bundesregierung hält daran fest, dass ein europäischer Sitz im Sicherheitsrat wünschenswert wäre. Sie wird die Aufnahme Deutschlands als ständiges Mitglied des VN-Sicherheitsrats nur anstreben, wenn ein europäischer Sitz nicht erreichbar scheint und gleichzeitig eine Sicherheitsrats-Reform unter dem Gesichtspunkt größerer regionaler Ausgewogenheit abgeschlossen werden kann.

Die Verrechtlichung der internationalen Beziehungen wird zu einer nachhaltigen Stärkung der Vereinten Nationen führen. Die Bundesregierung unterstützt und

fördert den Prozess der Errichtung und Konsolidierung des Internationalen Strafgerichtshofs.

Die Bundesregierung bekennt sich zu den in der Millenniumserklärung der Vereinten Nationen sowie zu den beim Weltgipfel für nachhaltige Entwicklung in Johannesburg festgelegten Zielsetzungen.

Die OSZE ist die einzige gesamteuropäische Organisation mit einem umfassenden Sicherheitsbegriff. Sie bietet auch eine Plattform für die Zusammenarbeit mit den Ländern Zentralasiens. Wir werden uns dafür einsetzen, das politische Profil der OSZE zu stärken und auf eine angemessene personelle und finanzielle Ausstattung der OSZE hinwirken.

Aus Sicht der Bundesregierung hat der Europarat eine Vorreiterrolle bei der Schaffung und Durchsetzung rechtsstaatlicher Prinzipien und einer europäischen Wertegemeinschaft.

Transatlantische Beziehungen

Ein enges Verhältnis zu den USA, dem wichtigsten außereuropäischen Partner Deutschlands, ist neben der europäischen Integration der zweite Pfeiler, auf dem die Freiheit und die Demokratie Deutschlands aufgebaut ist. Die freundschaftliche Beziehung zu den USA beruht auf gemeinsamen Werten und gemeinsamen Interessen. Sie bleibt eine unverzichtbare Konstante der deutschen Außenpolitik. Die Vertiefung des deutsch-amerikanischen und des europäisch-amerikanischen Verhältnisses ist ein entscheidendes Ziel unserer Politik.

Freiheit und Sicherheit, für die die atlantischen Partner gemeinsam eintreten, sind unabdingbare Voraussetzungen für eine friedliche Bürgergesellschaft. In diesem Geist setzt sich die Bundesregierung für eine Politik ein, die Verantwortung übernimmt und zivile und demokratische Gesellschaften in der Welt fördert.

NATO und NATO-Osterweiterung

Die Koalitionsparteien betrachten das Atlantische Bündnis als unverzichtbares Instrument für die Stabilität und Sicherheit Europas sowie für den Aufbau einer dauerhaften europäischen Friedensordnung. Die durch die Allianz gewährleistete Mitwirkung der Vereinigten Staaten von Amerika bleibt eine der Voraussetzungen für Sicherheit auf dem Kontinent. Die Bundesregierung wird sich dafür einsetzen, dass die NATO die notwendige Anpassung an das veränderte sicherheitspolitische Umfeld konsequent fortsetzt und ihre Bedeutung für die europäische Sicherheit erhält. Die Bundesregierung verfolgt das Ziel, auf dem bevorstehenden NATO-Gipfel in Prag im Konsens einen möglichst großen Kreis von Staaten zur Mitgliedschaft im Bündnis einladen zu können.

Russland/Osteuropa

Wir wollen die Erweiterung der Europäischen Union und der NATO zur Intensivierung der Zusammenarbeit mit den Nachbarn im Osten nutzen.

In der Europäischen Union, im Atlantischen Bündnis und im G8-Kreis streben wir den Ausbau einer belastbaren und dauerhaften Sicherheitspartnerschaft mit Russ-

land an. Zugleich wollen wir die politische, wirtschaftliche und gesellschaftliche Zusammenarbeit unterstützen, die zum Erfolg der demokratischen, rechtsstaatlichen und sozialen Reformen beiträgt.

Wir wollen die Beziehungen zu einer unabhängigen Ukraine auf der Grundlage gemeinsamer Werte fortentwickeln, die Reformpolitik unterstützen, die Entwicklung der Zivilgesellschaft fördern und dabei helfen, die Demokratie fester zu verankern.

Zivile Krisenprävention

Zivile Krisenprävention und Konfliktbewältigung bleiben für die Bundesregierung Eckpfeiler ihrer internationalen Stabilitäts- und Friedenspolitik. Die Stärkung der Zivilgesellschaften und der friedensbereiten Kräfte in Konfliktregionen ist dabei ein elementarer Bestandteil jeglicher Konfliktprävention und Krisenbewältigung.

Die Bundesregierung wird die Infrastruktur zur Krisenprävention und zivilen Konfliktbearbeitung weiter ausbauen und die Friedensforschung sowie die deutsche Handlungsfähigkeit im Rahmen internationaler Friedenseinsätze stärken. Sie wird das jüngst gegründete "Zentrum für Internationale Friedenseinsätze" zu einer vollwertigen Entsendeorganisation ausbauen. Um zivilgesellschaftliche und lokale Friedensbemühungen in Konfliktregionen wirksamer werden zu lassen, wird die Bundesregierung den erfolgreich gestarteten Zivilen Friedensdienst sowie das im Jahre 2000 begründete Förderungsprogramm zur Krisenprävention und Unterstützung zivilgesellschaftlicher Friedensbemühungen in Konfliktregionen weiter ausbauen. Die Bundesregierung wird einen ressortübergreifenden Aktionsplan zur „Zivilen Krisenprävention, Konfliktlösung und Friedenskonsolidierung“ erarbeiten.

Kampf gegen den Terrorismus

Deutschland hat sich nach dem 11. September 2001 entschlossen gemeinsam mit unseren europäischen Partnern an die Seite der USA gestellt. Unsere Solidarität im Kampf gegen den internationalen Terrorismus gilt fort.

Die Bedrohung durch den internationalen Terrorismus hält an. Seine Bekämpfung ist primär eine politische Aufgabe. Wir sind entschlossen, den Kampf gegen den internationalen Terrorismus im Rahmen der weltweiten Koalition fortzuführen und wo erforderlich zu intensivieren. Die Wahrung der Menschenrechte und rechtsstaatlicher Standards muss gewährleistet sein.

Die Bundesregierung hat eigene Initiativen zu einer weltweiten Strategie der globalen, strukturellen Prävention gegen die terroristische Herausforderung ergriffen. Oberste Priorität hat die Verfolgung der Täter des 11. September. Gleichzeitig muss eine solche Strategie im Kampf gegen den Terror ihren Schwerpunkt auf die Entschärfung und Lösung regionaler Konflikte legen. In diesem Zusammenhang werden wir weiterhin eigene Beiträge im Rahmen des Quartetts (UN, USA, EU, Russland) zur Beilegung des Nahostkonflikts leisten.

Die Herausführung Afghanistans aus der Bürgerkriegskatastrophe und der Aufbau eines demokratischen Staatswesens, das die eigene Bevölkerung schützt, ist international von großer Bedeutung.

Menschenrechte

Wir messen der weltweiten Durchsetzung von Menschenrechten zentrale Bedeutung zu. Internationale Friedenssicherung kann nur mit Schutz und Umsetzung von Menschenrechten erfolgreich sein. Menschenrechtliche Grundnormen sind unantastbar und dürfen unter keinen Umständen außer Kraft gesetzt werden.

Um Menschenrechtsverletzungen zu verhindern und zu ahnden, setzt sich die Bundesregierung dafür ein, dass diese Thematik bei internationaler Sicherheitszusammenarbeit stärker berücksichtigt wird. Institutionell wird sie die Stärkung des Europäischen Gerichtshofes für Menschenrechte in Straßburg fordern.

Die Bundesregierung wird darauf hinwirken, dass ausstehende Konventionen und Zusatzprotokolle im Menschenrechtsbereich ratifiziert sowie bestehende Vorbehalte zurückgenommen werden. Dies gilt auch für die Kinderrechtskonvention. Die Bundesregierung wird ihr besonderes Augenmerk auf die Durchsetzung von Frauenrechten legen. Sie wird ihr Engagement in diesem Bereich fortführen.

Auswärtige Kultur- und Bildungspolitik

Die Auswärtige Kultur- und Bildungspolitik stellt die dritte Säule deutscher Außenpolitik dar. Sie leistet wichtige Beiträge zur Intensivierung des internationalen kulturellen Dialogs auf allen Ebenen und unterstützt so Menschenrechte und Demokratie. Die Bundesregierung wird daher die Mittel ihrer Auswärtigen Kultur- und Bildungspolitik verstärkt zur Förderung des Dialogs zwischen den Kulturen und zur Krisenprävention einsetzen. Das Programm Auswärtiger Kultur- und Bildungspolitik bleibt eine wichtige Grundlage internationaler Verständigung.

Trotz des in vielen Ländern starken Interesses an deutscher Sprache und Kultur ist es nicht möglich, überall Goethe-Institute zu errichten. Wir wollen daher Strukturen finden, auch dort die deutsche Kultur zu repräsentieren, wo dies nicht durch Goethe-Institute geleistet werden kann.

Bundeswehr und internationale Einsätze

Die Bundeswehr sichert gemeinsam mit den Streitkräften anderer Nationen den Friedensprozess in Afghanistan.

Auch im Rahmen der Operation ENDURING FREEDOM beteiligt sich die Bundeswehr an den militärischen Maßnahmen der internationalen Anti-Terror-Koalition. Ihr Beitrag macht deutlich, dass sich Deutschland der internationalen Verantwortung – seinem Gewicht in Europa und der Atlantischen Allianz entsprechend – stellt und die Zusage seiner Solidarität mit den Vereinigten Staaten im Kampf gegen den internationalen Terrorismus einlöst.

Soldaten der Bundeswehr wirken mit in den VN-Beobachtermissionen und der internationalen Rüstungskontrolle. Schwerpunkt des deutschen militärischen Engagements in internationalen Friedenseinsätzen bleibt auch nach dem Einschnitt des 11. September 2001 der Balkan. Dort sind derzeit rund 7000 Bundeswehrangehörige eingesetzt. Im Rahmen der SFOR in Bosnien und Herzegowina, der KFOR im Kosovo und der Task Force FOX in Mazedonien dienen sie der Gewalteindämmung und -verhütung. Zusammen mit Polizisten und zivilen Kräften tragen sie dazu bei,

dass die Menschen in diesem Teil Europas nach Jahren der Gewalt und der Zerstörung eine Perspektive für eine friedliche Zukunft haben.

Wir werden die umfassende Reform der Bundeswehr fortsetzen und – wo erforderlich – konsequent weiterentwickeln. Aufgaben, Struktur, Ausrüstung und Mittel der Bundeswehr werden wieder in ein ausgewogenes Verhältnis gebracht.

Das künftige Aufgabenspektrum der Bundeswehr wird ganz wesentlich durch die sicherheitspolitischen Entwicklungen und den Wandel der Bundeswehr zu einer Armee im Einsatz bestimmt. Aufgaben der Bundeswehr sind Landes- und Bündnisverteidigung und internationale Konfliktverhütung und Krisenbewältigung im Rahmen der Charta der Vereinten Nationen einschließlich humanitärer Einsätze und Evakuierungen. Dafür sind moderne, gut ausgerüstete und schnell verfügbare Einsatzkräfte erforderlich. Ihre Modernisierung muss die europäischen integrierten Fähigkeiten in der NATO und in der EU stärken.

Die Gewichtung dieser Aufgaben hat grundlegenden Charakter für die künftige Rolle und die materielle Ausstattung der Bundeswehr. Die mittelfristige Finanzplanung bleibt die Grundlage für die Planungen der Bundeswehr.

Um diese Planungsvorgaben einzuhalten und gleichzeitig die Bundeswehr effizient zu modernisieren, wird die Bundesregierung die Beschaffungsplanung, die materielle Ausstattung und den Personalumfang der Bundeswehr fortlaufend den künftigen Anforderungen anpassen. Hierbei werden die Vorschläge der Kommission „Gemeinsame Sicherheit und Zukunft der Bundeswehr“ (Weizsäcker-Kommission) die Richtschnur bilden. Nach der weitgehenden Umsetzung der im Jahr 2000 eingeleiteten Bundeswehrreform, aber noch vor Ende der laufenden 15. Legislaturperiode, muss erneut überprüft werden, ob weitere Strukturanpassungen oder Änderungen bei der Wehrverfassung notwendig sind, um den sich weiterentwickelnden nationalen und internationalen Anforderungen gerecht zu werden.

Die veränderten Bedingungen der Bundeswehr erfordern eine Weiterentwicklung der Inneren Führung, politischen Bildung und Traditionspflege in der Bundeswehr. Der Frauenanteil in der Bundeswehr und in Friedenseinsätzen soll schrittweise erhöht werden.

Die parlamentarische Kontrolle von Spezialeinsätzen wird gewährleistet.

Die Koalitionsparteien verständigen sich auf eine kurzfristige Überprüfung der militärischen Planung einschließlich der Flugbewegungen am Standort Kyritz/Ruppiner Heide.

Abrüstung und Rüstungskontrolle

Multilaterale, vertraglich gestützte Abrüstung, Rüstungskontrolle und eine konsequente Nichtverbreitungspolitik sind integraler Bestandteil deutscher Außen- und Sicherheitspolitik. Ihre Weiterentwicklung und Implementierung sowie die Förderung präventiver Rüstungskontrolle – etwa im Bereich neuer Technologien – ist von zentraler Bedeutung für eine präventiv orientierte Friedenspolitik. Europa muss dabei künftig eine Vorreiterrolle übernehmen.

Die Bundesregierung hält an dem Ziel der vollständigen Abschaffung aller Massenvernichtungswaffen fest und beteiligt sich an den Initiativen zur Umsetzung dieses Ziels. Die Bundesregierung wird sich weiter für die nukleare Abrüstung und für die Stärkung des internationalen Nichtverbreitungsregimes einsetzen.

Die Bundesregierung wird insbesondere alles tun, damit der nukleare Nichtverbreitungsvertrag weiter gestärkt wird, der Vertrag über einen umfassenden nuklearen Teststopp in Kraft tritt, das Chemiewaffenübereinkommen implementiert wird und das B-Waffenübereinkommen verifiziert werden kann.

Die Bundesregierung wird sich nachdrücklich für eine Überwindung des Stillstands in der Abrüstungskonferenz und die umgehende Aufnahme von Verhandlungen über ein Verbot der Produktion von spaltbarem Material für Waffenzwecke einsetzen. Die Hilfe bei der Sicherung und Beseitigung vorhandener Massenvernichtungsmittel in Russland wird einen weiteren Schwerpunkt bilden.

Die Bundesregierung wird die Ratifizierung des angepassten KSE-Vertrages unverzüglich einleiten, wenn die Voraussetzungen hierfür auf russischer Seite geschaffen worden sind.

Die Bundesregierung wird sich bemühen, wieder zu einer Luftbeobachtungskapazität zur Umsetzung des Vertrages über den Offenen Himmel beizutragen. Wir treten für Verhandlungen zum Verbot der Stationierung von Waffen im Weltraum ein.

Die Bundesregierung wird sich weiter für Fortschritte bei der Kontrolle von kleinen und leichten Kriegswaffen einsetzen. Deshalb wird die Bundesregierung Initiativen zur Begrenzung des Kleinwaffenexports ergreifen und regionale Rüstungskontrollübereinkünfte außerhalb Europas aktiv fördern.

Darüber hinaus will die Bundesregierung die humanitäre Rüstungskontrolle bei Landminen mit dem Ziel der weltweiten Ächtung aller Landminen, die die zivile Bevölkerung gefährden, weiterentwickeln und Initiativen zur Stärkung der humanitären Minenräumung ergreifen.

Die Bundesregierung wird auch in Zukunft gemeinsam mit Kommunen und Ländern an der Konversion militärisch genutzter Liegenschaften arbeiten.

Rüstungsexportkontrolle

Die Bundesregierung setzt ihre restriktive Rüstungsexportkontrollpolitik auf der Grundlage der „Politischen Grundsätze der Bundesregierung für den Export von Kriegswaffen und sonstigen Rüstungsgütern“ vom 19.1.2000 fort. Notwendigkeit und Möglichkeit einer Harmonisierung der Genehmigungsvoraussetzungen in den einschlägigen Exportvorschriften werden geprüft. Zugleich tritt sie für eine weitere Europäisierung dieser restriktiven Rüstungsexportpolitik und die rechtliche Verbindlichkeit des EU-Verhaltenskodex für Waffenausfuhren ein.

Beim Rüstungsexportbericht wird angestrebt, die Transparenz zu erhöhen. Die Bundesregierung setzt sich auf internationaler Ebene dafür ein, dass der Begrenzung des Handels mit überschüssigen Waffen mehr Bedeutung zugewiesen wird.

Europäischer Einigungsprozess

Wir wollen den europäischen Einigungsprozess weiter vorantreiben. In den Mittelpunkt unserer europäischen Politik stellen wir die Erweiterung und weitere Vertiefung der Europäischen Union. Dabei wird auch in Zukunft der deutsch-französischen Zusammenarbeit eine zentrale Rolle zukommen, da beide Länder aus einer gemeinsamen Verantwortung heraus immer wieder wichtige Impulse für die europäische Einigung gegeben haben. Der 40. Jahrestag des Elysée-Vertrags wird die Gelegenheit bieten, die europäische Integration mit gemeinsamen deutsch-französischen Vorschlägen weiter voranzubringen.

Erweiterung und Vertiefung

Wir sind entschlossen, die großen Chancen, die für Deutschland in der Erweiterung der Europäischen Union liegen, zu nutzen. Die Bundesregierung steht zu den Erweiterungsbeschlüssen des Europäischen Rates und wird die Beitrittsverhandlungen im vereinbarten Zeitplan zum Abschluss bringen, so dass bis zu zehn neue Mitgliedstaaten im Jahre 2004 als vollwertige Mitglieder an den Wahlen zum Europäischen Parlament teilnehmen.

Die Bundesregierung setzt sich für eine europäische Verfassung ein und unterstützt den von ihr initiierten Konventsprozess. Die Reformen müssen auf eine stärkere Demokratisierung der EU, die Sicherung der Handlungsfähigkeit der europäischen Institutionen in einer erweiterten EU und eine Fortentwicklung des europäischen Gesellschaftsmodells zielen. Die erweiterte Union muss politisch führbar bleiben. Notwendig ist eine klarere Kompetenzabgrenzung zwischen der Europäischen Union und ihren Mitgliedstaaten und eine klarere Gewaltenteilung auf europäischer Ebene. Bei der Weiterentwicklung der EU darf jedoch der bereits erreichte Integrationsstand bei den Institutionen, beim Binnenmarkt, bei der Wirtschafts- und Währungsunion und bei der Rechtsangleichung nicht in Frage gestellt werden.

Die Grundrechtscharta soll rechtsverbindlicher und einklagbarer Bestandteil der Verfassung werden. Die Europäische Kommission muss zu einer starken, politisch verantwortlichen Exekutive ausgebaut werden. Der Präsident der Kommission sollte vom Europäischen Parlament gewählt werden. Das Europäische Parlament muss durch die Ausweitung des Mitentscheidungsverfahrens und seiner Budgetrechte gestärkt werden. Die Handlungsfähigkeit der erweiterten EU wird nur zu sichern sein, wenn der Ministerrat grundsätzlich mit Mehrheit entscheidet.

Europäische Außen- und Sicherheitspolitik

Die Europäische Union muss ihre außenpolitische Handlungsfähigkeit erhöhen. Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik (GASP) sollten Entscheidungen grundsätzlich mit qualifizierter Mehrheit getroffen werden. Die Außenpolitiken der EU und der Mitgliedstaaten müssen besser verzahnt werden. Die Ämter des Kommissars für die Außenbeziehungen und des Hohen Repräsentanten für die GASP sollten von einer Person ausgeübt werden.

Die Bundesregierung setzt sich im Rahmen eines erweiterten Sicherheitsverständnisses für eine ausgewogene Entwicklung von zivilen und militärischen Fähigkeiten

ein. Die GASP muss sich auf einen leistungsfähigen europäischen diplomatischen Dienst abstützen können.

Wir wollen die Europäische Sicherheits- und Verteidigungspolitik zu einer Europäischen Sicherheits- und Verteidigungsunion (ESVU) fortentwickeln. Dies umfasst verstärkte Integration bei Streitkräften und Rüstung einschließlich der Bündelung von Fähigkeiten und Arbeitsteilung mit dem Ziel integrierter, mit der NATO interoperabler Streitkräfte, eine europäische Rüstungskoordination sowie die Einführung der verstärkten Zusammenarbeit für die Europäische Sicherheits- und Verteidigungspolitik (ESVP).

Stabilitätspakt Südosteuropa

Die Koalition wird sich weiterhin dafür einsetzen, demokratische und rechtsstaatliche Institutionen, marktwirtschaftliche Rahmenbedingungen, regionale Kooperation und einen Sicherheitsraum in Südosteuropa zu fördern. Der Stabilisierungs- und Assoziationsprozess für Südosteuropa ist das Kernstück der Politik der Europäischen Union zur Heranführung der Länder der Region. Der Stabilitätspakt für Südosteuropa, der diesen Prozess ergänzt und seine Ziele fördert, hat sich bisher als wichtiges Instrument der Krisenbewältigung und zur Initiierung einer nachhaltigen Entwicklung erwiesen.

Die Bereitstellung der notwendigen politischen, finanziellen und Sicherheits-Ressourcen wird von der Bundesregierung als wichtige Investition in die Zukunft Südosteuropas und einer erweiterten EU gesehen.

Europäische Justiz- und Innenpolitik

Der Raum der Freiheit, der Sicherheit und des Rechts muss entsprechend den Beschlüssen von Tampere ausgebaut werden. Gerade die Ereignisse des 11. September 2001 haben deutlich gemacht, dass mehr europäisches Handeln in diesem Bereich erforderlich ist.

Die europäische Polizeibehörde EUROPOL sollte zu einer mit Ermittlungsbefugnissen ausgestatteten Gemeinschaftseinrichtung ausgebaut werden. Parallel dazu wird der Ausbau der parlamentarischen und justiziellen Kontrolle sowie die Abschaffung der Immunität der EUROPOL-Bediensteten angestrebt. Ein europäisches Strafverfolgungsorgan unter Sachleitung einer neu zu schaffenden europäischen Staatsanwaltschaft muss für den Schutz von Gemeinschaftsgütern und die Verfolgung schwerer grenzüberschreitender Kriminalität zuständig sein. Das materielle Strafrecht muss in ausgewählten Bereichen im Wege von Mindestvorschriften harmonisiert werden. Zur besseren Sicherung der Außengrenzen der Europäischen Union gegen organisierte Kriminalität und illegale Einwanderung wird sich die Bundesregierung für ein Zieldatum für eine europäische Grenzpolizei mit hoheitlichen Befugnissen einsetzen. Im neuen Verfassungsvertrag sollte eine Rechtsgrundlage für die Schaffung der Grenzpolizei verankert werden.

Die bisherige Säulenstruktur der Verträge im Bereich der Justiz- und Innenpolitik muss überwunden werden. Für diese Bereiche muss künftig eine umfassende gerichtliche Kontrolle durch den Europäischen Gerichtshof sichergestellt werden. Durch den schrittweisen Übergang zum Mitentscheidungsverfahren soll eine aus-

reichende parlamentarische Kontrolle durch das Europäische Parlament verwirklicht werden.

Zum Aufbau eines gemeinsamen Raumes der Freiheit, der Sicherheit und des Rechts gehört auch die Harmonisierung gemeinsamer Regelungen in der Asyl-, Flüchtlings- und Einwanderungspolitik. Wir setzen uns dafür ein, dass diese auf hohen menschen- und flüchtlingsrechtlichen Standards gründen. Die Zuwanderung in die Europäische Union muss sinnvoll gesteuert werden. Die Bundesregierung wird sich für eine gerechtere und gleichmäßigere Lastenteilung zwischen den Mitgliedstaaten einsetzen.

Das europäische Wirtschafts- und Sozialmodell stärken

Die Stärkung und der Ausbau des europäischen Gesellschafts- und Sozialmodells bleibt unser zentrales Ziel. Durch die Schaffung der Voraussetzungen für ein dauerhaftes, nachhaltiges und beschäftigungsintensives Wirtschaftswachstum soll Europa in den nächsten zehn Jahren zum dynamischsten Wirtschaftsraum der Welt werden. Dabei muss das solidarische europäische Sozialstaatsmodell erhalten und weiterentwickelt werden.

Durch die Einführung der Wirtschafts- und Währungsunion wächst die Notwendigkeit, die wirtschafts- und finanzpolitische Koordinierung in der Europäischen Union zu verbessern. Die Bundesregierung setzt sich für eine stärkere Vereinheitlichung und Vereinfachung der Koordinierung der europäischen Beschäftigungs-, Wachstums- und Strukturpolitik auf der Grundlage der jährlich vom Rat der Wirtschafts- und Finanzminister vereinbarten "Grundzüge der Wirtschaftspolitik" ein.

Die Bundesregierung tritt für eine stärkere Koordinierung und Harmonisierung der Steuerpolitik ein, um den unfairen Steuerwettbewerb in der Europäischen Union zu bekämpfen.

Wir halten am europäischen Stabilitäts- und Wachstumspakt fest. Er bietet genügend Flexibilität, um sowohl konsolidierungs- als auch wachstumspolitischen Erfordernissen gerecht zu werden.

Die Bundesregierung wird sich für eine noch stärkere Koordinierung der EU-Mitgliedstaaten, insbesondere der Mitglieder der Euro-Zone, im Internationalen Währungsfonds einsetzen, um eine einheitliche europäische Position herbeizuführen.

Der europäische Binnenmarkt muss ausgebaut werden. Hierzu gehört die weitere Liberalisierung der Energiemärkte, so dass die freie Wahl der Anbieter von Strom und Gas künftig für alle Kunden gewährleistet ist. Die Bundesregierung wird darauf hinwirken, dass bis 2003 ein voll integrierter Wertpapier- und Risikokapitalmarkt sowie bis 2005 ein voll integrierter Markt für Finanzdienstleistungen geschaffen werden.

Der Industrie hat eine Schlüsselrolle bei der Schaffung von Arbeitsplätzen. Die Europäische Union muss den europäischen Unternehmen ein Umfeld schaffen, das ihnen einen Wettbewerb mit ihren internationalen Konkurrenten auf gleicher Augenhöhe ermöglicht. Wir setzen uns dafür ein, die standortstärkende Industriepolitik in die europäische wirtschaftspolitische Modernisierungsstrategie einzubringen.

Reform der Gemeinsamen Agrarpolitik

Wir treten für eine grundlegende Reform der Gemeinsamen Agrarpolitik ein. Die europäische Landwirtschaft muss an den Prinzipien der Nachhaltigkeit ausgerichtet werden, kompatibel mit den Standards der Welthandelsorganisation (WTO) sein und sich stärker an den Interessen der Verbraucher orientieren. Durch einen Abbau marktverzerrender Maßnahmen, wie interne Preisstützungen, Exporterstattungen und staatliche Intervention im Falle nicht absetzbarer Überschüsse, sollen die Erzeuger besser auf die Signale des Marktes und die Bedürfnisse der Verbraucher reagieren können. Dies erhöht die WTO-Konformität der gemeinsamen Agrarpolitik und trägt zu fairen Handelschancen insbesondere für die Entwicklungsländer bei.

Durch eine schrittweise Entkoppelung der Agrardirektzahlungen von der Produktion sollen Anreize zur Überproduktion künftig entfallen. Gleichzeitig müssen diese Zahlungen an die Erfüllung bestimmter Standards in den Bereichen Umwelt- und Tier-schutz gebunden werden. Die Vorschläge zur sozial gerechteren Gestaltung der Direktzahlungen in den derzeitigen Mitgliedstaaten und der Verwendung der Gelder in den jeweiligen Mitgliedstaaten müssen so gestaltet werden, dass mehr Gerechtigkeit hergestellt wird, Produktionszweige differenziert beurteilt werden und keine einseitige Benachteiligung von Regionen fort- oder herbeigeführt wird. Insbesondere die Situation der Grünlandstandorte muss hier berücksichtigt werden. Der besonderen strukturellen, betriebsgrößenbedingten Situation der Landwirtschaft in den Neuen Ländern muss unter dem Gesichtspunkt der Vermeidung von Arbeitsplatzverlusten angemessen Rechnung getragen werden.

Wir streben eine Absenkung des Anteils der Agrarausgaben am EU-Haushalt an. Vor diesem Hintergrund muss die schrittweise Einführung von Agrardirekthilfen für die Landwirte in den Beitrittsländern durch eine entsprechende jährliche Rückführung der Agrardirekthilfen in den alten Mitgliedstaaten gegenfinanziert werden. Zudem müssen durch Degression Mittel für die ländliche Entwicklung und wichtige EU-Aufgaben im Bereich der Außenpolitik, der inneren Sicherheit und der wirtschaftlichen Modernisierung freigemacht werden.

Faire finanzielle Lastenverteilung für eine solidarische Union

Bei der Neuregelung der Finanzen der Europäischen Union ab 2007 streben wir faire Lastenteilung an. Dabei müssen sich die Ausgaben der Europäischen Union auch im neuen Finanzplanungszeitraum deutlich unterhalb der Obergrenze in Höhe von 1,27 % des Bruttonutzenprodukts der erweiterten Union bewegen.

In der erweiterten Union wird das Entwicklungs- und Wohlstandsgefälle weiter zunehmen. Die Struktur- und Kohäsionsmittel müssen auf die wirklich bedürftigen Regionen konzentriert werden. Insbesondere im Hinblick auf die Neuen Länder muss dabei gelten, dass vergleichbare Regionen in der gegenwärtigen Europäischen Union gleich behandelt werden. Daneben wird sich die Bundesregierung für ausreichende beihilferechtliche Spielräume einer nationalen Strukturpolitik einsetzen.

Globale Gerechtigkeit und Entwicklungszusammenarbeit

Weltwirtschaftsordnung

Eine verantwortungsvolle, auf dem Prinzip einer sozialen und ökologischen Marktwirtschaft fußende Politik muss dazu beitragen, die Entwicklungsmöglichkeiten aller Länder im Rahmen der Globalisierung zu erhöhen und die Risiken von Instabilität, sozialen Spannungen und der Verschwendung natürlicher Ressourcen zu mindern.

Die neue Welthandelsrunde (Doha-Runde) muss zur Entwicklungsrunde werden. Die Einkommen der Entwicklungsländer müssen sich verbessern. Die Bundesregierung wird sich sowohl auf europäischer Ebene als auch in der WTO für einen erweiterten Marktzugang für Entwicklungsländer, den Abbau ökologisch schädlicher Subventionen und den besseren Schutz der biologischen Vielfalt einsetzen. Die Bundesregierung wird dafür eintreten, die unfaire Konkurrenz durch Exportsubventionen der Industrieländer gegenüber den Ländern des Südens zu überwinden.

Wir werden uns insbesondere für eine Reform und Präzisierung des Abkommens zum Schutz des geistigen Eigentums einsetzen (TRIPS-Abkommen). Dabei geht es um einen verbesserten Zugang zu lebensnotwendigen Medikamenten, den Erhalt der Artenvielfalt, die Rechte indigener Völker und den Schutz pflanzengenetischer Ressourcen.

Die Globalisierung der Finanzmärkte hat zu Wachstum und Beschäftigung in der Weltwirtschaft beigetragen. Die Finanzkrisen, die in den vergangenen Jahren mehrere Regionen erschütterten, haben aber gezeigt, dass offene Finanzmärkte bei unzureichenden Rahmenbedingungen mit erheblichen Risiken verbunden sind.

Die Koalitionsparteien werden sich für eine stärkere Rolle des Internationalen Währungsfonds in der Krisenvorbeugung einsetzen. Insbesondere sollen die Kapitalflüsse, die Auslandsverschuldung und Entwicklungen im Finanzsektor intensiver analysiert und transparent werden.

Außerdem müssen die Funktionsfähigkeit der internationalen Finanzmärkte weiter gestärkt und eine Verminderung unangemessener Volatilitäten von Finanzmarktpreisen und von Kapitalflüssen erreicht werden. Dazu müssen internationale Standards und Kodizes weiterentwickelt und die Entwicklungs- und Schwellenländer bei der Umsetzung und dem Aufbau von kontrollierenden Institutionen unterstützt werden.

Generell sollten die Möglichkeiten der Länder gestärkt werden, den Zu- bzw. Abfluss kurzfristigen Kapitals durch ihre nationale Wirtschafts- und Finanzpolitik zu beeinflussen, ohne die Offenheit der Volkswirtschaften in Frage zu stellen.

Die Bundesregierung wird gemeinsam mit der EU, der OECD und den G7/G8-Staaten stärkeren Druck auf die so genannten Steueroasen ausüben, um die Steuergerechtigkeit zu erhöhen und Geldwäsche, Finanzierung von Verbrechen und Terrorismus entschlossen zu bekämpfen.

Mittel, die durch die HIPC-Initiative zur Entschuldung hochverschuldeter armer Länder frei werden, sollen für Investitionen zur Armutsminderung eingesetzt werden. Die

Bundesregierung setzt sich für ein faires und transparentes Verfahren (Staateninsolvenzrecht) unter Einbeziehung aller Akteure, vor allem auch des Privatsektors, zur Lösung des Problems ein.

Gegenüber den transnational tätigen Unternehmen werden wir uns dafür einsetzen, dass sie ihre soziale Verantwortung anerkennen und ihren Beitrag zum wirtschaftlichen, sozialen und ökologischen Fortschritt und zur nachhaltigen Entwicklung in der Welt leisten.

"Fairer Handel" hat eine positive Wirkung auf nachhaltiges Wirtschaften in den Ländern des Südens und stärkt ein aufgeklärtes Verbraucherbewusstsein in Deutschland. Die Bundesregierung wird die Bildungs- und Öffentlichkeitsarbeit durch gezielte Kampagnen in diesem Bereich deutlich erhöhen.

Entwicklungspolitik

Die Entwicklungspolitik ist ein eigenständiger Teil der gemeinsamen deutschen Außenpolitik. Sie leistet die entwicklungspolitischen Beiträge zur nachhaltigen Verbesserung der wirtschaftlichen, sozialen, ökologischen und politischen Verhältnisse, zur Förderung von Menschenrechten, Rechtsstaatlichkeit und Demokratie, zur Bekämpfung der Armut, zur Prävention von Krisen und gewalttätigen Konflikten sowie zu einer sozial gerechten, ökologisch tragfähigen und damit nachhaltigen Gestaltung der Globalisierung. Zentrales Ziel ist die Stärkung der ökonomischen und sozialen Leistungsfähigkeit der Volkswirtschaften. Dies gilt vor allem in den Ländern Afrikas, Asiens und Lateinamerikas.

Die Millenium-Erklärung der Vereinten Nationen, der Monterrey-Konsens sowie der Johannesburg-Aktionsplan bilden den programmatischen Rahmen unserer Entwicklungspolitik. Wir werden das Aktionsprogramm 2015 zur weltweiten Halbierung extremer Armut konsequent umsetzen und dabei Initiativen zur Sicherstellung von Grundbildung, zur Verbesserung der Gesundheitssituation sowie zur Bekämpfung von HIV/Aids unterstützen.

Im Rahmen der EU ist Deutschland als Zwischenschritt zum 0,7%-Ziel die Verpflichtung eingegangen, bis 2006 einen Wert von 0,33 % zu erreichen. Dieses Ziel soll entsprechend umgesetzt werden.

Angesichts der Größe der Aufgabe, die vor uns liegt, wird die Bundesregierung in den internationalen Gremien Finanzierungsinstrumente prüfen (z. B. Tobinsteuer und Nutzungsentgelte).

Die Mitbestimmungsmöglichkeiten der Entwicklungsländer in den internationalen Gremien müssen verbessert werden. Die Bundesregierung setzt sich dafür ein, dass die eingeleitete Reform von IWF und Weltbank umgesetzt wird. Sie wird die laufende Welthandelsrunde zu einer echten „Entwicklungsrunde“ machen. Sie wird sich dafür einsetzen, den Marktzugang für Produkte, insbesondere landwirtschaftliche Produkte, der Länder des Südens und Ostens wesentlich zu verbessern und die Exportsubventionen für Agrarprodukte abzubauen. Die Initiative zur Entschuldung für die ärmsten Entwicklungsländer wird konsequent weitergeführt. Das Schuldenumwandlungsprogramm der Finanziellen Zusammenarbeit wird flexibilisiert und ausgebaut. Die Bundesregierung wird sich mit Nachdruck für ein internationales Insolvenz-

verfahren einsetzen, das den Schuldendienst der betreffenden Länder auf ein tragbares Niveau zurückführt.

Wir werden in der Zusammenarbeit mit Entwicklungsländern dazu beitragen, eine aktive und konsequente Klima- und Energiepolitik zu gestalten. Die Bundesregierung wird bei der Ausgestaltung einer nachhaltigen Energiezukunft weltweit eine Führungsrolle einnehmen.

Wir unterstreichen die Verpflichtungen, die die Bundesregierung beim Weltgipfel für nachhaltige Entwicklung in Johannesburg eingegangen ist. Wir setzen uns für stärkere Förderung einer nachhaltigen und auf Armutsminderung orientierten Bewirtschaftung der Wasserressourcen ein. Der Zugang zum elementaren Lebensmittel Wasser muss verbessert werden. Deutschland wird in den nächsten Jahren 350 Mio. € bereitstellen, um die Zahl der Menschen zu verringern, die keinen Zugang zu sauberem Wasser und einer angemessenen Abwasserbehandlung haben.

Zur Bekämpfung von Armut ist der Zugang zu Energie eine Voraussetzung. Hierbei spielen Erneuerbare Energien und Energieeffizienz eine Schlüsselrolle. Die Bundesregierung wird in den nächsten fünf Jahren den Entwicklungsländern 500 Mio. € zum Ausbau der Erneuerbaren Energien und weitere 500 Mio. € zur Steigerung der Energieeffizienz bereitstellen. Deutschland wird im Jahr 2003 zu einer internationalen Konferenz für Erneuerbare Energien einladen und an der Schaffung einer Internationalen Agentur für Erneuerbare Energien arbeiten.

Die Bundesregierung wird sich international für das Recht auf Nahrung einsetzen und in der bilateralen Zusammenarbeit die ländliche Entwicklung und notwendige Agrarreformen unterstützen. Deutschland wird sich aktiv bei der Umsetzung des G8-Aktionsplans zur Initiative „Neue Partnerschaft für die Entwicklung Afrikas“ (NEPAD) engagieren und damit die afrikanischen Reformanstrengungen unterstützen.

Wir werden die Menschenrechte, die Gleichberechtigung der Geschlechter sowie die kulturelle Dimension von Entwicklung als Schwerpunkt festigen. Die Förderung von Frauen im Entwicklungsprozess wird ausgebaut. Wir werden unser entwicklungspolitisches Instrumentarium in den Bereichen Krisenprävention und Konfliktbewältigung sowie den Zivilen Friedensdienst weiter ausbauen.

Länder, die sich durch gute Regierungsführung und Förderung friedlichen Zusammenlebens auszeichnen, werden wir vor allem auch finanziell fördern. Angesichts der institutionellen Schwäche vieler Partnerländer wird die Bundesregierung verstärkt den Aufbau nationaler Institutionen und funktionaler Verwaltungsstrukturen in Entwicklungsländern fördern, die unerlässlich für eine soziale und ökologische Marktwirtschaft, Stärkung der Demokratie sowie die Umsetzung internationaler Verpflichtungen sind. Die Bundesregierung wird sicherstellen, dass Programme der Entwicklungszusammenarbeit von nationalen Entwicklungspfaden ausgehen und lokales Wissen und lokale Fachkräfte angemessen berücksichtigt werden.

Zur Lösung der globalen Entwicklungsprobleme setzen wir auch auf neue strategische Partnerschaften zwischen Staat, Wirtschaft und Zivilgesellschaft. Die Instrumente und Programme der öffentlich-privaten Zusammenarbeit werden wir in dieser Legislaturperiode ausbauen, um damit den Entwicklungs- und Transformationsländern verstärkt Technologie, Wissen und Kapital zugänglich zu machen. Die Bundes-

regierung wird Initiativen zur Förderung des Fairen Handels, zur Umsetzung von Verhaltenskodizes und zur nachhaltigen Bewirtschaftung von Bodenschätzen stärken.

Wir werden uns dafür einsetzen, dass internationale Sozial- und Umweltstandards weiterentwickelt werden und die entsprechenden völkerrechtlichen Umwelt- und Klimavereinbarungen gleichgewichtig neben dem Handelsrecht stehen.

Ausfuhrergewährleistungen des Bundes (HERMES)

Bei der Außenwirtschaftsförderung werden wir die Entscheidungen über Bürgschaften und Garantien transparent gestalten. Weltbankstandards sollen bei Bürgschaftsentscheidungen eingehalten werden und eine Prüfung von Menschenrechtsverletzungen soll erfolgen.

Zusammenarbeit mit Zivilgesellschaft, Gemeinden und Kommunen

Nichtregierungsorganisationen, Kirchen und Stiftungen sind für uns wichtige Partner. Die Zusammenarbeit mit diesen Partnern wollen wir in Form von gemeinsamen Initiativen ausgestalten. Wir unterstützen den Agenda 21-Prozeß sowie das entwicklungspolitische Engagement der Städte und Gemeinden.

Wir unterstützen eine verbesserte Zusammenarbeit zwischen staatlichen und nicht-staatlichen Akteuren in der Entwicklungszusammenarbeit. Vertreter der Zivilgesellschaft sollten an internationalen Konferenzen und Verhandlungen so weit wie möglich beteiligt sein. Die Bundesregierung wird sich in internationalen Organisationen dafür einsetzen, dass Nichtregierungsorganisationen im Rahmen der Satzung neue Wege der Mitarbeit eröffnet werden.

Die entwicklungspolitische Arbeit der Nichtregierungsorganisationen im In- und Ausland wollen wir weiterhin stärken. Die Vereinfachung der Vergaberichtlinien für die Förderung der Arbeit von Nichtregierungsorganisationen im In- und Ausland wird angestrebt.

X. KOOPERATION DER PARTEIEN

Allgemeines

Diese Koalitionsvereinbarung gilt für die Dauer der 15. Wahlperiode. Die Koalitionspartner verpflichten sich, diese Vereinbarung in Regierungshandeln umzusetzen. Beide Partner tragen für die gesamte Politik der Koalition gemeinsam Verantwortung.

Die Koalitionspartner werden ihre Arbeit in Parlament und Regierung laufend und umfassend miteinander abstimmen und zu Verfahrens-, Sach- und Personalfragen Konsens herstellen. Die Koalitionspartner treffen sich regelmäßig mindestens einmal monatlich zu Koalitionsgesprächen im Koalitionsausschuss. Darüber hinaus tritt er auf Wunsch eines Koalitionspartners zusammen.

Er berät Angelegenheiten von grundsätzlicher Bedeutung, die zwischen den Koalitionspartnern abgestimmt werden müssen, und führt in Konfliktfällen Konsens herbei. Ihm gehören acht Mitglieder je Koalitionspartner an.

Arbeit im Bundestag

Im Bundestag und in allen von ihm beschickten Gremien stimmen die Koalitionsfraktionen einheitlich ab. Das gilt auch für Fragen, die nicht Gegenstand der vereinbarten Politik sind. Wechselnde Mehrheiten sind ausgeschlossen.

Über das Verfahren und die Arbeit im Parlament wird Einvernehmen zwischen den Koalitionsfraktionen hergestellt. Anträge, Gesetzesinitiativen und Anfragen auf Fraktionsebene werden gemeinsam oder, im Ausnahmefall, im gegenseitigen Einvernehmen eingebracht. Die Koalitionsfraktionen werden darüber eine Vereinbarung treffen.

Arbeit im Kabinett

Im Kabinett wird in Fragen, die für einen Koalitionspartner von grundsätzlicher Bedeutung sind, keine Seite überstimmt. Ein abgestimmtes Verhalten in Gremien der EU wird sichergestellt.

In allen Ausschüssen des Kabinetts und in allen vom Kabinett beschickten Gremien sind beide Koalitionspartner vertreten, sofern es die Anzahl der Vertreter des Bundes zulässt. Die Besetzung von Kommissionen, Beiräten usw. beim Kabinett erfolgt im gegenseitigen Einvernehmen, wobei dem Stärkeverhältnis der Partner Rechnung getragen wird.

Zuschnitt des Kabinetts

Dem Bundeskanzler obliegt die Organisationsgewalt. Größere Änderungen des Ressortzuschnitts innerhalb der Wahlperiode werden zwischen den Koalitionspartnern einvernehmlich geregelt.

Personelle Vereinbarungen

Die Koalitionspartner vereinbaren, Gerhard Schröder (SPD) zum Bundeskanzler zu wählen.

Das Amt des Vizekanzlers wird durch Joschka Fischer (Bündnis 90/DIE GRÜNEN) ausgeübt.

Die SPD stellt die Leitung folgender Ministerien:

Bundesministerium des Innern

Bundesministerium der Justiz

Bundesministerium der Finanzen

Bundesministerium für Arbeit und Wirtschaft

Bundesministerium für Gesundheit und Sozialordnung

Bundesministerium der Verteidigung

Bundesministerium für Familie, Senioren, Frauen und Jugend

Bundesministerium für Verkehr, Bau- und Wohnungswesen, Aufbau Ost

Bundesministerium für Bildung und Forschung

Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung

Das Bündnis 90/DIE GRÜNEN stellt die Leitung folgender Ministerien:

Auswärtiges Amt

Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft

Das Vorschlagsrecht für beamtete und Parlamentarische Staatssekretäre sowie Staatsminister liegt bei den jeweiligen Bundesministerinnen und Bundesministern. Die SPD hat das Vorschlagsrecht für einen Staatsminister im Auswärtigen Amt und für einen Parlamentarischen Staatssekretär im Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft, Bündnis 90/DIE GRÜNEN für einen Parlamentarischen Staatssekretär im Bundesministerium für Arbeit und Wirtschaft, für den Parlamentarischen Staatssekretär im Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung und für einen Parlamentarischen Staatssekretär im Bundesministerium für Familie, Senioren, Frauen und Jugend. Die von Bündnis 90/DIE GRÜNEN gestellte Parlamentarische Staatssekretärin im Bundesministerium für Familie, Senioren, Frauen und Jugend ist zugleich Beauftragte der Bundesregierung für Integration.

Berlin, den 16. Oktober 2002

**Für die
Sozialdemokratische Partei
Deutschlands**

**Für
Bündnis90/DIE GRÜNEN**

Gerhard Schröder

Joschka Fischer

Heidemarie Wieczorek-Zeul

Claudia Roth

Olaf Scholz

Fritz Kuhn

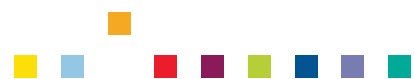


Bundesministerium
für Familie, Senioren, Frauen
und Jugend



Fortbildung – gleichstellungsorientiert!

**Arbeitshilfen zur Integration
von Gender-Aspekten in
Fortbildungen**



Gleichstellung

Fortbildung – gleichstellungsorientiert!

Arbeitshilfen zur Integration von Gender-Aspekten in Fortbildungen

Autorinnen:

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Tübingen, Juni 2009

Vorwort

von

Eva-Maria Welskop-Deffaa,

Leiterin der Abteilung Gleichstellung im Bundesministerium für Familie, Senioren, Frauen und Jugend

und

Günther Wurster

Präsident der Bundesakademie für öffentliche Verwaltung

Die Arbeit der Bundesverwaltung orientiert sich ausdrücklich am „Leitprinzip der Gleichstellung von Frauen und Männern“ (Gender-Mainstreaming). Dabei wird deutlich, dass in nahezu allen Bereichen durch die Berücksichtigung der unterschiedlichen Interessen und Bedürfnisse von Frauen und Männern besonders zielgerichtet und effizient gearbeitet werden kann.

Gleichstellungskompetenz ist nicht nur punktuell für einzelne Projekte relevant: Es geht um ihre systematische Berücksichtigung in der Facharbeit aller Ressorts. Für das Gelingen einer solchen systematischen Integration ist die Fortbildung der Mitarbeiter und Mitarbeiterinnen von besonderer Bedeutung.

Wir haben daher beispielhaft aus dem laufenden Fortbildungsprogramm der Bundesakademie für öffentliche Verwaltung ausgewählte Veranstaltungen daraufhin untersucht, wo Gleichstellungsaspekte in der Fortbildung sinnvoll einzubeziehen sind. Gender-Expertinnen und Experten haben die entsprechenden Veranstaltungen begleitet und zusammen mit den Dozenten und Dozentinnen und den Seminarleitungen konkrete Vorschläge für die Implementierung von Gleichstellungsaspekten erarbeitet.

Die nun vorliegenden Arbeitshilfen werden allen Fortbildungseinrichtungen des Bundes und Behörden, die eigene Fortbildung durchführen, zur Verfügung gestellt. Sie unterstützen Dozentinnen und Dozenten in der alltäglichen Praxis, im Bemühen, Gleichstellung als Querschnittsaufgabe in ihre Lehrveranstaltungskonzepte zu integrieren. Die Vorschläge zielen auf eine praxisnahe Vermittlung und unterstützen moderne Verwaltung, die mit gleichstellungsorientierter Wirkungsanalysen, einer besseren geschlechtsspezifischen Gesetzesfolgenabschätzung und einer gleichstellungssensiblen Steuerung ihre Zielerreichung optimieren will.

Dieses bisher einzigartige Kooperationsprojekt zwischen dem Bundesministerium für Familie, Senioren, Frauen und Jugend und der Bundesakademie für öffentliche Verwaltung ist bereits während des Entstehungsprozesses als *best practice*-Beispiel auf großes Interesse gestoßen. Wir danken allen Beteiligten, insbesondere den Dozentinnen und Dozenten der Bundesakademie, die an diesem Projekt mitgewirkt haben, den verantwortlichen Projektleiterinnen des tifs e. V., den Gender-Expertinnen und -Experten sowie dem Projektsteuerungskreis, der das Projekt beratend unterstützt hat.

Inhaltsverzeichnis

I. Einführung	6
II. Fortbildungen der Öffentlichen Verwaltung und das Ziel der Gleichstellung	9
III. Zentrale Aspekte gleichstellungsorientierter Fortbildung	12
IV. Leitfaden für eine gleichstellungsorientierte Didaktik.....	16
4.1 Das Gender-ABC für Planende von Fortbildungen (Makrodidaktik).....	16
Dimension: Gender-bezogene Ermittlung von Weiterbildungsbedarf, Programmplanung und Konzeptentwicklung für Fortbildungen	17
Dimension: Gender-sensible Verfahren der Gewinnung von Dozentinnen und Dozenten.....	21
Dimension: Gleichstellungsorientierte Öffentlichkeitsarbeit und Programmausschreibungen	25
Dimension: Geschlechtergerechte Rahmenbedingungen für die Durchführung der Fortbildungen	28
Dimension: Evaluierung von Fortbildungen unter Gender-Aspekten	30
4.2 Gleichstellungsorientiertes Bildungshandeln von Dozentinnen und Dozenten (Mikrodidaktik)	35
Dimension: Inhalte von Fortbildungen mit integrierter Gender-Perspektive	36
Dimension: Teilnehmerinnen und Teilnehmer von Fortbildungen	42
Dimension: Gender-sensibles Seminarverhalten von Dozentinnen und Dozenten ...	46
Dimension: Gleichstellungsorientierte methodische Gestaltung von Fortbildungen und pädagogischen Settings.....	49
Dimension: Gender-sensible Gestaltung von Medien, Materialien und Skripten	52
4.3 Übergreifende Anforderung an Fortbildungen: Geschlechtergerechte Sprache	54
4.4 Gender-Kompetenz als verbindlicher Bestandteil der Beauftragung von Dozentinnen und Dozenten	56
V. Gender-Aspekte konkret – Fachbezogene Konzepte für Fortbildungen	59
5.1 Organisationsbezogene Fortbildungen.....	60
Querschnittsaufgaben Organisation – Haushalt – Personal.....	60
Projektmanagement.....	71
Methoden und Techniken der Prozessorganisation	80
Grundlagen des Qualitätsmanagements.....	89
Grundseminar Controlling.....	95
Gesetzesfolgenabschätzung	102
5.2 Personenbezogene Fortbildungen	113
Kommunizieren und kooperieren	113
Interkulturelle Kompetenzen	129
Aktivierendes Führen	148
Personalauswahlverfahren durchführen	162
Konfliktmanagement als Führungsaufgabe	170

5.3 Fortbildungen im Bereich Didaktik und Öffentlichkeitsarbeit.....	181
Auszubildende am Arbeitsplatz	181
Lehren in der Aus- und Fortbildung.....	190
E-Learning mit neuen Medien	197
Schreiben für das Internet	206
 VI. Zu den Expertinnen und Experten.....	 212

I. Einführung

„Fortbildung – gleichstellungsorientiert!“ Das klingt nach Vision. Und doch soll diese Vision bald Wirklichkeit werden. Oder ist sie es bereits? Es ist durchaus erfreulich, immer wieder auf Menschen zu treffen, die so etwas wie „gleichstellungsorientierte Bildungsagentinnen und -agenten“ darstellen. Doch zeigt sich, dass es häufig an konkreten Anregungen für Planende wie Durchführende von Fortbildungen fehlt, die zeigen, was es genau bedeuten kann, wenn die Gender-Perspektive in Fortbildungen integriert werden soll. Dies bildete den Ausgangspunkt des Projektes „Gender-Aspekte in der Fortbildung“.

Das Projekt wurde im Auftrag des Bundesministeriums für Familie, Senioren, Frauen und Jugend (BMFSFJ) in Zusammenarbeit mit der Bundesakademie für öffentliche Verwaltung im Bundesministerium des Innern (BAkÖV) von Juli 2007 bis Juni 2009 vom Forschungsinstitut tifs e. V. (Projektleitung: Dr. Gerrit Kaschuba, Dr. Karin Derichs-Kunstmann) durchgeführt.

I Ziele und Inhalte des Projektes

Ziel des Projektes war es, in die Fortbildungsangebote des Bundes für die Mitarbeiterinnen und Mitarbeiter der Bundesverwaltung den Aspekt der Gleichstellung stärker zu implementieren. Hierzu wurden exemplarisch Fortbildungsveranstaltungen der Bundesakademie für öffentliche Verwaltung (BAkÖV) ausgewertet sowie übergreifende und fachbezogene Arbeitshilfen für Fortbildungen unter Berücksichtigung von Gleichstellungsgesichtspunkten erarbeitet.

Die auf dieser Basis entwickelten Arbeitshilfen sollen sowohl Planende in Fortbildungseinrichtungen als auch Dozentinnen und Dozenten in die Lage versetzen, Gleichstellungsaspekte in ihre Lehrveranstaltungskonzepte zu integrieren, sie in die Planung einzubeziehen und in den Fortbildungen praxisnah zu vermitteln.

I Projektergebnisse

Im Rahmen des Projektes sind die hiermit vorgelegten Arbeitshilfen zur gleichstellungsorientierten Didaktik mit zwei Schwerpunkten entstanden:

1. Ein übergreifender Leitfaden für gleichstellungsorientierte Didaktik, der sich in zwei Teile untergliedert. Ein Teil des Leitfadens richtet sich an Bildungsmanagerinnen und -manager bzw. die Fortbildungsplanenden (bei der BAkÖV Seminarleitungen), der andere an die

Dozentinnen und Dozenten, die Fortbildungen durchführen.¹ In diesem Leitfaden sind zu jeder der insgesamt 10 didaktischen Dimensionen inhaltliche Ausführungen sowie Checklisten mit konkreten Empfehlungen und Leitfragen enthalten.

2. Fachbezogene Arbeitshilfen zur Integration der Gleichstellungsorientierung in fünfzehn Lehrveranstaltungskonzepte sollen exemplarisch veranschaulichen, was es bedeuten kann, wenn die Gender-Perspektive selbstverständlich in die fachlichen Inhalte und das methodische Vorgehen von organisations- und personenbezogenen Fortbildungen sowie didaktisch-methodischen Fortbildungen integriert wird.

I Vorgehensweise bei der gender-bezogenen Weiterentwicklung der Fortbildungskonzepte

Innerhalb des Projektes „Gender-Aspekte in der Fortbildung“ erfolgte die Erarbeitung der Arbeitshilfen kompetenz- und prozessorientiert. Das bedeutet, dass versucht wurde, die Kenntnisse und Interessen aller Beteiligten einzubeziehen. Für die fachbezogenen Arbeitshilfen wurden 15 Fortbildungstypen aus dem Programm der BAKöV gemeinsam mit Seminarleiterinnen und Seminarleitern (Planenden) der BAKöV ausgewählt. Auswahlkriterien waren Seminardauer, Fortbildungsformat, Zielgruppen, zuständige Lehrgruppe (Abteilung) und verschiedene Themenbereiche aus dem Spektrum organisations- und personenbezogener sowie didaktisch-methodischer Fortbildungen.

Während der ausgewählten Seminare waren jeweils eine Gender-Expertin bzw. ein Gender-Experte anwesend und führten Beobachtungen nach einem von der Projektleitung entwickelten Kriterienkatalog durch.² Eine wesentliche Voraussetzung für diesen Ansatz war die Kooperationsbereitschaft der Dozentinnen und Dozenten, die für die BAKöV Fortbildungen durchführen. Im Anschluss an die Fortbildungen erstellten die Gender-Expertinnen bzw. -Experten einen Bericht, in dem sie ihre Beobachtungen festhielten und den Dozenten und Dozentinnen zukommen ließen. Auf dieser Grundlage wurden in Zusammenarbeit mit den Projektleiterinnen die fachbezogenen Arbeitshilfen erarbeitet. Außerdem sind in die Arbeitshilfen Anregungen aus der Steuerungsgruppe des Projektes, von den Seminarleiterinnen und Seminarleitern sowie den Dozentinnen und Dozenten der BAKöV in Workshops und bilateralen Arbeitsgesprächen eingeflossen.

I Danksagungen

Die Ergebnisse dieses Projektes sind das Resultat eines intensiven Austauschprozesses mit zahlreichen Personen, die in unterschiedlichen Funktionen daran beteiligt waren. Ihre Rückmeldungen und engagierten Diskussionen haben zur Entwicklung und Verbesserung der Arbeitshilfen beigetragen. Unser Dank geht an

- I die Mitglieder der Steuerungsgruppe des Projektes: Angelika Engstler, Andrea Matena, Katja Thiele, Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) Berlin und Bonn; Renate Plücken-Opolka/Petra Füssgen, Bundesakademie für öffentliche Verwaltung (BAKöV) Brühl; Sandra Smykalla, GenderKompetenzZentrum, Berlin; Meinolf Sprink/Thomas Scheidt, Bundesverwaltungsamt (BVA) Köln;

¹ Beispielsweise werden für die Planenden gender-bezogene Anregungen zur Auswahl des Lehrpersonals und zur Evaluation der Fortbildungen gegeben.

² Angaben zu den Gender-Expertinnen und -Experten siehe Kap. VI.

- | die Gender-Expertinnen und Gender-Experten: Andreas Baumgärtner, Regina Frey, Michael Gümbel, Michael Kasten, Wilfried Kunstmann, Ralf Lange, Rudolf Leiprecht, Wolfgang Nötzold, Victoria Schnier, Brigitte Sellach, Ulrike Spangenberg;
- | die Seminarleiterinnen und Seminarleiter der BAKöV und
- | die Dozentinnen und Dozenten, die sich in die Karten schauen ließen sowie an diejenigen, die bei dem Workshop für Dozentinnen und Dozenten ebenfalls zur Weiterentwicklung der Arbeitshilfen beigetragen haben.

Wir hoffen, dass die hiermit vorliegenden Arbeitshilfen denjenigen, die mit der Planung und Durchführung von Fortbildungen befasst sind, Unterstützung und Anregung für die Integration von Gender-Aspekten in ihre tägliche Arbeit geben. Die dargestellten Beispiele und Vorschläge machen hoffentlich Lust darauf, sich mit Gender-Kompetenz in der Bildungsarbeit auseinander zu setzen und gleichstellungsorientierte Fortbildungskonzepte weiterzuentwickeln.

Forschungsinstitut tifs e. V., Tübingen, Juni 2009

Gerrit Kaschuba & Karin Derichs-Kunstmann
– Projektleiterinnen –

II.

Fortbildungen der öffentlichen Verwaltung und das Ziel der Gleichstellung

Gerrit Kaschuba und Karin Derichs-Kunstmann

Die tatsächliche Gleichstellung von Frauen und Männern ist in der Bundesrepublik Deutschland als Staatsziel im Artikel 3, Absatz 2 des Grundgesetzes verankert. Konkretisiert wird die Förderung der Gleichberechtigung in zahlreichen Bundesgesetzen. Für die Bundesverwaltung sind dies vor allem das Bundesgleichstellungsgesetz (BgleiG) und das Gleichstellungsdurchsetzungsgesetz (DgleiG), das die Maßnahmen konkretisiert. In der Gemeinsamen Geschäftsordnung der Bundesregierung (§ 2 GGO) ist die „Gleichstellung von Frauen und Männern“ als „durchgängiges Leitprinzip (Gender-Mainstreaming)“ bindend ausformuliert worden. Und nicht zuletzt durch europäische und internationale Vereinbarungen der Bundesrepublik Deutschland (wie z. B. im Amsterdamer Vertrag der Europäischen Union von 1997 in den Artikeln 2 und 3, vgl. Presse- und Informationsamt der Bundesregierung 1999) stellt die öffentliche Verwaltung ihre Absicht dar, Gleichstellung als Querschnittsaufgabe zu fördern und umzusetzen. Gleichstellungsorientiertes Verwaltungshandeln – bezogen auf die Steuerung, Koordination und Gestaltung von Politikfeldern und die Kommunikation nach innen und außen – tritt aktiv gegen eine Benachteiligung ein und trägt dazu bei, auch unbewusste traditionelle Geschlechterrollen und -stereotype zu verändern.

Fortbildungen in der öffentlichen Verwaltung spielen bei der Förderung der Gleichstellung und Geschlechtergerechtigkeit eine wichtige Rolle: Sie können Ziele, Themen und Nutzen von Gleichstellungspolitik sichtbar machen und damit sowohl die fachliche Arbeit von Verwaltungen als auch die Geschlechterverhältnisse verändern. Zentrale Ansatzpunkte sind sowohl die Fachinhalte der Fortbildungen als auch die methodisch-didaktische Vorgehensweise, aber auch das gesamte Fortbildungsformat mit den organisatorischen Rahmenbedingungen. Gleichstellungsorientierte Fortbildungen berücksichtigen die Tatsache, dass es vielfältige Lebenslagen von Frauen und Männern und damit auch vielfältige Fortbildungsinteressen und -bedarfe gibt. Sie ermöglichen Teilnehmenden, die Arbeitsbedingungen von Frauen und Männern in der eigenen Behörde kritisch zu reflektieren und Ansatzpunkte der Veränderung zu entwickeln.

I Akteure und Akteurinnen in der Fortbildung verfügen über Gender-Kompetenz

Um dieses Ziel angemessen umsetzen zu können, benötigen sowohl Dozenten und Dozentinnen, Referentinnen und Referenten als auch Planende bzw. für das Bildungsmanagement Zuständige Gender-Kompetenz. Gender-Kompetenz umfasst drei Ebenen: **das Wollen** (politischer Wille und Selbstreflexivität), **das Wissen** (über fachliche Gender-Aspekte und Lebenslagen von Frauen und Männern), **das Können** (die Fähigkeit zur Umsetzung des Wissens in gleichstellungsorientiertes Verwaltungshandeln) (vgl. u. a. Metz-Göckel/Roloff 2002; GenderKompetenzZentrum).

Im Sinne der oben skizzierten gesetzlich verankerten Gleichstellungsorientierung ist Gender-Kompetenz eine notwendige Voraussetzung für die Modernisierung von Verwaltungen. Alle am Fortbildungsgeschehen beteiligten Akteurinnen und Akteure benötigen Gender-Kompetenz – entweder stärker bezogen auf die Planung oder auf die Durchführung von Fortbildungen. Gender-Kompetenz orientiert sich an dem Konzept der Schlüsselqualifikationen, das sich in personale, fachliche, soziale und methodische Kompetenzen auffächert (vgl. Arnold/Müller 1999).³

I „Gender“ ist ein umfassender Begriff für „Geschlecht“

Ergebnisse aus der Gender-Forschung liefern gewinnbringende Erkenntnisse für die Veränderung der Organisations- und Kommunikationskulturen in der öffentlichen Verwaltung. Analysen aus der Organisationsforschung ergeben, dass die Kategorie Geschlecht den Alltag, die Abläufe und die Routinen in Organisationen prägt (vgl. z. B. Acker 1991; Müller 1999). Die Verteilung von Frauen und Männern in verschiedenen Statusgruppen zeigt z. B., dass Männer wesentlich stärker in Entscheidungspositionen und Frauen tendenziell in schlechter bezahlten Stellen vertreten sind. Außerdem finden sich in den Strukturen und Verfahren von Organisationen geschlechterstereotype Zuschreibungen für Frauen und Männer, die mit unterschiedlichen Wahrnehmungen und Bewertungen verbunden sind – beispielsweise bezogen auf weibliche oder männliche Führungskräfte. Geschlechterbezogene Zuschreibungen haben auch in der Interaktion und Kommunikation von Frauen und Männern eine Wirkung – z. B. wenn Frauen als sozial kompetent, Männer als technisch geschickt bezeichnet werden. Die Geschlechtszugehörigkeit ist demnach nicht einfach eine biologische Tatsache, sondern sie ist eine alltägliche Selbstdarstellung und permanente Zuschreibung, die unseren Arbeitsalltag strukturiert. Wissenschaftlich wird dies als „doing gender“ bezeichnet (vgl. Kothhoff 2002).

„Gender“ ist ein Fachbegriff und bedeutet, dass „Geschlecht“ immer soziale, kulturelle, politische und biologische Komponenten beinhaltet, die sich historisch verändern können. Gender bezieht auch mit ein, dass es vielfältige Lebenslagen von Frauen und Männern gibt, also z. B. junge und ältere Frauen, Menschen mit mehr oder weniger beruflicher Erfahrung in der Verwaltung oder Frauen und Männer mit oder ohne Zuwanderungsgeschichte, mit oder ohne Kinder. Mit einer – durchaus diversitätsorientierten – Gender-Perspektive finden unterschiedliche Lebenslagen von Frauen und Männer Berücksichtigung und können somit ein passgenaues Handeln ermöglichen (vgl. Koall/ Bruchhagen/Höher 2002). Das Konzept verweist weiterhin auf die Veränderbarkeit geschlechterbezogener Ungleichheit, indem es starre Stereotype von Männlichkeit und Weiblichkeit als quasi naturgegeben hinterfragt und von vielfältigen Entwürfen von Frausein und Mannsein ausgeht.⁴

I Gleichstellungsorientierte Fortbildungen tragen zur Sicherung der Qualität in der öffentlichen Verwaltung bei

Für Fortbildungen bedeutet dies, dass es nicht nur um Unterschiede zwischen Frauen und Männern – schon gar nicht als klar voneinander abgegrenzte Gruppen oder etwa „Kulturen“ – geht, sondern auch Unterschiede und Gemeinsamkeiten innerhalb der Gruppe der Frauen

³ Zur Begriffsdefinition in Anlehnung an das Konzept der Schlüsselqualifikationen siehe Kap. 4.1, Dimension „Gender-sensible Verfahren der Gewinnung von Dozentinnen und Dozenten“.

⁴ siehe Kap 4.2, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

und der Männer in den Blick geraten. Fortbildungen können demnach einen Beitrag dazu leisten, vermitteln, dass

1. **strukturelle Benachteiligungen** aufgrund des Geschlechts in der Gesellschaft und auch in der Arbeit der Verwaltung wahrgenommen und als Lerninhalt thematisiert werden;
2. sich die Einzelnen der **geschlechterbezogenen Unterscheidungen** in der Wahrnehmung und in der Kommunikation durch Frauen wie Männer bewusst werden, die sich an Stereotypen von Männern und Frauen orientieren, und es des Weiteren um die Veränderung dieser Kommunikationsformen und Zuschreibungen geht.

Fortbildungen können zur Erfüllung von gleichstellungspolitischen Zielen und der Verbesserung und Sicherung der Qualität der Arbeit in der Verwaltung beitragen, indem sie differenzierter sowohl auf Lebenslagen von Frauen und Männer und fachliche Inhalte als auch auf die teilnehmenden Frauen und Männer eingehen. Die gleichstellungspolitischen und fachlichen Zielsetzungen für die Verwaltungsarbeit gelten auch für die Fortbildungen: Abbau von Benachteiligungen, Ermöglichung der gleichen Teilhabe von Frauen und Männern wie auch Akzeptanz freier Lebensgestaltung, Wertschätzung von gender-sensiblem fachlichem Wissen und Handlungskompetenz im Ressort bzw. Arbeitsgebiet.

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Zentrale Aspekte gleichstellungsorientierter Fortbildung

Gerrit Kaschuba und Karin Derichs-Kunstmann

Um einem Missverständnis vorzubeugen: Gleichstellungsorientierte Didaktik entwickelt keine neuen didaktischen Dimensionen und Prinzipien. Sie orientiert sich vielmehr an der grundständigen Erwachsenenbildungsdidaktik und integriert hier wesentliche gender-sensible Konkretisierungen.

I Was bedeutet „gleichstellungsorientierte Didaktik“?

In allen Phasen der Fortbildungsarbeit spielt gleichstellungsorientierte Didaktik eine Rolle. Ob bei der Planung von Veranstaltungen und Entwicklung einer Zielsetzung, ob bei der Durchführung und Gestaltung von Seminaren ebenso wie bei der Reflexion und Evaluation. In allen diesen Phasen sollen und können Gleichstellungsaspekte eine Rolle spielen. Damit wird die Geschlechterperspektive als Querschnittsperspektive in die Didaktik aufgenommen. Die gleichstellungsorientierte Didaktik wird auch geschlechtergerechte oder gender-sensible Didaktik genannt: Geschlechtergerecht ist eine Didaktik, in der weder Frauen noch Männer in der Entfaltung der Lernbedürfnisse beeinträchtigt werden und die in all ihren Dimensionen Gender-Aspekte berücksichtigt. Gleichstellungsorientierte Didaktik zielt noch stärker als der Begriff der geschlechtergerechten Didaktik auf die Gleichstellung von Frauen und Männern und orientiert sich damit an einer zentralen Prämisse der Verwaltung und somit auch der dementsprechenden Fortbildungseinrichtungen.

I Ziele einer gleichstellungsorientierten Didaktik

Die Ziele einer gleichstellungsorientierten Didaktik in der Verwaltungsfortbildung liegen auf mehreren Ebenen. Es sind:

- I die Entwicklung von Gender-Kompetenz von Frauen und Männern auf verschiedenen Stausebenen durch die Vermittlung von gender-bezogenem fachlichen Wissen,
- I die Sensibilisierung für geschlechterbezogene Zuschreibungen in alltäglichen Interaktionen,
- I die Entwicklung einer kritischen Urteilsfähigkeit über gesellschaftliche Geschlechterverhältnisse verbunden mit der Fähigkeit, scheinbare Selbstverständlichkeiten in Geschlechterverhältnissen zu hinterfragen,
- I die Erweiterung der Handlungskompetenzen von Frauen und Männern für die Umsetzung gleichstellungsorientierter Ziele im Kontext des eigenen Handlungsfeldes in der Verwaltung.

I Zentrale didaktische Prinzipien

Aus den Zielen leiten sich die drei zentralen Prinzipien einer gleichstellungsorientierten Didaktik ab. Es sind: Subjektorientierung, Partizipation und Handlungsorientierung. Diese Prinzipien bauen aufeinander auf und sind konstitutive Voraussetzung für die Gestaltung des Lehr-/Lernprozesses. Ihr Ziel ist es, die selbständige Aneignung der Lerninhalte und die Verantwortung für den eigenen Lernprozess bei den Teilnehmenden zu fördern.

Subjektorientierung macht die kognitiven ebenso wie die lebensweltlichen und beruflichen Vorerfahrungen der Teilnehmenden unter Berücksichtigung der Geschlechterperspektive zum Ausgangspunkt des Bildungsgeschehens. Die Teilnehmenden werden als Expertinnen und Experten für ihre Situation und die Handlungserfordernisse in ihrem Aufgabenfeld angesehen. Dazu gehört auch, dass sie sich mit ihren Erfahrungen als Frauen und Männer in den Lehr-/Lernprozess einbringen können.

Das Prinzip der **Partizipation**, die aktive Beteiligung der Teilnehmenden am Lehr-/Lernprozess, baut darauf auf und geht davon aus, dass Lerninhalte besser angeeignet werden können, wenn eine aktive Auseinandersetzung damit stattfindet. Dahinter steht die Einsicht, dass neue Inhalte am besten aufgenommen werden, wenn sie mit bereits vorhandenen mentalen Strukturen verknüpft werden können. Dabei ist es wichtig, darauf zu achten, dass sich alle Teilnehmenden, Frauen wie Männer, gleichermaßen beteiligen (können).

Das Prinzip der **Handlungsorientierung** geht davon aus, dass die Teilnehmenden an Fortbildungen das Gelernte im beruflichen Handlungsfeld umsetzen können. Insofern ist es wichtig, innerhalb der Fortbildung den geschlechterbezogenen Lerninhalt zu reflektieren und in Bezug zu den Handlungsfeldern der Teilnehmenden zu setzen sowie Erprobungsmöglichkeiten anzubieten. Das Prinzip der Handlungsorientierung wird auch im Abschlussbericht der Projektgruppe Bildungscontrolling in seiner Bedeutung für die Bundesverwaltung betont, um den Modernisierungsprozess von Staat und Verwaltung umfassend zu unterstützen (BAköV 2008, S. 17).

Die Umsetzung dieser pädagogischen Prinzipien hat zur Konsequenz, dass zwischen den Dozentinnen bzw. Dozenten und den Teilnehmenden dialogische Verständigungen über Ziele und Vorgehensweisen sowie eine gemeinsame Reflexion des Bildungsgeschehens stattfinden.

I Zehn Dimensionen einer gleichstellungsorientierten Didaktik

In Weiterentwicklung des Konzeptes der geschlechtergerechten Didaktik, wie es von Derichs-Kunstmann und Kaschuba (vgl. Derichs-Kunstmann u. a. 1999, 2009; Kaschuba 2001, 2005, 2006) entwickelt wurde⁵, differenzieren wir beim Konzept der gleichstellungsorientierten Didaktik stärker zwischen den Ebenen der Makrodidaktik und der Mikrodidaktik.

Auf der Ebene der **Makrodidaktik** sind insbesondere die hauptamtlichen Mitarbeiterinnen und Mitarbeiter von Fortbildungseinrichtungen tätig. Diese Ebene umfasst fünf Dimensionen: Ermittlung von Weiterbildungsbedarf; Programmplanung und Konzeptentwicklung

⁵ Verschiedene Leitfäden sind in Folge erschienen (vgl. z. B. Dorsch u a. 2007; IFF-Fakultät 2007).

für Fortbildungen; Verfahren der Gewinnung von Dozentinnen und Dozenten; Öffentlichkeitsarbeit und Programmausschreibungen; Rahmenbedingungen für die Durchführung der Fortbildungen; Evaluierung. Alle fünf Dimensionen der Makrodidaktik werden unter Gleichstellungsgesichtspunkten analysiert und mit Beispielen angereichert vorgestellt. Zu jeder Dimension sind Empfehlungen und Checklisten für die Integration von Gender-Aspekten aufgeführt.

Die Ebene der **Mikrodidaktik** ist das Handlungsfeld der Dozentinnen und Dozenten, die mit der unmittelbaren Durchführung von Veranstaltungen befasst sind. Sie besteht ebenfalls aus fünf Dimensionen: Inhalte und Themen von Fortbildungen; Teilnehmerinnen und Teilnehmer von Fortbildungen; Leitungshandeln; methodische Gestaltung und pädagogisches Setting; Medien, Materialien und Skripten. Auch hier geht es um eine differenzierte gender-sensible Analyse und die Entwicklung von Vorschlägen und Checklisten für die Integration von Gender-Aspekten.

Die beiden Ebenen der Makro- und der Mikrodidaktik sind nicht immer trennscharf auseinander zu halten. Die insgesamt zehn Dimensionen einer gleichstellungsorientierten Didaktik sind eng miteinander verwoben und korrespondieren miteinander. Insbesondere bei der Dimension der Inhalte berühren sich diese beiden Ebenen. Das Gleiche gilt für die Dimension der Teilnehmenden, diese spielt sowohl bei der Planung als auch bei der Durchführung von Veranstaltungen eine Rolle. Dennoch werden wir in der folgenden Darstellung die jeweils inhaltlichen Aspekte der Dimensionen nach makro- und mikrodidaktischen Handlungsebenen trennen.⁶

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⁶ siehe Kap. IV.

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IV.

Leitfaden für eine gleichstellungsorientierte Didaktik

Gerrit Kaschuba und Karin Derichs-Kunstmann

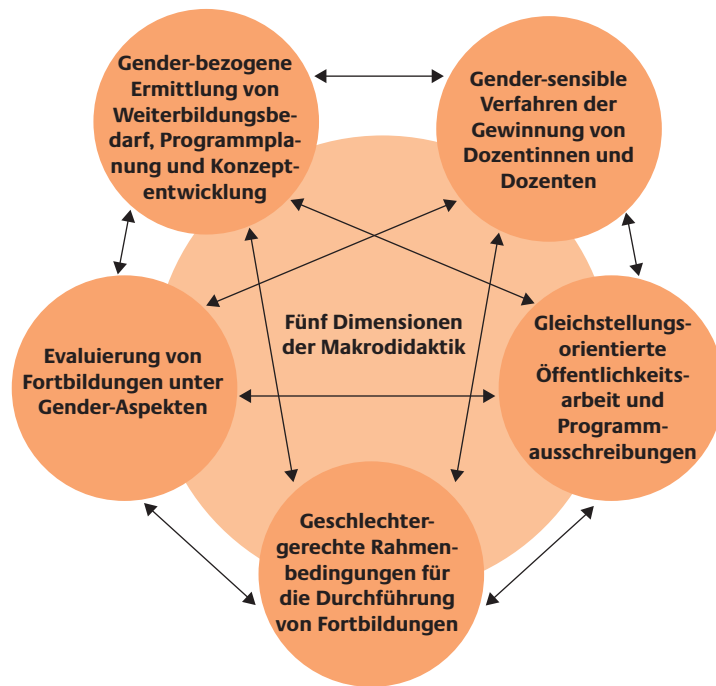
Die gleichstellungsorientierte Didaktik orientiert sich an den mikro- und makrodidaktischen Themenfeldern der Erwachsenenbildung, die unter Berücksichtigung der Gender-Perspektive weiter ausdifferenziert werden.

Die zehn Dimensionen einer gleichstellungsorientierten Didaktik unterteilen sich in fünf makro- und fünf mikrodidaktische. Während sich die Dimensionen der Makrodidaktik vor allem an die Planenden richten, haben die Dimensionen der Mikrodidaktik die durchführenden Dozenten und Dozentinnen im Blick. Jede Dimension enthält jeweils inhaltliche Ausführungen verbunden mit einer Checkliste. Die Checkliste dient in erster Linie dazu, Anregungen zu geben, wie das eigene Handeln im Sinne einer Gleichstellungsorientierung überprüft werden und systematisch die Geschlechterperspektive in den Fortbildungen berücksichtigt werden kann.⁷

4.1 Das Gender-ABC für Planende von Fortbildungen (Makrodidaktik)

Die Makrodidaktik betrifft das Handlungsfeld des hauptamtlichen Personals in den Fortbildungseinrichtungen, d. h. derjenigen, die die Fortbildungen konzipieren, planen und organisieren. Die Berücksichtigung der Gender-Perspektive im gesamten Bildungsmanagement kann zur Entwicklung und Sicherung der Qualität der Fortbildungen beitragen. Diese makrodidaktische Ebene umfasst folgende Dimensionen:

⁷ Die Literaturangaben befinden sich am Ende des gesamten Kapitels IV.



Dimension: Gender-bezogene Ermittlung von Weiterbildungsbedarf, Programmplanung und Konzeptentwicklung für Fortbildungen

I Ermittlung von Weiterbildungsbedarf

Der Weiterbildungsbedarf wird in den Fortbildungseinrichtungen des Bundes in enger Abstimmung mit den entsendenden Ministerien und nachgeordneten Bundesbehörden erhoben. Gleichzeitig geben Teilnehmende bei den durchgeführten Fortbildungen Rückmeldungen, die ebenfalls Hinweise auf weiteren Weiterbildungsbedarf geben.⁸ Die Auswertung früherer Veranstaltungen hinsichtlich geschlechterdifferenzierter Zugänge und Zufriedenheit von Frauen und Männern kann Hinweise für eine künftige Berücksichtigung der Gleichstellungsorientierung in den verschiedenen Veranstaltungen geben. Bei der Formulierung von Interessen und Bedarfen sind in den Behörden Frauen und Männer in verschiedenen Laufbahngruppen und Lebenslagen, Teilzeit- und Vollzeitbeschäftigte etc. zu berücksichtigen.

I Programmplanung

Bei der jährlichen Programmplanung sollte darauf geachtet werden, in welchem Mischungsverhältnis explizit gender-bezogene Veranstaltungen und implizit die Gender-Perspektive berücksichtigende Veranstaltungen in allen Bereichen stehen, und ob gegebenenfalls gegen-gesteuert werden muss.

Die Analyse eines Jahresprogramms unter Gleichstellungsgesichtspunkten könnte unter den Fragestellungen der 3 R-Methode durchgeführt werden. Die 3 R-Methode wurde in Schweden entwickelt und ermöglicht eine geschlechterdifferenzierende Analyse von Institutionen, Projekten und Programmen (Swedish Association of Local Authorities 1999; Netzwerk Gender Training 2004).

⁸ Siehe Kap. 4.1, Dimension „Evaluierung von Fortbildungen unter Gender-Aspekten“.

3 R-Methode zur Gender-Analyse von Programmen

Repräsentation	= WER bekommt (quantitative Fragen)
Ressourcen	= WAS? (quantitative Fragen)
Realia/Realitäten	= Zu WELCHEN Bedingungen? Wie kommt es dazu? (qualitative Fragen)

Auf der Ebene der **Repräsentationen** kann gefragt werden: Wie hoch ist der Anteil von Frauen und Männern, die mit der Planung von Bildungsveranstaltungen beschäftigt sind? Wie hoch ist der Anteil von Frauen und Männern unter den Lehrenden? Wie verteilen diese sich auf verschiedene Fachbereiche und Themenfelder (etwa personenbezogene und organisationsbezogene Fortbildungen)? Wie viele Frauen und wie viele Männer kommen als Teilnehmende zu welchem Fortbildungsformat, zu welchen Themen, zu Führungskräftefortbildungen? Wie hoch ist der Anteil der Veranstaltungen, die sich explizit mit Gender-Mainstreaming bzw. gender-bezogenen Themen befassen oder die sich explizit an Frauen bzw. an Männer richten?

Auf der Ebene der **Ressourcen** könnte gefragt werden: Wie viel Geld wird für Fortbildungen ausgegeben, die sich eher an Frauen richten, wie viel Geld für die Veranstaltungen, die sich eher an Männer richten bzw. die eher von Frauen oder eher von Männern wahrgenommen werden? Gibt es Unterschiede bei der Bezahlung von Dozentinnen und Dozenten? Wenn ja, wie sehen diese Unterschiede bezogen auf Frauen und Männer in dieser Funktion aus?

Auf der Ebene der **Realia** werden die beiden ersten „R’s“ bewertet, es wird nach den Realitäten gefragt, die der betreffenden geschlechterbezogenen Verteilung zugrunde liegen: Was sind die Gründe für die vorgefundenen geschlechterbezogenen Unterschiede? Welche Werte und Normen sind wirksam? Wo ist ein Handlungsbedarf in Richtung Gleichstellung zu sehen?

Das bedeutet: Sollten sich als Ergebnisse der Gender-Analyse Ungleichgewichte herausstellen, dann ist zu überlegen, welche Maßnahmen in der Einrichtung ergriffen werden müssen, um eine bessere Gender-Balance herzustellen. Von daher ist gerade der dritte Schritt der 3-R-Analyse, die Einschätzung und Bewertung des Ergebnisses, aber auch darauf basierende weitere Befragungen und Ursachenforschung besonders wichtig, denn erst auf dieser Grundlage ist feststellbar, wo Schritte zur Veränderung ansetzen müssen.

Beispiel: Geringe Beteiligung von Frauen an Seminaren zur IT-Qualifizierung

Auch wenn sich der Frauenanteil an den Fortbildungen in der Summe als relativ ausgewogen darstellt, ist er bei den IT-Seminaren, insbesondere bei den Qualifizierungen für Systemadministration, weit unterdurchschnittlich. Eine sorgfältige Analyse dieser Daten bringt zutage, dass der Frauenanteil auch bei den Beschäftigten mit diesen Aufgabenstellungen sehr gering ist. Eine einseitige Maßnahme auf Seiten des Bildungsträgers zur Behebung dieses Missstandes würde zu kurz greifen. In diesem Fall bildet ein Ansetzen bei der Zusammenarbeit von Bildungsträgern und Dienststellen eine Grundlage, um z. B. explizite Qualifizierungsangebote für Berufsanfängerinnen zu entwickeln, aber auch die Fortbildungen in diesem Bereich in den Zugängen zu den Teilnehmenden und den praktizierten Vorgehensweisen und Methoden zu überdenken.

Beispiel:
Dozentinnen unterrichten eher die „weichen“ Themen, Dozenten eher die „harten“ Themen

Wenn eine Analyse der Verteilung von Dozentinnen und Dozenten ergibt, dass mehr Frauen zu Themen wie Kommunikation oder Personalführung arbeiten, mehr Männer bei den organisationsbezogenen Themen wie Controlling oder Prozessorganisation anzutreffen sind, kann es im Sinne der Gleichstellungsorientierung ein Ansatz sein, eher weiblich besetzte Themenbereiche auch mit Dozenten und eher männlich besetzte Themenbereiche mit Dozentinnen zu besetzen.

I Konzeptentwicklung

Der überwiegende Teil der angebotenen Fortbildungen qualifiziert die Teilnehmenden für die Bearbeitung von Themenstellungen aus dem Verwaltungsalltag. Auf diesem Hintergrund ist bei der Entwicklung von Konzepten für Fortbildungsmaßnahmen zu prüfen, welche relevanten Gender-Aspekte im speziellen Themenfeld eine Rolle spielen. Dies gilt genauso für die Fortbildungen, die zur Weiterentwicklung von Schlüsselqualifikationen dienen. Gerade im Bereich von sozialer und personaler Kompetenzentwicklung sollte die Berücksichtigung von möglicherweise unterschiedlichen Ausgangsbedingungen und Bedarfen von Frauen und Männern, aber auch von Teilnehmenden unterschiedlicher Altersgruppen, unterschiedlicher Laufbahngruppen, mit und ohne Zuwanderungsgeschichte notwendiger Konzeptbestandteil sein.

Dabei ist jeweils zu bedenken, welche Fortbildungen es mit expliziter Gender-Themenstellung geben soll. Gleichzeitig ist bei der Konzeptentwicklung die Gender-Perspektive als selbstverständliche Querschnittsperspektive umzusetzen, das bedeutet, dass diese in den Konzepten bei den verschiedenen Themenfeldern wie ein roter Faden eingezogen wird. So müssen Planende entscheiden, ob es eine Fortbildung zum Thema „Gleichstellungsorientierte Personalauswahlverfahren“ geben soll oder ob unter dem Titel „Personalauswahlverfahren“ auf die Gleichstellungsorientierung als Querschnittsperspektive geachtet wird.

Gleichstellungssichtpunkte bei der Konzeptentwicklung sollten sich sowohl in den Zielsetzungen als auch in den Inhalten von Fortbildungen wiederfinden. So sollte es etwa bei Fortbildungen zur Personalauswahl ein selbstverständliches Ziel sein, dass die Teilnehmenden dahin qualifiziert werden, „geschlechterbezogene Diskriminierungen bei Personalauswahlverfahren zu erkennen“. Bei Seminaren zur Gesetzesfolgenabschätzung sollte das „Erkennen von gleichstellungsrelevanten Aspekten der Gesetzesfolgenabschätzung“ zu den Zielsetzungen gehören.

Mit Blick auf die Zielgruppen von Veranstaltungen wird diese i. d. R. nach Laufbahngruppen und Funktionen differenziert, das ermöglicht die Berücksichtigung unterschiedlicher Ausgangsbedingungen und Interessen und eine zielgruppengerechte Planung von Konzepten. Gerade im Hinblick auf die schwierige Erreichbarkeit bestimmter Zielgruppen – etwa Frauen in Bezug auf IT-Seminare – ist zu überlegen, ob und welche Veranstaltungen explizit für Frauen konzipiert werden können. Eine weitere zu berücksichtigende Gruppe sind die Teilzeitbeschäftigten bei der Entwicklung von Fortbildungsformaten, die deren Bedürfnisse und Möglichkeiten berücksichtigen.

Notwendig ist es zudem, bei der Konzeptentwicklung auf das Mischungsverhältnis der Methoden zu achten. Im Programm sollten sich deshalb theoriebezogener Input wie zum Beispiel zu dem Begriff Gender bzw. zum gender-bezogenen Fachdiskurs, Phasen der Selbstreflexion, sensibilisierende Aufgaben zur (Selbst-)Beobachtung und Simulationsübungen („Handlungsmöglichkeiten in kritischen Situationen“) und Phasen veranstaltungsbezogener Metakommunikation („Feedback“, „Klärung offenerer Fragen“, „Auswertung“, „Blitzlicht zum Veranstaltungsverlauf“ etc.) in einer ausgewogenen Balance finden.

CHECKLISTE

Gender-bezogene Ermittlung von Weiterbildungsbedarf, Programmplanung und Konzeptentwicklung für Fortbildungen

Empfehlungen

- | Führen Sie eine Analyse der Fortbildungen nach der 3-R-Methode durch.
- | Berücksichtigen Sie die Feedbacks (Rückmeldungen) der Teilnehmenden – differenziert nach Geschlecht – bei der Planung der nächsten Fortbildungen.
- | Ermöglichen Sie ein Mischungsverhältnis aus (explizit) geschlechterbezogenen Veranstaltungen und solchen, bei denen die Gleichstellungsorientierung (implizit) als Querschnittsperspektive verfolgt wird.
- | Differenzieren Sie bei der Zielgruppe vor allem nach Geschlecht und Laufbahngruppen.
- | Formulieren Sie Zielsetzungen gender-sensibel.
- | Durchbrechen Sie bekannte Zuordnungen zu Geschlecht und ermöglichen sie z. B. Dozentinnen eher männlich dominierte Fortbildungen und umgekehrt.
- | Um die gender-sensible Weiterentwicklung von Seminarangeboten zu unterstützen, sollte in der Haushaltsplanung der Einrichtung ein Budget für hausinterne Fortbildungen von Lehrenden und Planenden vorgesehen sein.

Leitfragen

- | Welche Interessen an Fortbildungen nennen Frauen und Männer aus welchen Ebenen der Verwaltung?
- | Welche gleichstellungsorientierten Ziele wollen Sie als Planer bzw. Planerin mit der Fortbildung erreichen?
- | Soll es Veranstaltungen geben, die sich explizit mit der Gender-Thematik – auch im Titel – auseinander setzen? Wenn ja in welchem Umfang?
- | Welche Zielgruppen sollen mit der Fortbildung erreicht werden? Wie sieht es mit den Männer- und Frauenanteilen unter den Beschäftigten in den Zielgruppen aus?
- | Sind explizite Angebote jeweils für Frauen und für Männer denkbar?
- | Welchen zeitlichen Umfang muss die Fortbildung haben, damit alle relevanten Aspekte des Themas – einschließlich der Thematisierung der geschlechterbezogenen Inhalte – angemessen bearbeitet werden können?
- | Soll das Thema mit Ministeriumsinternen oder mit externen Dozentinnen bzw. Dozenten bearbeitet werden? Was bedeutet dies unter Gender-Gesichtspunkten?
- | Wie offen kann/muss der Lernprozess gestaltet werden, damit die Teilnehmenden ihre Lernbedürfnisse angemessen bearbeiten können?
- | Welche Literatur bzw. Materialien sollten als Arbeitsunterlagen für die Dozentinnen und Dozenten bereitgestellt werden, um eine vertiefende Auseinandersetzung mit den Gender-Aspekten des Themas zu ermöglichen?

Dimension: Gender-sensible Verfahren der Gewinnung von Dozentinnen und Dozenten

Eine Fortbildungseinrichtung des Bundes trägt dafür Sorge, Gleichstellung als Querschnittsaufgabe zu befördern. Dafür benötigt sie Planende und Dozentinnen und Dozenten mit Gender-Kompetenz. Der Bericht zum Bildungscontrolling (vgl. BAKöV 2008, S. 47f.) betont die herausragende Bedeutung der Auswahl geeigneter Dozentinnen und Dozenten:

„Hier bedarf es zum einen sowohl fachlicher als auch methodisch-didaktischer Auswahlkriterien und zum anderen klarer organisatorischer Regelungen für das Auswahlverfahren. Um die notwendige Praxisnähe zu gewährleisten, empfiehlt es sich in vielen Themenbereichen, erfahrene Verwaltungspraktikerinnen und -praktiker als Lehrkräfte einzusetzen. Diese verfügen allerdings oft nicht über die erforderlichen methodisch-didaktischen Fähigkeiten. Diese müssen ihnen ggf. vorher in entsprechenden Schulungsmaßnahmen vermittelt werden“ (ebd., S. 47).

I Geschlechterparitätische Auswahl von Dozentinnen und Dozenten als Ziel

Unter dem Gesichtspunkt der Geschlechtergerechtigkeit ist darauf zu achten, dass gleichermaßen Frauen wie Männer als Lehrende für die Veranstaltungen angeworben werden. Wenn sich herausstellen sollte, dass sich vor allem unter den Verwaltungspraktikerinnen und -praktikern überwiegend Männer für die Tätigkeit als Dozenten gewinnen lassen, ist danach zu fragen, welche Rahmenbedingungen dafür notwendig sind, damit sich vermehrt Frauen für eine entsprechende Tätigkeit interessieren, zum Beispiel durch die direkte Ansprache von Frauen in den Behörden für diese Themenbereiche. Es könnten als Ausgleich aber auch verstärkt Frauen bei den auswärtigen Dozentinnen und Dozenten berücksichtigt werden. Ebenso sollte darauf geachtet werden, dass es nicht Bereiche gibt, die eher von Männern und andere, die eher von Frauen unterrichtet werden. Häufig ist es sicher so, dass eine ungleichgewichtige Verteilung zwischen Männern und Frauen die behördliche Realität widerspiegelt, aber auch in diesem Fall ist danach zu fragen, ob nicht gerade die Übernahme von „untypischen“ Themenstellungen einen Vorbildcharakter – auch für die Teilnehmenden – haben könnte.

Bei der Auswahl von Dozentinnen und Dozenten ist nicht nur auf ihre formale fachliche Qualifikation und auf ihr methodisches Know-how zu achten. Es soll explizit Gender-Kompetenz nachgefragt werden. Diese orientiert sich an dem Konzept der Schlüsselqualifikationen (vgl. Kaschuba 2007).

Der Erwerb von Gender-Kompetenz kann zum einen durch einschlägige Studienabschlüsse (Gender Studies) bzw. entsprechende Fortbildungen nachgewiesen werden. Zum anderen zeigen auch Nachweise von den Dozentinnen bzw. Dozenten über durchgeführte Fortbildungen, die die Gender-Perspektive explizit berücksichtigen, Gender-Kompetenz auf. Es ist anzustreben, dass alle künftigen Dozentinnen und Dozenten über Gender-Kompetenz verfügen oder zumindest eine Offenheit gegenüber der Gender-Thematik und der Teilnahme an Gender-Fortbildungen mitbringen.

Gender-Kompetenz von Dozentinnen und Dozenten

Personale Kompetenz:	Motivation, sich mit gleichstellungsorientierten Themen auseinander zu setzen; geschlechterbezogene Selbstreflexivität
Fachliche Kompetenz:	gender-bezogenes Fachwissen, Kenntnis gleichstellungspolitischer Zielsetzungen, Wissen zu sozialer Konstruktion von Geschlecht und Geschlecht als sozialer Strukturkategorie, Kenntnisse über Lebenslagen von Frauen und Männern in der Verwaltung, über deren Zugang zu Fortbildungen und ihr Bildungsverhalten
Soziale Kompetenz:	geschlechterbezogene Kommunikations- und Kooperationsfähigkeit, Empathie, Dialogfähigkeit, geschlechtergerechte Sprache
Methodische Kompetenz:	gender-sensible, partizipative didaktische Methoden, gruppendynamische Kenntnisse unter Gender-Gesichtspunkten

Darüber hinaus ist bei der Auswahl in Erfahrung zu bringen, von welchem Gender-Konzept die Dozentinnen bzw. Dozenten ausgehen: Ob sie eher von biologischen Unterschieden zwischen Frauen und Männern ausgehen und diese als „natürlich“ gegeben berücksichtigen oder ob sie auf sozialen, kulturellen Rollen- und Identitäten aufbauen. Der Rückgriff auf quasi naturgegebene Unterschiede von Frauen und Männern läuft Gefahr, Frauen und Männer auf gesellschaftlich verbreitete Stereotypen zu reduzieren und sie einzuengen. Von daher ist Wissen über geschlechterbezogene Konstruktionsprozesse und die eigene Beteiligung daran eine wichtige Voraussetzung für die Fortbildungstätigkeit.

- | Nachweis über besuchte Gender-Fortbildungen, Gender Studies
- | Nachweis über selbst durchgeführte Gender-bezogene Fortbildungen
- | Formulierung von gender-sensiblen Zielen, Inhalten, Methoden bei Fortbildungskonzepten
- | Systematische Differenzierung der Zielgruppen nach Geschlecht, Alter etc. bei der Konzipierung von Fortbildungen
- | Kenntnis der gender-bezogenen Fachliteratur, Geschlechterforschung
- | Empfehlungen Dritter im Blick auf Gender-Kompetenz

Diese Fakten können im Sinne von geschlechterbezogenen Kriterien für eine Eignungsprüfung verwendet werden. Um die vorgenannten erforderlichen Kompetenzen im Auswahlgespräch zu erkennen, kann die Anwendung der beiden nachfolgenden Raster (im Kontext der Formulierung von Leistungskriterien) hilfreich sein: ein Raster für die Planenden zur (Fremd-)Einschätzung von Dozentinnen und Dozenten und ein Raster für deren Selbsteinschätzung.

I Beurteilung der Gender-Kompetenz von Dozentinnen und Dozenten

1. Woran erkennen Sie als Seminarleitung Gender-Kompetenz in Gesprächen (Interviews), Lehrproben?
 - I Dialogfähigkeit
 - I Beherrschen geschlechtergerechter Sprache
 - I Differenzierte Benennung der Zielgruppe im Blick auf Frauen und Männer nach Laufbahngruppen
 - I keine geschlechterstereotype Darstellung von Frauen und Männern in der Kommunikation (z. B. in Beispielen)
 - I selbstverständliche Thematisierung der Inhalte unter Gender-Gesichtspunkten (z. B. gleichstellungsorientierte Personalauswahl von Frauen und Männern)
2. Wie können Sie als Verantwortliche für die Planung Gender-Kompetenz in Erfahrung bringen?
 - I Direkte Frage zu Gender-Kompetenz als Beurteilungskriterium stellen, dabei Raum für die Selbsteinschätzung der Dozentinnen und Dozenten geben (z. B. nach den Gender-Aspekten fragen, die inhaltlich berücksichtigt werden, nach dem methodischen Vorgehen im Seminar fragen)
 - I Standpunkte der künftigen Dozentinnen und Dozenten anhören, notieren
 - I Raum für Fragen geben
 - I Feedback und Hinweis auf die Auswertung des Gesprächs

Die nachfolgende Auflistung der vier Bereiche von Gender-Kompetenz soll der Selbsteinschätzung der Dozentinnen und Dozenten vor dem Gespräch mit der Seminarleitung dienen.

Selbsteinschätzung in Bezug auf die vier Bereiche der Gender-Kompetenz und Erläuterung

- I personale Kompetenzen:
O hoch O mittel O gering
- I soziale Kompetenzen:
O hoch O mittel O gering
- I methodische Kompetenzen:
O hoch O mittel O gering
- I fachliche Kompetenzen:
O hoch O mittel O gering

CHECKLISTE

Gender-sensible Verfahren der Gewinnung von Dozentinnen und Dozenten

Empfehlungen

- | Führen Sie eine Analyse der beschäftigten Dozenten und Dozentinnen, Referenten und Referentinnen nach der 3 R-Methode durch.
- | Formulieren Sie Gender-Kompetenz als Anforderung an Dozentinnen und Dozenten bei allen Ausschreibungen (auch im Internet), Anfragen, Einzel- und Lehrgruppenbezogenen Gesprächen.
- | Bieten Sie den Lehrenden Unterstützung bei der Weiterentwicklung von Gender-Kompetenzen an.
- | Sie haben Einfluss: Machen Sie auf die gender-sensiblen Aspekte in der von Ihnen erarbeiteten Konzeption aufmerksam.

Leitfragen

- | Achten Sie bei der Verteilung von Personen, die Fortbildungen leiten, auf eine ausgewogene Geschlechterverteilung (evtl. auch nach interkultureller Zusammensetzung)?
Wie viele Frauen und Männer gibt es unter den Lehrenden in welchen themenbezogenen Fachbereichen (z. B. BAKÖV-Lehrgruppen)?
Wenn Sie deutlich weniger Frauen oder weniger Männer in bestimmten Bereichen einbeziehen: Können Sie sich die Gründe erklären? Soll dies verändert werden, und wenn ja, wie?
- | Nutzen Sie Gender-Datenbanken? Wird Gender-Expertise eingeholt? Werden Gleichstellungsbeauftragte, Gender-Beauftragte, Abteilungen der kooperierenden Ministerien und Gender-Institute bei der Gewinnung von Frauen und Männern als Dozentinnen und Dozenten konsultiert?
- | Wird – und wenn ja wie – bei der Auswahl von Dozentinnen und Dozenten systematisch der Nachweis des Erwerbs von Gender-Kompetenz abgefragt?
- | Wird erfragt, ob die entsprechende Fachliteratur aus der Geschlechterforschung bekannt ist und in der inhaltlichen Ausgestaltung der Seminare Berücksichtigung findet?
- | Wird darauf geachtet, dass die künftigen Dozentinnen und Dozenten in ihren Bewerbungsunterlagen, aber auch in ihrer mündlichen Präsentation eine geschlechtergerechte Sprache anwenden?
- | Wie sensibilisieren Sie Lehrende in Blick auf gender-sensible Ziele, Inhalte, Zugänge von weiblichen und männlichen Teilnehmenden unterschiedlicher Laufbahngruppen, methodische Vorgehensweisen?
- | Werden Gender Trainings und regelmäßige Gender-Fortbildungen für haupt- wie nebenberufliche Dozentinnen und Dozenten angeboten?

Dimension: Gleichstellungsorientierte Öffentlichkeitsarbeit und Programmausschreibungen

Eine gender-sensible Konzeptentwicklung sollte sich auch in einem gender-sensiblen Bildungsmarketing widerspiegeln. Das betrifft sowohl die allgemeine Öffentlichkeitsarbeit der Bildungseinrichtung als auch die Ausschreibungen für einzelne Programmangebote. Die Öffentlichkeitsarbeit einer Bildungseinrichtung findet mit verschiedensten Medien statt. Sie umfasst das Bildungsprogramm, die Internetseiten, Flyer, Einladungen, Anzeigen, Presstexte, Veranstaltungsdokumentationen und andere Publikationen. Diese verschiedenen Medien beeinflussen das Bild, das sich Interessentinnen und Interessenten von der Einrichtung machen. Insofern kann sich ein Bildungsanbieter damit als gender-sensibel und als offen für die unterschiedlichsten Zielgruppen darstellen. Medien der Öffentlichkeitsarbeit sollten Aufforderungscharakter haben, sie sollten bei potentiellen weiblichen und männlichen Teilnehmenden Interesse daran wecken, genauer hinzuschauen und sich mit dem Angebot der Einrichtung auseinander zu setzen. Das bedeutet, dass sich Frauen wie Männer von der Veröffentlichung gleichermaßen angesprochen fühlen sollten (vgl. BMFSFJ 2005).

Eine gender-sensible Gestaltung bezieht sich dabei auf folgende Ebenen: Inhalte, Sprache und Gestaltung wie bspw. die Verwendung von Illustrationen.

- I Inhalte:** Alle Bemühungen um die Integration von Gender-Aspekten als Querschnittsperspektive in die Konzepte von Seminaren sind zu kurz gegriffen, wenn sie nicht auch in der Öffentlichkeitsarbeit und vor allem in der Programmausschreibung sichtbar werden. Daher ist bei der Abfassung von Veröffentlichungen genau darauf zu achten, welche inhaltlichen Akzente gesetzt werden und dass die gleichstellungspolitischen Zielsetzungen der Bildungseinrichtungen angemessen dargestellt worden sind.
- I Sprache:** Auf die Bedeutung einer geschlechtergerechten Sprache gehen wir an verschiedenen Stellen dieser Arbeitshilfe ein.⁹ Eine geschlechtergerechte Sprache sollte zwar als Selbstverständlichkeit betrachtet werden, aber es ist immer mal wieder zu überprüfen, ob die Texte tatsächlich diesen Anforderungen entsprechen. Die gleichstellungsorientierte Zielsetzung der Arbeit in der Einrichtung wird durch die Verwendung einer geschlechtergerechten Sprache nach außen hin sichtbar gemacht und diese ist daher unerlässlich.
- I Illustrationen:** Das bei der geschlechtergerechten Sprache eingeforderte Sichtbarmachen von Frauen und Männern gilt ebenso für die Verwendung von Illustrationen. Die Bildsprache transportiert bewusst oder unbewusst soziale Ungleichheiten zwischen Frauen und Männern, geschlechterbezogene Bedeutungen und Bewertungen. Insofern ist bei der Verwendung von bildlichen Darstellungen nicht nur darauf zu achten, dass Frauen und Männern gleichermaßen, sondern auch gleichberechtigt dargestellt werden. Abbildungen sind daraufhin zu überprüfen, dass sie keine Rollenstereotype vermitteln (vgl. ÖGB 2006).

⁹ siehe Kap. 4.3 zu geschlechtergerechter Sprache.

Beispiel: Illustrationen

Auch Fotos mit abstrakten Darstellungen können durchaus geschlechtlich konnotierte Assoziationen transportieren: So illustrierte eine Bildungseinrichtung ihr Programm mit Abbildungen von Zahnrädern und anderen Maschinenteilen. Damit können sich möglicherweise unterschiedliche Berufsgruppen angesprochen fühlen und damit Frauen und Männer in unterschiedlicher Weise, da nach wie vor von einer vorherrschenden Verteilung in sogenannte „Frauen- bzw. Männerberufe“ ausgegangen werden kann. Unschwer kann man sich vorstellen, dass in diesem Bildungsprogramm nicht nach Themen wie Kommunikation oder Personalführung gesucht wird, sondern nach Angeboten wie Netzwerkadministration oder Grundlagen der Programmierung.

I Was bedeutet dies für die verschiedenen Dimensionen der Programmausschreibungen?

Mit Programmausschreibungen sind sowohl die Ankündigungstexte im jährlichen Fortbildungsprogramm als auch die ausführlicheren und differenzierten Informationen zum Seminar gemeint, die die Teilnehmenden in der Regel nach erfolgter Anmeldung erhalten. Zu diesen differenzierten Angaben gehören Informationen rund um das Seminarthema ebenso wie Informationen zu den Rahmenbedingungen.

Zum **Seminarthema** sollte die Programmausschreibung Informationen zu den Zielsetzungen, den Seminarinhalten und dem Seminarablauf einschließlich Zeitstruktur und Stundenumfang, aber auch zu den Arbeitsmethoden enthalten. Alle diese Informationen sind daraufhin zu überprüfen, inwieweit der Stellenwert der Gleichstellungsorientierung innerhalb des Seminars hier bereits deutlich gemacht werden kann.

Bereits bei den **Zielsetzungen** der Seminare sollten Gender-Aspekte erkennbar werden. So sollte bei Seminaren, die auf die Weiterentwicklung persönlicher Kompetenzen abzielen wie etwa bei Kommunikationsseminaren oder Führungsseminaren, im Ausschreibungstext auf selbstreflexive Lernziele aufmerksam gemacht werden. Diese sind bei Lernprozessen mit einer Gender-Perspektive von großer Bedeutung, z. B. „Die Teilnehmenden lernen, ihr eigenes Verhalten zu hinterfragen.“ Bei einem Seminar zum Schreiben fürs Internet sollte in den Zielformulierungen ausdrücklich auf das Einüben einer geschlechtergerechten Sprache hingewiesen werden: „Die Teilnehmenden lernen das Schreiben fürs Internet unter Berücksichtigung geschlechtergerechter Sprache.“

Zudem sollten **inhaltliche Abschnitte** des Seminars, die auf Geschlechterverhältnisse zielen, in der Ausschreibung ausdrücklich genannt werden, um auf die Selbstverständlichkeit der Berücksichtigung der Gender-Perspektive bereits von Anfang an aufmerksam zu machen. Bei einem Seminar für AusbilderInnen sollte bspw. „Geschlechtergerechtigkeit und Gleichstellung als Ziele der Ausbildung im öffentlichen Dienst“ genannt werden, im Programm des Seminars Controlling gehört die „Umsetzung von Gleichstellungszielen bei der Entwicklung von Kennzahlen“ zu den zu erwähnenden Inhalten.

Auch auf die **Arbeitsmethoden** der Veranstaltung wird in der Programmausschreibung verwiesen. Sinnvoll ist es, bereits in der Ausschreibung ausdrücklich auf partizipative Gestaltung des Seminarablaufs aufmerksam zu machen, z. B. „Ziel der Veranstaltung ist es, einen Lernprozess zu beginnen bzw. weiter zu entwickeln“. Den Teilnehmerinnen und Teilnehmern sollte die aktive Lernhaltung, die von ihnen erwartet wird, schon in der Aus-

schreibung deutlich werden. Sie sollten erkennen können, dass vor allem bei personenbezogenen Seminarinhalten wie „Führung“ oder „Personalbeurteilung/Personalauswahl“, aber auch bei anderen Seminaren nicht nur kognitive Wissensvermittlung angeboten wird, bspw. durch folgenden Hinweis: „Die Veranstaltung spricht wissens-, handlungs-, emotions- und erfahrungsbezogene Lernbereiche an“. Das in der Weiterbildung überholte Wort „Schulung“ sollte in Ausschreibungstexten vermieden werden – Phantasien von einem schulischen Frontalunterrichts ohne Subjektbeteiligung könnten auf potentielle Teilnehmende eher abschreckend wirken. Bei fast allen Seminaren, deren Ziel es ist, für die Berufspraxis der Teilnehmenden relevante Lerninhalte zu vermitteln, kann es sinnvoll sein, die Teilnehmenden bereits in der Ausschreibung darauf hinzuweisen, dass sie Erfahrungen und Vorgänge aus ihrer Verwaltungspraxis – evtl. auch Unterlagen – mitbringen, damit mit diesen im Seminar gearbeitet werden kann.

Die Informationen zu den **Rahmenbedingungen** umfassen die Namen der Ansprechpartnerinnen bzw. Ansprechpartner innerhalb der Bildungseinrichtung, die Namen der Dozentinnen und Dozenten, Informationen über den Veranstaltungsort inklusive die Erreichbarkeit und Hinweise auf ÖPNV-Verbindung. Weitere Rahmenbedingungen, wie z. B. Möglichkeiten der Kinderbetreuung und Möglichkeiten der Übernachtung in der Bildungsstätte und der Kantinenverpflegung während des Lehrgangs, sollten ebenfalls erwähnt werden, wenn sie nicht bereits im Programm der Einrichtung genannt worden sind.

CHECKLISTE

Gleichstellungsorientierte Öffentlichkeitsarbeit und Programmausschreibungen

Empfehlungen

- | Achten Sie auf die drei Ebenen Inhalte, Sprache und Illustrationen bei der Gestaltung von Öffentlichkeitsarbeit und Programmausschreibungen.
- | Verankern Sie gender-sensible Themen in ihren Programmausschreibungen.
- | Nennen Sie, wenn möglich, die Namen der Dozentinnen bzw. der Dozenten im Programm.

Leitfragen

- | Werden die Bemühungen um die Integration von Gleichstellungsaspekten in die Arbeit der Einrichtung in den Veröffentlichungen angemessen dargestellt?
- | Wird die angestrebte Gleichstellungsorientierung in den expliziten Zielen deutlich?
- | Ist aus dem Programm erkennbar, dass Gender-Aspekte in das Bildungsgeschehen integriert werden?
- | Ist die in Ausschreibungen, Programmheften, Werbung und Öffentlichkeitsarbeit verwendete Sprache geschlechtergerecht?
- | Werden die zukünftigen Teilnehmenden, Frauen und Männer, direkt angesprochen?
- | Ist die Programmausschreibung so verfasst, dass die partizipative Methodik und die Erwartung an eine aktive Mitarbeit der Teilnehmenden erkennbar ist?
- | Werden die teilnehmenden Frauen und Männer schon vor dem Seminar aufgefordert, sich mit ihren Erfahrungen innerhalb ihrer Verwaltungen aktiv in das Bildungsgeschehen einzubringen und evtl. Fälle aus ihrer Verwaltungspraxis zur Bearbeitung mitzubringen?
- | Wird auf die Möglichkeiten der Kinderbetreuung hingewiesen, soweit diese in der Bildungsstätte bestehen?

Dimension: Geschlechtergerechte Rahmenbedingungen für die Durchführung von Fortbildungen

Unter Gestaltung der Rahmenbedingungen für Fortbildungen fällt zum einen die Planung der Veranstaltungen, die die Lebens- und Arbeitsbedingungen von teilnehmenden Frauen und Männern berücksichtigen muss, zum andern betrifft sie die Arbeitsbedingungen der Dozentinnen und Dozenten.

Für teilnehmende Frauen und Männer sind Zeitstruktur, räumliche Erreichbarkeit (auch Sicherheit) ebenso wie die Rahmenbedingungen bei der Durchführung der Veranstaltungen von großer Bedeutung. Für Teilzeitkräfte etwa spielt das gesamte Format eine entscheidende Rolle beim Zugang. Ein Ansatz sind hier z. B. modular aufgebaute kürzere Angebote.

Diese Rahmenbedingungen haben für viele Teilnehmende eine nicht zu vernachlässigende Bedeutung für den Lernerfolg. Insgesamt darf nicht außer Acht gelassen werden, wie viel der „Wohlfühlfaktor“ dazu beiträgt, Teilnehmende von dem Druck der beruflichen Anforderungen zu entlasten, damit sie sich auf die z.T. für sie neuen Anforderungen im Seminar einlassen können. Häufig wird von manchen Frauen die Bedeutung des „Lernklimas“ eher angesprochen als von Männern. Dazu gehört die Qualität der Unterbringung und Verpflegung, Raumausstattung der Seminarräume und das Vorhandensein von notwendigen Medien und Materialien ebenso wie deren Gestaltung. Grundsätzlich gilt es, auch die Möglichkeit der Organisation von Kinderbetreuung bei beruflichen Fortbildungen zu thematisieren. Dieses Thema betrifft Mütter wie Väter. Des Weiteren gehört dazu die Transparenz der Zuständigkeiten innerhalb der Bildungseinrichtung bis hin zu dem Vorhandensein von Ansprechpersonen in Konfliktfällen.

Rahmenbedingungen spielen aber auch für Dozentinnen und Dozenten eine Rolle. Dazu gehört neben dem Vorhandensein von Medien und Materialien etc. auch die Möglichkeit, sich mit den Planungsverantwortlichen über Konflikte austauschen zu können, Möglichkeiten zu haben, sich die notwendige Literatur, z. B. zu Gender-Aspekten des Themas zu beschaffen. Gerade wenn neue Anforderungen von seiten der Bildungseinrichtung formuliert werden, müssen Dozentinnen und Dozenten die Möglichkeit haben, sich über die Umsetzung dieser neuen Anforderungen auszutauschen, ihre Erfahrungen mit anderen Lehrenden zu reflektieren, sich neue inhaltliche und methodische Aspekte ihrer Arbeit anzueignen. Dies beinhaltet auch das Bereitstellen von finanziellen Mitteln für die freiberuflichen Mitarbeitenden.

CHECKLISTE

Geschlechtergerechte Rahmenbedingungen für die Durchführung von Fortbildungen

Empfehlungen

- | Es bedarf der Austausch- und Fortbildungsmöglichkeiten für Dozentinnen und Dozenten zum Schwerpunktthema „Gleichstellungsorientierung in der Fortbildung“.
- | Berücksichtigen Sie bei der Planung des Veranstaltungsformats die Zeitstruktur, aber auch die Möglichkeit des Angebots von Kinderbetreuung.

Leitfragen

- | Welche besonderen Rahmenbedingungen (z. B. Kinderbetreuung, ÖPNV, Zeitstruktur) sind für die Zielgruppe notwendig?
- | Ist eine Kinderbetreuung möglich, wenn Teilnehmerinnen oder Teilnehmer Kinder mitbringen wollen (oder müssen)?
- | Ist die bauliche Struktur des Veranstaltungsgebäudes und der Übernachtungsmöglichkeiten derart, dass es keine Angst-Räume wie beispielsweise dunkle und/oder uneinsehbare Parkplätze oder dunkle Gänge gibt?
- | Gibt es ausreichend Gruppenräume für Kleingruppenarbeit und Räume dafür, dass Teilnehmende sich allein oder in kleinen Gruppen zur Eigenarbeit zurückziehen können?
- | Ermöglicht die Sitzordnung in den Seminarräumen einen kommunikativen Austausch?
- | Gibt es auch außerhalb der Seminarzeiten für die Teilnehmenden Ansprechpartnerinnen/-partner – auch in Konflikt- oder Notfällen?
- | Gibt es Ansprechpartnerinnen/-partner für Lehrende, damit diese sich während der Seminare in Konfliktfällen (z. B. sexuelle Belästigung) an eine kompetente Person wenden können?
- | Gibt es Handapparate für Dozentinnen und Dozenten mit relevanter Literatur – insbesondere auch zu Gender-Aspekten des Themas?
- | Gibt es regelmäßige Fortbildungen für Lehrende zum Erfahrungsaustausch und zur gemeinsamen Weiterentwicklung von gleichstellungsorientierter Didaktik?

Dimension: Evaluierung von Fortbildungen unter Gender-Aspekten

Die Evaluierung am Ende der Fortbildungen verfolgt das Ziel, die Zufriedenheit und den Lernerfolg der Teilnehmenden zu erfassen und zu überprüfen. Der Transfererfolg kann nur mittelbar eingeschätzt werden, noch seltener geschieht dies mit Blick auf den Erfolg der Umsetzung in der Behörde und den Investitionserfolg (vgl. BAKöV 2008). Bei allen eingesetzten Befragungsinstrumenten ist es jeweils wichtig, Fragen nach Gleichstellungsorientierung zu integrieren.

Die Rückmeldung der Teilnehmenden kann am Ende der Fortbildung mit verschiedenen Instrumenten – schriftlich und mündlich – erhoben werden. Allen Teilnehmenden soll eine Rückmeldung ermöglicht werden. Über die Perspektive der Teilnehmenden hinaus ist auch die Sicht der Lehrenden auf die Fortbildung von Bedeutung für die Evaluation durch die Planenden. Bei der folgenden Darstellung der Evaluation von Fortbildungen wird die Gender-Perspektive fokussiert. Sowohl die Indikatoren als auch der Leitfaden für Dozenten und Dozentinnen und der Fragebogen für Teilnehmende bieten Anregungen zur Integration einzelner gender-bezogener Fragestellungen in bereits vorhandene Evaluationsinstrumente.

Voraussetzung für Evaluationen: Gender-sensible Indikatoren

Zur Evaluierung des Erfolgs können bereits bei der Planung von Veranstaltungen auf der Basis möglichst konkreter Zielsetzungen Indikatoren formuliert werden, die dann bei der Evaluation wiederum überprüft werden sollen. Gender-sensible Indikatoren können sich beziehen auf:

- | die angestrebte Zielgruppe der Teilnehmenden (wie z. B. die Verteilung von Frauen und Männer nach Statusgruppen, Beamten- und Angestelltenstatus sowie nach Laufbahngruppen, z. B. Führungskräfte),
- | die Verteilung der angestrebten Zielgruppe in organisations- und personenbezogene Fortbildungen,
- | ein ausgewogenes zahlenmäßiges Verhältnis von Frauen und Männern in der Leitung – falls es mehrere Lehrende gibt,
- | eine gender-kompetente Moderation durch die Leitenden (gleichberechtigte Berücksichtigung von Frauen und Männern),
- | eine gleiche Bewertung der Leistungen von teilnehmenden Frauen und Männern durch den Dozenten bzw. die Dozentin,
- | gender-bewusste fachliche Inhalte,
- | eine gender-bewusste Kommunikation von Dozenten bzw. Dozentinnen und Teilnehmenden,
- | die Bewertung des gender-sensiblen inhaltlichen Lerngewinns, Handlungs- und Transfervermögens.

| Kombination von schriftlicher und mündlicher Evaluation

Da es vielen Teilnehmenden angenehmer ist, sich schriftlich zu äußern, wird häufig eine mündliche und schriftliche Auswertung kombiniert. Eine mündliche Auswertung im Anschluss an das Ausfüllen des Teilnehmendenfragebogen ist meist sehr ergiebig.

I Mündliche Auswertungen der Fortbildungen

Hier zeigen sich zwei verschiedene Modelle der mündlichen Auswertung von Fortbildungen: die Durchführung der Auswertung durch die Dozentinnen und Dozenten oder durch die Planenden. Wenn die mündliche Seminarauswertung durch die Dozentin bzw. den Dozenten durchgeführt wird, können alle Dimensionen wie Inhalte, Methoden, Leitungshandeln, Teilnehmende, Rahmenbedingungen angesprochen werden.

Eine mündliche Auswertung der Fortbildung durch die Planenden in Anwesenheit des Dozenten bzw. der Dozentin kann nicht alle Dimensionen umfassen. Wenn die mündliche Seminarauswertung durch die Planenden durchgeführt wird, erbringen Fragen zu Leitungshandeln und Methoden – wie sie bei der Auswertung durch Dozentinnen oder Dozenten möglich ist – unter den Bedingungen einer hierarchischen Beziehung zwischen Planenden und Lehrenden keine offene Rückmeldung. Inhalt des Auswertungsgesprächs können dann vor allem „offene Fragen“ sein nach den erfüllten Interessen von Frauen und Männern in Bezug auf die Inhalte, nach der Bewertung des Formats (zeitliche Anlage, Zielgruppe, Rahmenbedingungen) unter Berücksichtigung der Fragestellung, ob dieses Frauen wie Männern die erfolgreiche Teilnahme ermöglichte oder erschwerte. Desweiteren können Anregungen für die nächsten Fortbildungen – auch aus Sicht der Gleichstellung – erfragt werden.

I Schriftliche Auswertungen der Fortbildungen

Zu den gebräuchlichsten schriftlichen Evaluationsinstrumenten zählen Fragebögen, vor allem deshalb, weil ihre Ergebnisse Seminarübergreifend zusammengefasst und in der Einrichtung kommuniziert werden können. Einen Vorschlag für Gender-Dimensionen innerhalb eines Fragebogens finden Sie auf den nachfolgenden Seiten.

Eine weitere Form der schriftlichen Rückmeldung findet unter Verwendung von mehreren Flipcharts bzw. Wandzeitungen statt, die mit verschiedenen Fragestellungen – zu den Inhalten, Methoden, Leitung, Teilnehmende, Rahmenbedingungen etc. – überschrieben sind. Wichtig ist es, dabei auf die Gleichstellungsorientierung als Querschnittsperspektive hinzuweisen. Die Teilnehmenden notieren in offener Form ihre Meinung zu den Fragestellungen auf dem Flipchart-Blatt. Diese Antworten können in einer Blitzlichtrunde, in der alle – Frauen wie Männer – gleichberechtigt zu Wort kommen, kurz erläutert werden.

I Fragebogen für Dozentinnen und Dozenten und für Teilnehmende

Der nachfolgende Leitfaden dient der Selbstreflexion der Dozentinnen und Dozenten und der Rückmeldung an die Planenden. Er kann zur Strukturierung des Nachgesprächs mit den Planenden dienen. Der Leitfaden ist in der folgenden Darstellung qualitativ und offen angelegt. Er kann aber auch als Fragebogen gestaltet werden mit einer Skalierung von Antwortmöglichkeiten, beispielsweise mit: O ja – O überwiegend – O teilweise – O nein und ergänzenden Anmerkungen.

Der Leitfaden für Lehrende

kann folgende geschlechterbezogene Fragestellungen beinhalten:

- | Wurden vorab die Interessen der teilnehmenden Frauen und Männer erhoben und waren diese Ihnen bekannt? Wurden die Interessen zu Beginn der Fortbildung in Erfahrung gebracht? Wie ist dies jeweils erfolgt?
- | Wurden die Interessen der teilnehmenden Frauen und Männer erfüllt? Woran können Sie dies festmachen?
- | Wurde in den verschiedenen Feedback-Phasen nach gender-bezogenen Aspekten gefragt? Wenn ja, welche Aspekte wurden genannt?
- | Wurden die Ziele der Veranstaltung gender-sensibel formuliert? Konnten diese erreicht werden? Wenn ja, worauf wurde Bezug genommen?
- | Soll die Zielgruppe verändert bzw. präzisiert werden? In welche Richtung?
- | Hat Ihrer Meinung nach die Fortbildung zur Umsetzung von Gleichstellung als Querschnittsaufgabe beigetragen? Inwiefern?
- | Hat sich der Veranstaltungsort unter Gleichstellungsgesichtspunkten bewährt?
- | Wurde die fachbezogene Arbeitshilfe zur Integration von Gender-Aspekten eingesetzt?
- | Hat sich die Arbeitshilfe gleichstellungsorientierte Didaktik bzw. die fachbezogene Arbeitshilfe bewährt? Bitte nennen Sie jeweils die Gründe.

Der folgende Teilnehmendenfragebogen ist mit einer Mischung aus geschlossenen und offenen Fragen angelegt.

Der Fragebogen für Teilnehmende

kann folgende geschlechterbezogenen Fragestellungen beinhalten:

Geschlecht: ☐ Frau

☐ Mann

Alter: ☐ bis 30 Jahre

☐ bis 45 Jahre ☐ bis 65 Jahre (und älter)

Funktion/Laufbahngruppe:

☐ Einfacher Dienst ☐ Mittlerer Dienst

☐ Höherer Dienst ☐ Gehobener Dienst

- | Konnten Sie gleichberechtigt an der Veranstaltung teilnehmen?

☐ ja

☐ überwiegend

☐ teilweise

☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Haben Sie Ihre Interessen in das Seminar eingebracht und wurden diese zufriedenstellend bearbeitet?

☐ ja

☐ überwiegend

☐ teilweise

☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Wurde eine geschlechtergerechte Sprache von der Leitung gesprochen?

☐ ja

☐ überwiegend

☐ teilweise

☐ nein

Der Fragebogen für Teilnehmende

Fortsetzung

- | Wurden Geschlechterstereotype in Beispielen, Texten, Bildern, Skripten und Materialien vermieden und thematisiert?

☐ ja ☐ überwiegend ☐ teilweise ☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Wurden die fachbezogenen Inhalte unter Berücksichtigung von Gleichstellungsfragen referiert?

☐ ja ☐ überwiegend ☐ teilweise ☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Wurden Methoden eingesetzt, die eine Beteiligung aller Teilnehmenden ermöglichten?

☐ ja ☐ überwiegend ☐ teilweise ☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Trägt Ihrer Meinung nach die Fortbildung zur Umsetzung von Gleichstellung als Querschnittsaufgabe insofern bei, als Sie dazu Anregungen für Ihre Arbeit bekommen haben?

☐ ja ☐ überwiegend ☐ teilweise ☐ nein

Erläutern Sie bitte kurz Ihre Antwort:
.....

- | Hat sich der Veranstaltungsort sowie das gesamte Format (Dauer der Fortbildung) unter Gleichstellungsgesichtspunkten bewährt?

☐ ja ☐ überwiegend ☐ teilweise ☐ nein

Erläutern Sie bitte kurz Ihre Antwort:

| Zweitbefragung zur Umsetzung in der Behörde

Wenn eine Zweitbefragung sechs bis neun Monate nach der Rückkehr auf den Arbeitsplatz stattfindet, kann z. B. im Mitarbeitendengespräch die Fortbildungswirkung auf der Grundlage eines von der Fortbildungseinrichtung entwickelten Transferleitfadens erfolgen. In diesen Leitfaden können Fragen nach Seminarwirkungen unter Gleichstellungsgesichtspunkten integriert werden wie etwa: Gelingt es, das im Seminar Gelernte in das berufliche Handeln (im Projekt, bei bestimmten Arbeitsschritten) zu berücksichtigen? Werden in der Fortbildung vermittelte Methoden und Instrumente zur Berücksichtigung der Gender-Perspektive eingesetzt? Wenn nicht, was sind die Hindernisse, was braucht es, damit sie eingesetzt werden können? Die Ergebnisse könnten dann der Fortbildungseinrichtung zurückvermittelt werden.

CHECKLISTE

Evaluierung von Fortbildungen unter Gender-Aspekten

Empfehlungen

- | Entwickeln Sie gender-sensible Indikatoren, an denen Sie den Erfolg der Fortbildung messen wollen, bereits in der Planungsphase. Dazu gehören sowohl der methodische als auch der inhaltliche Beitrag zur Gleichstellung.
- | Legen Sie die Evaluation mehrschrittig und geschlechterdifferenzierend an, um möglichst allen die Möglichkeit der Rückmeldung zu geben: schriftliches Feedback der Teilnehmenden und Lehrenden, mündliches Feedback der Teilnehmenden.
- | Kontrollieren Sie regelmäßig bei Gesprächen mit den Lehrenden den Einsatz der Arbeitshilfe gleichstellungsorientierter Didaktik bzw. der fachbezogenen Arbeitshilfen zur Integration von Gender-Aspekten.

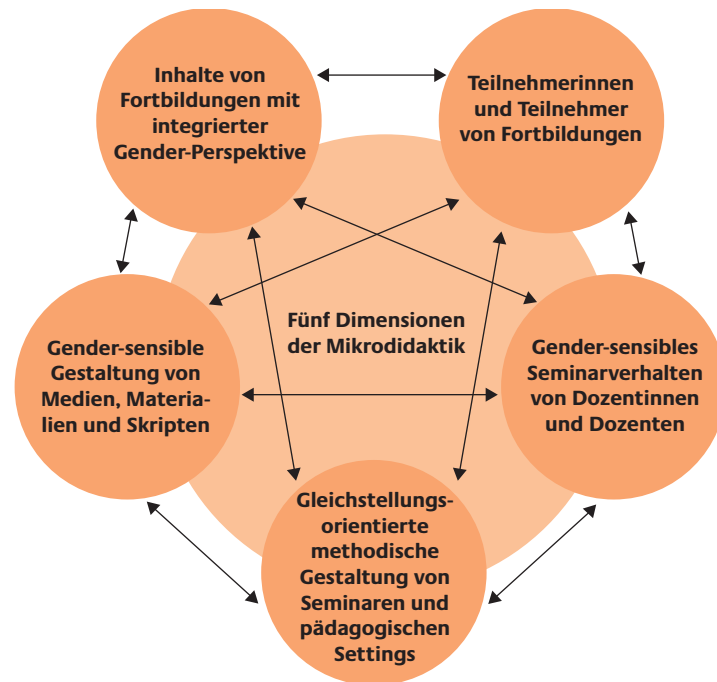
Frageleitfaden für Planende von Fortbildungen

Grundlage: Fragebögen für Teilnehmende und Leitfaden für Lehrende

- | Wurden vorab bzw. zu Beginn der Fortbildung die Interessen der teilnehmenden Frauen und Männer erhoben?
- | Wurden die Interessen der teilnehmenden Frauen und Männer erfüllt?
- | Wurden Instrumente zur gender-sensiblen Selbstevaluierung der Leitung eingesetzt?
- | Gibt es zwischen Planenden und Dozentinnen und Dozenten regelmäßige Reflexionsgespräche (auch Nachgespräche), in denen über die didaktisch-methodische Gestaltung des Seminars, die Inhalte und das Leistungsverhalten im Hinblick auf Gender-Aspekte (siehe Fragebogen für Lehrende und Teilnehmende) gesprochen wird?
- | Hat Ihrer Meinung nach die Fortbildung zur Umsetzung von Gleichstellung als Querschnittsaufgabe beigetragen?
- | Welche Konsequenzen ziehen Sie aus der Evaluation für die weitere Anlage der Fortbildung:
 - ➔ Wie können Sie künftig gleichermaßen Frauen wie Männer unter den Teilnehmenden – entsprechend zu deren Anteil in den jeweiligen Arbeitsbereichen und Laufbahngruppen – erreichen?
 - ➔ Welche gender-bezogenen Schlussfolgerungen ziehen Sie für die fachliche Diskussion und Arbeit in der Fortbildung?

4.2 Gleichstellungsorientiertes Bildungshandeln von Dozentinnen und Dozenten (Mikrodidaktik)

Gleichstellungsorientierung als Querschnittsaufgabe im Bildungshandeln, in der Mikrodidaktik, muss in allen Dimensionen Berücksichtigung finden. Das bezieht sich sowohl auf die **Inhalte** von Bildungsarbeit, die Orientierung an den **Teilnehmenden**, das **Seminarverhalten der Dozentinnen bzw. Dozenten** und die **methodische Gestaltung** des Seminars, wozu auch die Gestaltung der Lerninfrastruktur bzw. das pädagogische Setting gehört, ebenso wie die eingesetzten **Materialien und Medien**.



Wirklichkeit ist nicht geschlechtsneutral. Das bedeutet für Situationen in Fortbildungen, dass sich die Menschen – Teilnehmende wie Lehrende – in ihrer geschlechterbezogenen Identität als Frau, als Mann mit bestimmten Vorstellungen von Männlichkeit und Weiblichkeit in das Geschehen einbringen und diese Vorstellungen auch häufig – meist unbewusst – auf die anderen beziehen. Selbstverständlich sind alle Beteiligten Individuen, die aufgrund ihrer je eigenen Geschichte ihr Frau- bzw. Mannsein vielfältig ausgestalten, aber niemand ist frei von den gesellschaftlichen Rollenerwartungen („doing gender“). Unter der Perspektive der Mikrodidaktik geht es darum, die geschlechterbezogenen Zuschreibungen, die in einer Seminarsituation wirksam werden – etwa zu Frauen als eher sozial denkend oder zu Männern als eher rationaler agierend – bewusst zu machen und zu hinterfragen. Dies spielt eine Rolle in Bezug auf Fortbildungsinhalte, aber auch im Hinblick auf das Leitungshandeln von Dozentinnen und Dozenten.

Dimension: Inhalte von Fortbildungen mit integrierter Gender-Perspektive

Die Integration von Gender-Aspekten in die Inhalte und Konzeptionen von Fortbildungen findet in der Form statt, dass

- die Gender-Perspektive als Querschnittsperspektive integriert wird und/oder
- wichtige geschlechterbezogene Themenbereiche explizit benannt und zum Bildungsinhalt gemacht werden,
- von Teilnehmerinnen und Teilnehmern eingebrachte Beispiele und Erfahrungen als Fragestellungen zu Gender-Aspekten des Seminarthemas aufgegriffen werden¹⁰.

Die Berücksichtigung einer Gender-Querschnittsperspektive bedeutet für Dozentinnen oder Dozenten keinesfalls, in den verschiedenen Fortbildungseinheiten einen ständigen Geschlechterbezug herstellen zu müssen. Vielmehr sollten Sie sich immer wieder fragen, inwieweit Sie verschiedene Lebenswelten und Interessen von Frauen und Männern und die Erkenntnisse der fachbezogenen Geschlechterforschung in den verschiedenen inhaltlichen Themenfeldern berücksichtigen. Dabei geht es auch nicht darum, „typisch weibliche/typisch männliche“ Verhaltensweisen zu benennen, sondern es geht um die Berücksichtigung von Biografien von Frauen und Männern in ihrer Vielfalt. Die Herausforderung für eine gleichstellungsorientierte Fortbildung ist es, keine neuen Stereotypen zu produzieren, sondern differenzierte Sichtweisen auf Frauen und Männer zu entwickeln.

Beispiel: Gender-Perspektive als Querschnittsperspektive beim Thema Konfliktmanagement

Empathie, Akzeptanz und Wertschätzung sind essentiell für Deeskalationsstrategien: Bestätigung, Selbsteröffnung, aktives Zuhören, Umformulierung, Paraphrase, Präzisierung, Umdeutung und ggf. Doppeln sind Basistechniken der Kommunikation und der Gesprächsführung, die bei der Bearbeitung von Konflikten im Mittelpunkt stehen müssen. Bei der Vermittlung und Erprobung dieser Techniken sind folgende ergänzende Reflexionsfragen hilfreich:

- Liegen dem Konflikt implizite geschlechterbezogene Rollenzuschreibungen zugrunde?
- Welche Art der Gesprächsführung wird von mir erwartet?
- Wer trägt diese Erwartungen an mich heran und wie verhalte ich mich dazu?
- Wie leicht bzw. schwer fällt mir als Mann – Frau diese Form der Gesprächsführung?
- ...und woran könnte das liegen?

Die explizite geschlechterbezogene Thematisierung bei den Inhalten erfordert Zeit und Raum und die Reflexion bezogen auf das Ziel der Geschlechtergerechtigkeit bzw. der Gleichstellung in der Verwaltung. Dabei ist es wichtig, dass Sie überlegen, welche Themen sich besonders dafür eignen oder besonders relevant sind, um sie explizit unter der Gender-Perspektive zu thematisieren.

¹⁰ Nähere Ausführungen dazu finden Sie im Kap. 5 „Gender-Aspekte konkret“ am Beispiel von 15 exemplarischen Fortbildungstypen.

Beispiel:**Explizite geschlechterbezogene Inhalte in Fortbildungen für Führungskräfte**

„Anforderungen an weibliche/männliche Führungskräfte“ oder „Mein Selbstbild als weibliche/männliche Führungskraft“ sind explizite geschlechterbezogene Inhalte. Um nicht zu pauschalisieren mit Blick auf „die Frauen“ oder „die Männer“, sollten Sie die Vielfalt von Frauen und von Männern insofern berücksichtigen, als Sie die Erfahrungen der Teilnehmenden zum Ausgangspunkt nehmen. Somit können sich unterschiedliche, aber auch gemeinsame Erfahrungen etwa unter Männern ergeben, die einen differenzierteren Blick ermöglichen.

Zu den Lerninhalten gehören neben den geschlechterbezogenen Fachinhalten auch das Vermitteln der Inhalte. Wichtig ist es, Zeit in der Fortbildung für konkrete Überlegungen zum Transfer in die Praxis der Teilnehmenden einzuräumen und Ausprobieren zu ermöglichen, um die Anregungen in die berufliche Praxis umzusetzen. Dazu gehört auch, Beispiele von den Teilnehmenden aufzugreifen, die mit Geschlechterverhältnissen zusammenhängen.

Beispiel:**Erfahrungen von Teilnehmenden aufgreifen**

Von einer Teilnehmerin wird in einem Führungskräfte-seminar ein geschlechterbezogenes Beispiel eingebracht. Es handelt von einem männlichen Vorgesetzten und einer weiblichen Einstellenden. Die Teilnehmerin unterstellte, dass der Mann Angst vor den Stärken der Frau hätte. Der Dozent ging nicht auf die Gender-Komponente ein, sondern verwies darauf, dass Stärken nur genutzt werden können, wenn sie auch zugelassen werden.

Solche Beispiele können Sie aufgreifen, um Sie entweder sofort oder zu einem späteren Zeitpunkt zu behandeln. Dies kann z. B. darin bestehen, geschlechtshierarchische Arbeitsbeziehungen zum Thema zu machen, und/oder das Thema in einem Rollenspiel zu bearbeiten.

Nicht nur in personenbezogenen Fortbildungen, wie z. B. „Konfliktmanagement für Führungskräfte“ oder „Kommunizieren und kooperieren“, bringen Teilnehmerinnen und Teilnehmer Beispiele aus ihrer Praxis ein, die einen Bezug zur Lebenswelt von Frauen und Männern haben. Auch in organisationsbezogenen Fortbildungen wie „Projektmanagement“ oder „Controlling“, macht es Sinn, entsprechende Beispiele aufzugreifen, u. a. weil sie den für das Umsetzen des zu Lernenden notwendigen Praxisbezug darstellen.

Beispiel:**Gender-Dimensionen beim Controlling**

In der Anfangsphase des Controlling-Seminars fragt der Dozent die Teilnehmenden, welche Erfahrungen sie in ihrer beruflichen Praxis in der Anwendung von Controlling-Instrumenten hätten. Eine Teilnehmerin schildert daraufhin, dass sie bei der Personalplanung in ihrer Behörde geschlechterdifferenzierte Kennzahlen verwendet und deren Entwicklung regelmäßig überwacht.

Wenn dieses Thema auch in dieser Phase des Seminars noch nicht behandelt werden kann, so ist es doch sinnvoll, es in die Liste der noch zu bearbeitenden Themen aufzunehmen und bei der Behandlung von Kennzahlen wieder aufzugreifen.

Unter Umständen mag es auch sinnvoll sein, den Gender-Begriff in der Fortbildung zu erläutern, da häufig ein unterschiedliches, aber meist nicht kommuniziertes Verständnis unter den Teilnehmenden vorherrscht. Die nachfolgend erläuterten Definitionen können als Arbeitsblatt im Seminar eingesetzt werden.

Der Begriff „Gender“ aus dem Englischen bedeutet übersetzt – im Vergleich zu sex als dem biologischen Geschlecht – das sozial und kulturell geprägte und konstruierte Geschlecht. „Gender“ ist ein Fachbegriff und steht für ein mehrdimensionales Verständnis von Geschlecht. Gender bedeutet, dass es nicht „die Männer“ und „die Frauen“ als einheitliche Gruppen gibt, sondern Menschen in vielfältigen Lebenslagen leben. Es gibt z. B. junge und ältere Frauen, Menschen mit mehr oder weniger beruflicher Erfahrung in der Verwaltung oder Frauen und Männer mit oder ohne Zuwanderungsgeschichte, mit oder ohne Kinder. Lebenslagen unterscheiden sich nicht immer in erster Linie nach dem Geschlecht, meist aber spielen Geschlechternormen eine Rolle.

Die Gender Studies verstehen „Gender“ inzwischen als interdependent oder intersektional. Das heißt Ungleichheiten im Geschlechterverhältnis werden im Zusammenwirken mit Rassismus, Behindertendiskriminierung oder anderen sozialen Ungleichheiten untersucht (vgl. z. B. Walgenbach u. a. 2007).

„Gender“ ist auch ein historischer Begriff: Er verweist auf die Veränderbarkeit geschlechterbezogener Ungleichheit, indem er starre Stereotype von Männlichkeit und Weiblichkeit als quasi naturgegeben hinterfragt und von vielfältigen Entwürfen von Lebensweisen von Frauen und Männern ausgeht. Die Geschlechtszugehörigkeit ist demnach nicht einfach eine biologische Tatsache, sondern sie ist eine alltägliche Selbstdarstellung und permanente Zuschreibung, die unseren Arbeitsalltag strukturiert. Dieser Prozess wird als „doing gender“ bezeichnet.

Mit dem Konzept des „doing gender“ werden die sozialen Prozesse in den Blick genommen, in denen Geschlecht als folgenreiche Unterscheidung hervorgebracht und reproduziert wird. Die einzelnen Frauen und Männer sind selbst aktiv an der Aufrechterhaltung des Systems der Zweigeschlechtlichkeit beteiligt: Sie agieren und kommunizieren innerhalb einer normierten Geschlechterordnung und nehmen sich und andere meist als Frauen oder Männer im persönlichen und beruflichen Alltag wahr. Dies macht sich in Verwaltungsabläufen bemerkbar, wie beispielsweise bei der Personalauswahl. Die geschlechterbezogenen Zuschreibungen sind nicht wertfrei, vielmehr sind sie oft polarisierend und hierarchisch, d. h. Frauen und Männer werden als unterschiedlich und gegensätzlich wahrgenommen und oft werden „männliche“ Eigenschaften, Verhaltensweisen den „weiblichen“ übergeordnet (vgl. z. B. Gofmann 1994; Kotthoff 2002).

Definition „Gendered institutions“

Der Begriff „gendered institutions“ (Joan Acker 1991) verweist auf das Vorherrschen asymmetrischer, hierarchischer Geschlechterverhältnisse in Institutionen und Organisationen. Ein Beispiel stellt die Arbeitsteilung mit ihrer Einteilung in so genannte „Frauenberufe“ und „Männerberufe“ dar oder etwa die unterschiedliche Verteilung von Frauen und Männern im höheren Dienst und in den Führungspositionen der Verwaltung. Die auch in Organisationen wirksame Zweigeschlechtlichkeit mit ihren Zuschreibungen an Männer und Frauen stellt etwas „Gewordenes“ dar, das uns als institutionalisierte Handlungsbedingungen und Rollenzuschreibungen sowie in Form von Symbolen, Werten und Normen gegenüber tritt. Diese vergeschlechtlichten Organisationsstrukturen werden durch Regelwerke, Arbeitsroutinen, Leitbilder, aber auch durch Interaktionen der Mitarbeitenden (re)produziert.

Um die rechtlichen Hintergründe des Gleichstellungsgebots und damit der Integration von Gender-Aspekten in die Inhalte von Fortbildungen zu verdeutlichen, kann der nachfolgende Text zu den rechtlichen Grundlagen ebenfalls als Arbeitsblatt ins Seminar eingebracht werden.

Rechtliche Grundlagen des Gleichstellungsgebots

In der Bundesrepublik Deutschland ist die Gleichberechtigung von Frauen und Männern in Artikel 3, Absatz 2 des Grundgesetzes verankert. Dieser enthält sowohl ein Verbot der Benachteiligung als auch ein Förderungsgebot. Beide Aspekte gehen über eine formale Gleichbehandlung hinaus und zielen auf eine tatsächliche Gleichstellung in der gesellschaftlichen Wirklichkeit. Satz 2 verpflichtet den Staat ausdrücklich, die tatsächliche Gleichstellung von Frauen und Männern zu fördern und Nachteile abzubauen. Auch die Verfassungen der Bundesländer enthalten entsprechende Verpflichtungen.

Die Gleichberechtigung von Frauen und Männern wird durch Bundesgesetze (z. B. Bundesgleichstellungsgesetz, Allgemeines Gleichbehandlungsgesetz, Teilzeitbefristungsgesetz), aber auch Landesgesetze (z. B. Landesgleichstellungsgesetze, Hochschulgesetze) und kommunale Regelungen (z. B. Gemeindeordnungen) sowie Rechtsverordnungen wie die Gemeinsame Geschäftsordnung der Bundesministerien (GGO) konkretisiert.

Grundgesetz der Bundesrepublik Deutschland, Artikel 3, Abs. 2:

„Männer und Frauen sind gleichberechtigt. Der Staat **fördert** die tatsächliche Durchsetzung der Gleichberechtigung von Frauen und Männern und **wirkt** auf die Beseitigung bestehender Nachteile **hin**.“

Rechtliche Grundlagen des Gleichstellungsgebots

Fortsetzung

Bundesgleichstellungsgesetz (BGleiG) vom 30. November 2001 (BGBl. I S. 3234), zuletzt geändert durch

Artikel 15 Abs. 54 des Gesetzes vom 5. Februar 2009 (BGBl. I S. 160). Die gesetzliche Grundlage für die Umsetzung von Gleichstellungspolitik in der Bundesverwaltung ist vor allem das Bundesgleichstellungsgesetz (BGleiG). Es enthält Benachteiligungsverbote (z. B. keine Benachteiligung durch Teilzeitarbeit), aber auch Maßnahmen zur Förderung der Gleichstellung, z. B. die Einrichtung von Gleichstellungsbefragungen oder Regelungen zum Bewerbungsverfahren, um den Anteil von Frauen in Führungspositionen zu erhöhen.

Deutsche Bundesregierung 26.7.2000, **Gemeinsame Geschäftsordnung der Bundesministerien** (GGO, § 2).

In ihr ist die „Gleichstellung von Frauen und Männern“ als „durchgängiges Leitprinzip (Gender-Mainstreaming)“ bindend ausformuliert worden. Diese Verpflichtung spiegelt auch europäische und internationale Vereinbarungen wider, wie z. B. im Amsterdamer Vertrag der Europäischen Union in den Artikeln 2 und 3 niedergelegt.

Amsterdamer Vertrag 1999 Art. 3, Absatz 2:

„Bei allen in diesem Artikel genannten Tätigkeiten wirkt die Gemeinschaft darauf hin, Ungleichheiten zu beseitigen und die Gleichstellung von Frauen und Männern zu fördern.“

Allgemeines Gleichbehandlungsgesetz (AGG) vom 14. August 2006 (BGBl. I S. 1897), zuletzt geändert durch

Artikel 15 Abs. 66 des Gesetzes vom 5. Februar 2009 (BGBl. I S. 160). Das Allgemeine Gleichbehandlungsgesetz (AGG) gilt für die öffentliche Verwaltung, aber auch für die Privatwirtschaft. Es beinhaltet das Verbot der unmittelbaren und mittelbaren Benachteiligung aufgrund der ethnischen Herkunft, des Geschlechts, der Religion oder Weltanschauung, einer Behinderung, des Alters oder der sexuellen Identität. Anders als die Gleichstellungsgesetze enthält das AGG keine Fördermaßnahmen. Es ersetzt also auch nicht ein Gleichstellungsgesetz für die Privatwirtschaft.

Auf den Bildungsbereich bezogen gibt es entsprechende internationale Vereinbarungen wie die Hamburger Deklaration der UNESCO zum Lernen im Erwachsenenalter. UNESCO, **Hamburger Deklaration zum Lernen im Erwachsenenalter** 1997 mit dem Ziel der Förderung einer „im Hinblick auf die Geschlechtsrollen sensiblen partizipatorischen Pädagogik“ (UNESCO 1997, S. 24).

Die nachfolgende Checkliste soll Sie bei der Integration von Gender-Aspekten in die von Ihnen zu gestaltende Fortbildung unterstützen.

Checkliste

Inhalte von Fortbildungen mit integrierter Gender-Perspektive

Empfehlungen

- | Recherchieren Sie nach geschlechterbezogener Fachliteratur. Hinweise zu Handlungsfeldern der Verwaltung (wie z. B. Bericht, Haushalt, Rechtssetzung) und zu Sachgebieten von Arbeit bis Wirtschaft finden Sie z. B. beim GenderKompetenz-Zentrum (www.genderkompetenz.info/genderkompetenz/)
- | Anregungen für die Integration der Gender-Perspektive in fachbezogene Konzepte erhalten Sie im Kapitel V „Gender-Aspekte konkret“.
- | Richten Sie bereits zu Beginn der Fortbildung eine Wandzeitung oder ein Flipchartblatt für einen Fragenspeicher ein, auf dem auch gender-bezogene Fragen und Anregungen der Teilnehmenden, die nicht gleich bearbeitet werden können, festgehalten werden. So haben Sie auch selber Gelegenheit, sich auf die Bearbeitung dieser Fragen vorzubereiten.

Fragen

- | Berücksichtigen Sie geschlechterbezogene Aspekte als durchgängige Querschnittsperspektive in den Seminarinhalten?
- | Welche Themen eignen sich besonders, die Gender-Perspektive explizit zu verdeutlichen?
- | Bieten Sie Gelegenheit, Themen aus dem Teilnehmendenkreis entstehen zu lassen?
- | Beziehen Sie Erkenntnisse der fachbezogenen Geschlechterforschung ein?
- | Thematisieren Sie das Leitprinzip „Gleichstellung“ (Gender-Mainstreaming) als Querschnittsaufgabe der Bundesverwaltung?
- | Machen Sie die Strukturen in den Behörden, die häufig geschlechtshierarchisch aufgebaut sind, sowie Prozesse des „doing gender“ – der gegenseitigen geschlechterbezogenen Zuschreibungen – im Verwaltungshandeln zum Thema?
- | Inwieweit gelingt es Ihnen, bezogen auf die Fortbildungsinhalte, Geschlecht zu thematisieren, ohne erneut damit festzuschreiben (nicht: „Frauen sind.../Männer sind...“)?
- | Welche Beispiele wählen Sie? Welche Botschaft vermitteln Sie in Bezug auf Frauen und Männer?
- | Welchen Stellenwert hat die geschlechterbezogene Selbstreflexivität in der Fortbildung? Thematisieren Sie z. B. Leitungsstile als männliche oder weibliche Führungskraft im Umgang mit weiblichen und männlichen Mitarbeitenden?
- | Machen Sie die geschlechtergerechte Sprache und Kommunikation zum Fortbildungsinhalt?
- | Vermitteln Sie Wissen und praktische Handlungsorientierung zur Anwendung der Gender-Perspektive bezogen auf die verschiedenen Arbeitsplätze der Teilnehmenden?

Dimension: Teilnehmerinnen und Teilnehmer von Fortbildungen

In Bezug auf die Teilnehmenden gilt es den Blick auf die Individuen freizugeben und nicht die Lerngruppe als geschlossenes Konstrukt zu begreifen. Damit sind die verschiedenen Berufs- und Lebenswelten von Frauen und Männern, aber auch unter Frauen und unter Männern, ihr persönlicher Hintergrund wie Ethnizität und soziale Schicht, ihre Lerninteressen und die beruflichen Hintergründe und Verwertungszusammenhänge wahrzunehmen.

In einem Seminar zur Ausbildung am Arbeitsplatz sind der überwiegende Teil der Teilnehmenden Frauen, die Fachangestellte für Bürokommunikation anleiten. Nur ein Viertel der Teilnehmenden sind Männer, diese arbeiten mit Auszubildenden für andere Berufe. Eine der Frauen ist Gärtnerin und betreut Auszubildende für ihren Beruf. Aufgrund einer ausführlichen Vorstellungsrunde zu Beginn sind die unterschiedlichen beruflichen Ausgangsbedingungen der Teilnehmenden deutlich geworden. Der Dozent achtet nun während des Seminars immer wieder darauf, dass das dominierende Berufsbild nicht auch die Semindiskussionen beherrscht, indem er durch Gruppenzusammensetzung und praxisbezogene Aufgabenstellung die Teilnehmenden, die in der Minderheit sind, immer wieder mit ihren Erfahrungen und Lerninteressen in das Seminargeschehen einbezieht.

Für die differenzierte Planung einer berufsbezogenen Fortbildung ist es wichtig, sich bewusst zu machen, wer die Teilnehmenden sind, wie viele Frauen und Männer in der Gruppe sind, in welchen beruflichen Zusammenhängen sie sich bewegen, welches ihr Status innerhalb der Verwaltung ist, und welche beruflichen Aufstiegshoffnungen möglicherweise mit der Teilnahme an der Fortbildung verbunden sind. Es ist aber auch sinnvoll, sich selber zu überprüfen, indem man hinterfragt, welche Bilder von Teilnehmenden und deren Erwartungen bei mir als Leiterin bzw. Leiter einer Fortbildung existieren.

Im Alltagshandeln begegnen uns immer wieder geschlechterbezogene Stereotypisierungen und Klischees. Stereotype erfüllen auch die Funktion, Komplexität zu reduzieren, weil sie leicht verständlich und anschlussfähig für Viele sind. Problematisch wird es aber, wenn sie in Vorurteile umschlagen und daran hindern, Menschen in ihrer Wirklichkeit differenziert wahrzunehmen. Dies betrifft Lehrende wie Teilnehmende. So können auch geschlechterbezogene oder ethnischierende Zuschreibungen von Teilnehmenden in der Interaktion und Kommunikation im Fortbildungsgeschehen erfolgen. Hier gilt es, sich darauf einzustellen, um diese Zuschreibungen nicht nur zu übergehen, sondern auch darauf zu reagieren.

Auf diesem Hintergrund ist es sinnvoll, sich über die eigenen geschlechterbezogenen Werthaltungen und Vorurteile klar zu werden. Der nachfolgende Selbsttest für Dozentinnen und Dozenten enthält Fragen zur Selbstreflexion, die dabei eine Hilfe sein sollen. Diese können Sie dabei unterstützen, die eigenen Zuschreibungen, Werthaltungen und Verhaltensmuster gegenüber Teilnehmerinnen und Teilnehmern bewusst zu machen und sich damit auseinander zu setzen.

Meine Bilder von männlichen und weiblichen Teilnehmenden – Ein Selbsttest

- | Welche Vorstellungen verbinde ich mit weiblichen bzw. mit männlichen Teilnehmenden und ihren Erwartungen, Erfahrungen, ihrem Verhalten?
- | Beziehe ich in meine Vorstellungen Frauen und Männer mit und ohne Migrationshintergrund, unterschiedlicher Altersgruppen und unterschiedlicher Statusgruppen mit ein?
- | Stimmen diese Vorstellungen mit meinen Erfahrungen als Dozent bzw. Dozentin überein? Oder erwarte ich nicht eher diese Verhaltensweisen und bin dann überrascht, wenn sie nicht auftreten?
- | Habe ich mich schon einmal selber dabei beobachtet, wie ich auf eher „untypische“ weibliche oder eher „untypische“ männliche Verhaltensweisen reagiere? Bin ich dann irritiert?
- | Was, denke ich, erwarten Teilnehmende von mir als Frau bzw. Mann in der Leitungsrolle? Wie erlebe ich die Reaktionen von Teilnehmer und Teilnehmerinnen auf mich? (Diese Vorstellungen können mit den eigenen Idealvorstellungen von einer Dozentin, von einem Dozenten verglichen werden.)

| Widerstände von Teilnehmenden gegenüber der Gender-Thematik

Wenn die Gender-Perspektive explizit in der Fortbildung thematisiert wird, ist es möglich, dass Teilnehmende – Männer wie Frauen – Widerstände gegen Gleichstellung verbal wie nonverbal an den Tag legen.

Widerstände können in unterschiedlicher Form und aus unterschiedlichen Anlässen auftreten. Sie können gegenüber methodischem Vorgehen wie der Einteilung in Männer- und Frauengruppen oder auch gegenüber Themenstellungen auftreten, die auf Frauen und Männer eingehen. Widerstände können sich aber auch an Begriffen und Inhalten wie Gender-Mainstreaming festmachen. Sie äußern sich in dem Bestreiten der Notwendigkeit – „Diskriminierung gibt es bei uns nicht“ – oder in der Verweigerung der Verantwortungsübernahme – „es gibt zur Zeit Wichtigeres“ (vgl. Erfurt 2009).

Widerstände sind jedoch nicht mit Widersprüchen von Teilnehmenden zu verwechseln. Widersprüche können ein wichtiger Motor in der Entwicklung eines Seminars sein, ein Zeichen dafür, dass es eine an der Sache orientierte gemeinsame thematische Auseinandersetzung gibt.

Auf Widerstände im Seminar kann man sich nur bedingt vorbereiten, dennoch ist es – wie viele Dozentinnen und Dozenten aus Erfahrung wissen – gerade bei der Gender-Thematik sinnvoll, sich präventiv mit möglichen Ursachen für Widerstände zu befassen. Dazu gehört auch die Reflexion darüber, mit welcher Haltung Sie in der Leitung einer Fortbildung die Gender-Perspektive einbringen: Sind Sie selbst ambivalent (z. B. „Die Thematisierung von Gleichstellung im Seminar ist zu zeitintensiv.“), kann dies das Auftreten von Widerständen bei Teilnehmenden vielleicht provozieren. Von daher ist es eine Voraussetzung, sich hier selbstreflexiv mit der Thematik, den eigenen Vorstellungen von Männlichkeit, Weiblichkeit und Gleichstellungspolitik auseinander zu setzen.

Welches können die Gründe sein, die zum Auftreten von Widerständen gegen Gleichstellung bei Teilnehmenden im Seminar führen? Diese können von biografischen, sozialisationsbedingten Erfahrungen herrühren, von erlebten Verletzungen oder von vorhandenen Stereotypen der Teilnehmenden. Ein Grund für den Widerstand gegen Gleichstellung bei Frauen ist die Befürchtung, nur als „Geschlechtswesen“ und nicht mit ihrer fachlichen Kompetenz wahrgenommen zu werden. Bei Männern können Befürchtungen auftreten, als Geschlechtswesen wahrgenommen oder gar als Prototyp des diskriminierenden Geschlechts angeprangert zu werden. Dabei kommen möglicherweise Verunsicherungen von Frauen und Männern zum Vorschein in Blick auf ihre jeweilige Arbeitsaufgabe, aber auch Konkurrenzängste oder die Sorge vor einseitigen Polarisierungen: Frauen – Männer, positive weibliche – negative männliche Eigenschaften etc.

Die auftretenden Widerstände können ebenso ihre Ursache in Entwicklungen innerhalb der Seminargruppe haben. Es können innere Autoritätskonflikte dahinter stecken, die mit Statusunterschieden in der Gruppe zu tun haben, z. B. wenn Teilnehmende aus derselben Behörde in unterschiedlichen hierarchischen Positionen an der Fortbildung teilnehmen. Es können aber auch äußere Autoritätskonflikte dahinter stecken, die mit der Leitung des Seminars verbunden sind. Vielfach spielt auch das Geschlecht der Lehrenden eine Rolle. Häufig macht es einen Unterschied, ob ein Dozent oder eine Dozentin das Thema einbringt. Historisch gesehen wurde die Gender-Perspektive von der Frauenperspektive aus thematisiert – wenn auch in verschiedenen Phasen der Frauenbewegung und der Entwicklung der fachlichen Gender-Diskussion in Wissenschaft, Politik und Praxis durchaus unterschiedlich. Wenn beispielsweise männliche Dozenten die Gender-Perspektive als selbstverständlich ins Seminar einbringen, kann es eine positive Wirkung haben, da diese damit stereotype Erwartungen an männliche Dozenten entkräften.

Welche Konsequenzen haben diese präventiven Überlegungen für die Fortbildung? Keinesfalls sollten Sie aus Vorsicht, um mögliche Widerstände zu vermeiden, die Gender-Perspektive außen vor lassen.

Eine wichtige Funktion kommt der Darstellung der rechtlichen Rahmenbedingungen und der Bedeutung der Verankerung von Gender-Mainstreaming im Aufgabenkatalog der Bundesregierung zu¹¹. Damit wird die Verbindlichkeit des Gleichstellungsziels für das berufliche Handeln deutlich. Darüber hinaus kann es hilfreich sein, auf der inhaltlichen Ebene den unmittelbaren Nutzen des in der Fortbildung neu erworbenen oder weiter entwickelten Gender-Wissens und dem entsprechender Reflexions- und Handlungskompetenzen für den Arbeitsplatz in der Verwaltung zu thematisieren. Für Führungskräfte kann das bedeuten, Mitarbeitende durch den gender-sensiblen Blick auf deren Lebenslage und Kompetenzen besser motivieren zu können.

Wenn trotz aller Vorkehrungen Situationen entstehen, in denen Widerstand gegenüber der Gender-Perspektive auftritt, gibt es kein Allheilmittel. Je nach eigener Verortung in der Gender-Thematik, dem Thema der Fortbildung und der Versiertheit im gruppendynamischen Vorgehen, können die Leitenden den Verlauf unterbrechen und den Widerstand zum

¹¹ Siehe Kap. 4.2, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

Thema machen. Falls Gender-Mainstreaming oder das Thema der Gleichstellungsorientierung bislang im Seminar noch nicht behandelt wurde, kann auch versucht werden, über den kognitiven Zugang deutlich zu machen, dass diese Fragestellung verbindlicher Bestandteil von Fortbildungen für die öffentliche Verwaltung ist. Es kann auch sein, dass es besser ist, zunächst einmal mehr Informationen über die Gruppe zu sammeln und nicht vorschnell den Widerstand, bezogen auf die Gender-Thematik, zu interpretieren, dieser kann durchaus andere wie etwa gruppendynamische Ursachen haben. Hilfreich kann hier ein Methodenwechsel sein – z. B. statt im Plenum besser in Kleingruppen an erfahrungsbezogenen Aufgaben arbeiten.

Wichtig ist es, nach der Fortbildung den Widerstand im Evaluationsbogen für Dozentinnen und Dozenten, im Gespräch mit den Verantwortlichen für die Fortbildung sowie im Rahmen einer kollegialen Supervision zu reflektieren und gegebenenfalls Schlüsse auf die konzeptionelle Anlage und das eigene Vorgehen zu ziehen.

Die folgende Checkliste enthält Fragen zu den Teilnehmenden im konkreten Seminar, die dabei hilfreich sein können, eine differenzierte Planung vornehmen zu können.

Checkliste

Teilnehmerinnen und Teilnehmer von Fortbildungen

Empfehlungen

- | Machen Sie sich Ihre eigenen Bilder von weiblichen und männlichen Teilnehmenden bewusst.
- | Berücksichtigen Sie unterschiedliche Lebensrealitäten, Ausgangsbedingungen und Interessen von weiblichen und männlichen Teilnehmenden in der Veranstaltung.
- | Befassen Sie sich präventiv mit möglichen Ursachen für Widerstände gegen die Gender-Thematik und möglichen Strategien.

Fragen

- | Was weiß ich über die Zusammensetzung der Seminargruppe? Wie viele Frauen, Männer, Ältere, Jüngere sind es, aus welchen Laufbahngruppen kommen sie?
- | Welchen beruflichen Hintergrund und welche Kompetenzen bringen die Teilnehmenden mit? Über welche geschlechterbezogenen Vorkenntnisse, welches Wissen verfügen sie?
- | Inwieweit berücksichtigt die Fortbildung die jeweiligen Ausgangs- und Lebensbedingungen von Frauen und Männern?
- | Welche Interessen formulieren Frauen und Männer in Bezug auf die Veranstaltung?
- | Welche Rollenverteilungen und Beziehungen unter Frauen und unter Männern (mit und ohne Migrationshintergrund, verschiedener Generationen etc.) und zwischen Frauen und Männern werden im Seminar sichtbar – etwa in Bezug auf Macht, Verantwortung, Fürsorge, Bezugnahme?
- | Wann bietet es sich an, geschlechterbezogene, ethnisierende Zuschreibungen von Teilnehmenden in der Interaktion und Kommunikation im Bildungsgeschehen aufzudecken und zu thematisieren?

Dimension: Gender-sensibles Seminarverhalten von Dozentinnen und Dozenten

Lehrende und Teilnehmende setzen sich mehr oder weniger bewusst mit gesellschaftlichen Rollenerwartungen und Zuschreibungen an Frauen und Männer auseinander. Diese Erwartungen wirken auf die jeweilige Identitätsbildung und die eigenen Rollenvorstellungen ein. Leitungshandeln in Seminaren erfordert Sensibilität gegenüber den eigenen geschlechterbezogenen Verhaltensweisen, deren Reflexion sowie das Ausprobieren und Weiterentwickeln eines gender-sensiblen Seminarverhaltens.

Umgekehrt werden Dozentinnen und Dozenten mit geschlechterbezogenen Maßstäben und Normierungen konfrontiert. Z. B. kann einer Dozentin „Dominanzverhalten“ unterstellt werden, wenn sie sich Raum im Seminar nimmt, wohingegen ein Dozent, der zurückhalten-der ist, sich möglicherweise mit dem Vorurteil, sich nicht durchsetzen zu können, konfrontiert sieht.

Es geht nun nicht darum, dass sich Dozentinnen und Dozenten in ihrem Verhalten angleichen sollen, es geht vielmehr darum, dass sie sich über geschlechterbezogene Zuschreibungsprozesse von Teilnehmenden gegenüber ihnen als Lehrenden im Klaren sein sollen. Möglicherweise – so es denn im Seminar inhaltlich sinnvoll ist – kann dieses thematisiert und bearbeitet werden. Da Sie als Dozent bzw. Dozentin auch immer eine Vorbildfunktion haben, ist es wichtig, bewusst mit den Stereotypen umzugehen und sie in Frage zu stellen.

Beispiel:

Einseitige Bezugnahme des Dozenten auf männliche Teilnehmende

Der Dozent eines Seminars bezieht sich am ersten Tag im Lehrgespräch vor allem auf zwei teilnehmende Männer, die sich immer wieder zu Wort melden. Dabei übersieht er nicht nur die Wortmeldungen von manchen Teilnehmerinnen, sondern beachtet auch nicht, dass die anderen teilnehmenden Männer sich so gut wie gar nicht beteiligen. Am zweiten Tag wird er von einer Teilnehmerin auf die ungleichgewichtige Beteiligung im Seminar angesprochen. Er hat dieses selber nicht so bemerkt, reagiert aber insofern als er die Plenumssituation mehrfach auflöst. In der Kleingruppenarbeit bekommen die Teilnehmenden – männliche wie weibliche – größere Chancen, sich mit ihren Lerninteressen einzubringen. Als es bei der Präsentation der Grupeergebnisse dazu kommt, dass überwiegend Männer die Ergebnisse im Plenum präsentieren, macht er dieses zum Thema und steuert die nächste Gruppenarbeit so, dass Teilnehmende, die noch nicht präsentiert haben, aufgefordert werden, dieses zu tun.

Bei Beginn eines Seminars mit einer unbekannten Gruppe von Teilnehmenden passiert es auch erfahrenen Dozentinnen und Dozenten, dass sie sich auf Zwiesgespräche mit dominanten Teilnehmenden einlassen. Das ist zwar situativ häufig verständlich, sollte aber vermieden werden. Im Übrigen sollten Sie sich dabei bewusst sein, dass Sie mit Ihrem Blickkontakt dieses Verhalten von Teilnehmenden auch provozieren können.

Beispiel:
Aufmerksamkeit ruft Beteiligung hervor

Eine junge Dozentin sah sich einer Gruppe von überwiegend weiblichen Teilnehmenden gegenüber, nur drei Männer waren in der 20 Personen starken Gruppe vertreten. In der Anfangsphase des Seminars schaute sie immer wieder die teilnehmenden Männer an, weil sie sehen wollte, wie diese auf sie reagierten. Einer der anwesenden Männer war dann auch der Erste, der sich zu Wort meldete und ihre Vorstellung des Seminars kritisierte. In der Reflexion des Seminargeschehens ist ihr ihr eigener Anteil an dieser Entwicklung klar geworden. Seitdem bemüht sie sich, bei Beginn eines Seminars jedem und jeder der Beteiligten gleichmäßig viel Aufmerksamkeit zukommen zu lassen.

Dozentinnen und Dozenten sind Vorbilder – auch für geschlechterbezogenes Handeln. Das ist in besonderem Maße bei der Zusammenarbeit von Frauen und Männern im Team von Bedeutung.

Eine Frau und ein Mann leiten gemeinsam ein Seminar. Sie haben sich vorher über ihre Rollen als Dozentin und Dozent verständigt. Dabei haben sie sich vorgenommen, die vorhandenen Klischees zu entkräften, indem beide jeweils Tätigkeiten ausführen, die meist mit dem anderen Geschlecht verbunden werden. Der Dozent erzählt von seinem Versuch, Beruf und Familie zu vereinbaren, er macht Aufwärmübungen, verteilt Kopien. Die Dozentin richtet den Beamer ein, stellt sich als fachliche Expertin dar. Diese Rollenteilung wird nicht während des ganzen Seminars praktiziert. Beide üben auch die jeweils anderen Tätigkeiten aus, um zu zeigen, dass es sich um gleichwertige Funktionen handelt, die von Frauen und Männern gleichermaßen ausgeführt werden können.

Checkliste

Geschlechtergerechtes Seminarverhalten von Dozentinnen und Dozenten

Empfehlungen

- | Vergegenwärtigen Sie sich ihre Vorbildrolle als Frau bzw. als Mann in der Leitung des Seminars.
- | Bemühen Sie sich, keine stereotypen Verhaltensmuster vorzumachen.
- | Bevorzugen oder benachteiligen Sie weder Frauen noch Männer.

Fragen

- | Machen Sie sich als Dozent bzw. Dozentin mit Ihren eigenen geschlechterbezogenen inhaltlichen Positionen und berufsbiografischen Erfahrungen im Seminar sichtbar?
- | Stellen Sie eine unter Gender-Gesichtspunkten authentische Leitungspersönlichkeit dar?
- | Benutzen Sie eine geschlechtergerechte Sprache und erläutern Sie den Teilnehmenden, warum dieses sinnvoll ist?
- | Überprüfen Sie Ihr Verhalten gegenüber männlichen und weiblichen Teilnehmenden, z. B. indem Sie sich am Ende eines Seminartages oder einer Seminarsequenz fragen, an welche männlichen und welche weiblichen Teilnehmenden Sie sich erinnern und weshalb?
- | Arbeiten Sie mit einer Frau/mit einem Mann im Team?
Bei welchen Themen und Zielgruppen ist es wichtig, dass Mann oder Frau leiten?
Wie ist die Rollenklärung im Team zwischen Frauen und Männern geregelt:
Wer ist zuständig für Körperarbeit, kreative Methoden, thematische Inputs, Organisatorisches?
Gibt es eine Rollenflexibilität im Team?

Dimension: Gleichstellungsorientierte methodische Gestaltung von Fortbildungen und pädagogischem Settings

Methoden sind an didaktischen Prinzipien und Zielen sowie an Inhalten, Teilnehmenden und Rahmenbedingungen – etwa der Zeit, die zur Verfügung steht bzw. am Veranstaltungsformat – orientiert. Die in der Teilnehmendengruppe vertretenen Frauen und Männer mit ihren vielfältigen Lebenswelten und unterschiedlichen Zugängen zum Thema bedingen die methodische Herangehensweise. Es gibt keine Methoden, die man als per se geschlechtergerecht bezeichnen könnte, aber bei der methodischen Gestaltung von Lehrgängen sollten die in unserer Gesellschaft und am Arbeitsplatz vorhandenen Ausgangsbedingungen von Frauen und Männern und die geschlechterbezogenen Konstruktionen berücksichtigt werden.

Auch unter Frauen und unter Männern ergeben sich vielfältige Unterschiede aufgrund ihrer Tätigkeiten, Funktionen, hierarchischen Position in der Organisation, Lebensentwürfe und geschlechterbezogenen Selbstreflexivität. Die eingesetzten Methoden sollten die Geschlechterverhältnisse und geschlechterbezogenen Konstruktionen in der Kommunikation und der Interaktion berücksichtigen und können damit unterschiedliche Perspektiven erfahrbar machen. Dazu gehören partizipative und auf Reflexion zielende Methoden sowie ein Wechsel der Sozialformen wie geschlechtshomogene und -heterogene Gruppen und Plenum, in dem die verschiedenen Perspektiven wieder zusammengetragen werden. Methodische Vorgehensweisen, die einen Perspektivenwechsel ermöglichen wie etwa Rollenspiele, in denen Frauen Rollen von Männern und umgekehrt spielen, ermöglichen neue Erfahrungen. Dabei können nicht nur Geschlecht, sondern auch Zuwanderungsgeschichte, Generation etc. mitberücksichtigt werden. Neue Erfahrungen kann die Übung, eine ganze Seminarsequenz lang nur die weibliche Form von Substantiven zu gebrauchen, ermöglichen und damit den Zusammenhang von geschlechtergerechter Sprache und gesellschaftlicher Realität bewusst machen. Eventuell sich entwickelnde Geschlechterhierarchien unter den Teilnehmenden, in denen sich die Lauteren, Stärkeren oder auch hierarchisch Höhergestellten durchsetzen, können Sie entgegensteuern. Das kann durch den Wechsel zwischen Lehrgespräch und Kleingruppenarbeit, Ermunterung stiller Teilnehmender (Frauen wie Männer), differenzierte Aufgabenstellungen für unterschiedliche Teilnehmende und andere methodische Interventionen geschehen.

Beispiel: Vorstellung und Interessenerhebung zu Beginn des Seminars

Interessenserhebungen zu Beginn der Veranstaltung – etwa über Kartenabfrage – sind eine Möglichkeit, alle Beteiligten – Frauen wie Männer – aktiv zu beteiligen.

Um die persönlichen wie beruflichen Hintergründe und die Lerninteressen zu erheben, eignen sich in der Anfangsphase aufgelockerte Vorstellungsrunden. Dies können etwa soziometrische Übungen sein, in denen sich Zugehörige zu einer Gruppe, wie etwa Beschäftigte von unterschiedlichen Ministerien, Angehörige unterschiedlicher Laufbahngruppen, Personen mit unterschiedlichen Arbeitszeitkontingenten (Teilzeit- oder Vollzeittätigkeit), mit oder ohne Kinder lebend, pflegend tätig etc. im Raum verteilen. Jede Frage wird nacheinander gestellt, die Teilnehmenden ordnen sich jeweils zu. Dies ergibt einen Überblick über die Gruppe, verschafft erste Eindrücke von deren Lebens- und Arbeitsbedingungen und ermöglicht den Teilnehmenden, miteinander ins Gespräch zu kommen.

Teilnehmerinnen und Teilnehmer sollen die Inhalte verstehen und in ihr eigenes berufliches Wissen und Handeln umsetzen können. Das erfordert methodische Schritte, in denen teilnehmende Frauen wie Männer Gelegenheit erhalten, ihr bisher vorhandenes Wissen zur Thematik einzubringen und neue Erkenntnisse – je nach Thematik des Seminars – anzuwenden und auszuprobieren. Verstehen und begreifen erfolgt in der Regel bei den meisten Teilnehmenden nicht durch passive Rezeption, sondern durch aktive Aneignung. Dass partizipative Unterrichtsformen für die meisten Teilnehmenden – für Männern ebenso wie für Frauen – den Lernerfolg verbessern, zeigen Ergebnisse der Lehr-/Lernforschung ebenso wie die Erkenntnisse der Hirnforschung (vgl. Döring/Ritter-Manczek 20018; Geißler 1995; Spitzer 2002).

Es kommt vor, dass gerade in einer neuen sozialen Situation, wie sie ein Seminar darstellt, von Teilnehmerinnen oder Teilnehmern traditionelle Verhaltensmuster reproduziert werden. Dieses kann damit zusammen hängen, dass die traditionellen Muster „erfolgreiche Inszenierungen“ von Männlichkeit bzw. Weiblichkeit darstellen. Die unhinterfragte Reproduktion dieser Muster kann möglicherweise dazu führen, dass Lerngelegenheiten von Teilnehmenden ungenutzt bleiben und Lernchancen nicht aufgegriffen werden.

Beispiel: Kleingruppenbildung und Aufgabenstellung

In einer Seminarphase sollten die Teilnehmenden die Anwendung eines vorher dargestellten Instruments in Kleingruppen zu je vier Personen ausprobieren. Die Gruppenbildung geschah mit einer spielerischen Methode. Alle vier Kleingruppen waren gemischt zusammen gesetzt. Die Gruppen sollten selber entscheiden, anhand welchen konkreten Beispiels aus ihrer beruflichen Praxis die Erprobung erfolgen sollte. Bei der Darstellung der Gruppenergebnisse im Plenum stellte sich heraus, dass in allen Gruppen die Praxis von beteiligten Männern zur Grundlage genommen worden war. Keine der Frauen hatte das Instrument anhand ihrer Erfahrungen ausprobiert. Die Seminarleiterin war von dem Ergebnis der Gruppenarbeit selber überrascht, damit hatte sie nach dem bisherigen Verlauf der Zusammenarbeit im Seminar nicht gerechnet.

Eine Möglichkeit, dem entgegenzusteuern, ist die Arbeit in geschlechtshomogenen Kleingruppen. In diesem Fall hätten auch teilnehmende Frauen die Chance gehabt, die Umsetzung in ihre berufliche Praxis auszuprobieren.

Checkliste

Gleichstellungsorientierte methodische Gestaltung von Fortbildungen und pädagogischen Settings

Empfehlungen

- | Nutzen Sie bewusst geschlechtsheterogene und geschlechtshomogene Arbeitsgruppen. Frauengruppen und Männergruppen eignen sich beispielsweise, um Ausgangsbedingungen und Perspektiven von Frauen und von Männern sichtbar zu machen und/oder auch um geschlechtliche Identitäten und Rollenzuschreibungen zu thematisieren.
- | Setzen Sie Methoden ein, durch die alle Teilnehmenden – Frauen und Männer – beteiligt und aktiviert werden, wenn es das Veranstaltungsformat zulässt. Das sind bspw. Arbeiten mit Moderationskarten, Brainstorming in kleinen Gruppen, Rollenspiele.
- | Bauen Sie Übungen in Ihre methodische Vorgehensweise ein, die neue Erfahrungen ermöglichen, indem z. B. ein Perspektivenwechsel vorgenommen wird. So kann, falls es von dem Seminarinhalt her sinnvoll ist, die Bedeutung einer geschlechtergerechten Sprache erfahren werden, indem eine ganze Seminarsequenz lang nur die weibliche Form von Substantiven gebraucht wird.

Fragen

- | Werden vielfältige Lerninteressen bei der Gestaltung der Fortbildung berücksichtigt? Wird partizipativ vorgegangen in Bezug auf inhaltliche und methodische Interessen der weiblichen und männlichen Teilnehmenden?
- | Gibt es Regeln und Verabredungen für das gemeinsame Arbeiten, die eine Partizipation von Frauen und Männern an Entscheidungen und Gestaltung des Lernklimas ermöglichen?
- | Wie ermöglichen Sie es allen Teilnehmenden, Frauen wie Männern, stillen wie lebhaften Teilnehmenden, sich mit ihren Fragen und Beiträgen in das Seminargeschehen einzubringen?
- | Wie wird durch methodische Gestaltung versucht, (Geschlechter-)Hierarchien unter den Teilnehmenden entgegen zu steuern?
- | Gibt es regelmäßige Reflexionsrunden, in denen die Teilnehmenden nicht nur den Inhalt des Seminars, sondern auch die Form der gemeinsamen Arbeit sowie die Kommunikations- und Beziehungsstrukturen in der Gruppe unter Gender-Gesichtspunkten thematisieren können?
- | Ermöglicht die methodische Gestaltung die Reflexion über geschlechterbezogene Stereotype und Rollenklischees?

Dimension: Gender-sensible Gestaltung von Medien, Materialien und Skripten

Zur Arbeit innerhalb von Seminaren sowie zur vertiefenden Beschäftigung mit dem Thema nach Ende des Seminars erhalten die Teilnehmenden in der Regel umfangreiche Materialien. Ebenso wie die mündliche Darstellung der Fortbildungsinhalte trägt deren Präsentation in Materialien, Medien, Arbeitsblättern und Skripten zur Vermittlung von Rollenklischees bzw. zu deren Infragestellung und Aufbrechen bei. Insofern ist es wichtig, die verwendeten Medien und Materialien daraufhin zu überprüfen, inwiefern sie Rollenstereotype transportieren oder auflösen (vgl. BMFSFJ 2005). Das bezieht sich auf drei verschiedene Ebenen:

- die verwendeten Beispiele,
- die sprachliche Gestaltung und
- die Illustrationen.

In den Seminaren wird in der Regel zur Veranschaulichung des Seminarinhalts auf Beispiele aus dem Kontext der öffentlichen Verwaltung Bezug genommen. Es werden Situationen beschrieben, die im beruflichen Alltag vorkommen können. Bei der Auswahl dieser Beispiele ist darauf zu achten, dass mit ihnen nicht wieder Rollenklischees und Geschlechterhierarchien reproduziert werden, beispielsweise, indem in der Funktion von Vorgesetzten vor allem Männer dargestellt werden und in Assistenz Tätigkeiten überwiegend Frauen. Zum einen entspricht das durchaus nicht mehr durchgehend der heutigen behördlichen Realität, zum anderen haben die Beispiele auch Vorbildfunktion, indem sie alternative Bilder vermitteln.

In allen Dimensionen der Mikrodidaktik sollte eine geschlechtergerechte Sprache eine Selbstverständlichkeit sein. Das gilt auch für eingesetzte Medien und Materialien. Es sei noch einmal auf die Gründe dafür verwiesen: Der Gebrauch von maskulinen Personenbezeichnungen für Frauen macht Frauen unsichtbar, verstärkt Stereotypen und widerspricht dem Grundsatz der Gleichbehandlung von Frauen und Männern. Obendrein müssen Frauen gedankliche Mehrarbeit leisten, um entscheiden zu können, ob sie mit einer maskulinen Personenbezeichnung gemeint sind (vgl. Metz-Göckel/Roloff 2002 a).

Beispiel: Die Sprache im Skript

Folgende „Vorbemerkung zum Sprachgebrauch“ findet sich in einer schriftlichen Seminarunterlage: „Die Bezeichnung weiblicher und männlicher Personen durch die jeweils maskuline Form in dieser Unterlage bringt die verfassungsrechtlich gebotene Gleichstellung von Mann und Frau sprachlich nicht angemessen zum Ausdruck. Auf die Verwendung von Doppelformen oder andere Kennzeichnungen wurde jedoch verzichtet, um die Lesbarkeit und Übersichtlichkeit zu wahren. Mit allen im Text verwendeten Personenbezeichnungen sind stets beide Geschlechter gemeint.“

Wie die Autoren selber anmerken, ist das nicht verfassungskonform. Sie sollten sich die Mühe machen, sich um eine geschlechtergerechte Sprache zu bemühen, ohne dass damit die Lesbarkeit leidet. Beispiele dafür gibt es.¹²

¹² siehe Kap. 4.3.

Ebenso wie Beispiele und Sprache vermitteln Illustrationen eine bestimmte – häufig recht eingeschränkte – Wahrnehmung von Wirklichkeit (vgl. ÖGB 2006). So ist sowohl die überwiegende – oder sogar ausschließliche – Darstellung von männlichen Personen bei der Illustration von Texten problematisch als auch die Abbildung von in erster Linie hellhäutigen, blonden, mitteleuropäisch aussehenden Menschen. Beides vermittelt Klischees und entspricht nicht der gesellschaftlichen Realität. Damit wird transportiert, dass ein bestimmtes Aussehen und ein bestimmtes Geschlecht die gesellschaftlich anerkannte Norm darstellt, an der die anderen Menschen gemessen werden.

Checkliste

Gender-sensible Gestaltung von Medien, Materialien und Skripten

Empfehlungen

- | Vermeiden Sie Rollenklischees, z. B.
 - indem männliche wie weibliche Personen in ausgewogener Art und Weise in unterschiedlichen Funktionen und Berufen dargestellt werden,
 - indem Männer wie Frauen in „untypischen Berufen“ abgebildet werden.
- | Versuchen Sie, die Vielfalt von Möglichkeiten der Lebensgestaltung zu präsentieren durch die Darstellung der
 - unterschiedlichen gesellschaftlichen Realitäten und Interessenlagen von Frauen und Männern,
 - Lebensrealitäten unterschiedlicher sozialer und ethnischer Gruppen.
- | Verwenden Sie eine geschlechtergerechte Sprache.
- | Verwenden Sie keine geschlechterstereotypen Icons, Bilder, Illustrationen.

Fragen zu Beispielen

- | Kommen unterschiedliche Lebenswelten von Frauen und Männern vor?
- | Wie gestaltet sich die Repräsentation der Geschlechterverhältnisse in den Beispielen, vermeidet sie Stereotypen oder setzt sie diese bewusst ein?
- | Wird gezielt dafür gesorgt, dass Beispiele so konstruiert sind, dass Rollenstereotype aufgebrochen werden?

Fragen zur sprachlichen Gestaltung

- | Sind die Materialien in einer geschlechtergerechten Sprache gehalten?
- | Werden Frauen und Männer als aktiv Handelnde direkt benannt?

Fragen zu Illustrationen, Bildern

- | Welche Funktionen haben die Bilder in Skripten und Arbeitsmaterialien, sind sie inhaltsbezogen oder reine Illustration?
- | Sprechen die Bilder Frauen und Männer an?
- | Wie viele Frauen, wie viele Männer werden abgebildet?
- | In welcher Funktion werden Frauen bzw. Männer dargestellt?
Werden Stereotype reproduziert?

4.3 Übergreifende Anforderung an Fortbildungen: Geschlechtergerechte Sprache

Die geschlechtergerechte Sprache betrifft sowohl die makro- als auch die mikrodidaktische Ebene.

Bei Substantiven wird im Deutschen vielfach die männliche Form, das sog. „generische Maskulinum“, benutzt: Begriffe wie z. B. „Teilnehmer“, „Dozent“ dienen dazu, um Männer und Frauen zu bezeichnen. Seit Beginn der 1980er Jahre wird dieser Sprachgebrauch einer kritischen Diskussion unterzogen. Viele Frauen fühlen sich mit dem generischen Maskulinum nicht angesprochen. Inzwischen belegen auch Forschungen, dass eine geschlechtergerechte Sprache bei Zuhörerinnen und Zuhörern vielfältigere Assoziationen auslöst als der Gebrauch der rein männlichen Substantivformen (vgl. Metz-Göckel/Roloff 2002 a; Stahlberg 2001).

Ebenso wie bei schriftlichen Veröffentlichungen wie Bildungsprogrammen, Ausschreibungstexten und Öffentlichkeitsarbeit sollte eine geschlechtergerechte Sprache im Seminar eine Selbstverständlichkeit sein. Das gilt sowohl für Seminarunterlagen, Medien und Materialien als auch für die von den Dozentinnen und Dozenten und Planenden gesprochene Sprache. Zum einen haben sie eine Vorbildwirkung mit dem Gebrauch einer geschlechtergerechten Sprache, zum anderen sollten sie darüber hinaus den Teilnehmenden den Sinn einer geschlechtergerechten Sprache vermitteln.

Ziel einer geschlechtergerechten Sprache ist das **Sichtbarmachen und das Ansprechen von Frauen und Männern** gleichermaßen und damit gleichzeitig das Vermeiden des generischen Maskulinums. Es gibt Vorschläge für die sprachliche Gleichbehandlung von Frauen und Männern für den Bereich der öffentlichen Verwaltung, u. a. vom Bundesverwaltungsamt (BVA 2002²) und vom Land Nordrhein-Westfalen (vgl. Landesregierung NRW o. J.). Auf diese Vorschläge bezieht sich das nachfolgende Arbeitsblatt; es kann auch als Seminarunterlage Verwendung finden.

Die Benennung von Frauen und Männern erfüllt das Ziel des Sichtbarmachens

- | Mitarbeiterinnen und Mitarbeiter
- | Teilnehmerinnen und Teilnehmer
- | Kolleginnen und Kollegen
- | Frauen und Männer

Geschlechtsneutrale Hauptwörter sind eine Lösung, z. B.

- | Einzahl: Teilnehmende Person, Mitglied, Fachkraft, Lehrkraft
- | Mehrzahl: die Teilnehmenden, die Beschäftigten, die Anwesenden, die Erwerbstätigen

oder andere neutrale Lösungen:

- | Die Leitung der Sitzung lag bei..., die Vertretung wurde wahrgenommen von...
- | Wir suchen eine technische Fachkraft für die Leitung der Abteilung statt: ein/e technische/r Mitarbeiter/in als Abteilungsleiter/in

Vorschläge für geschlechtergerechte Sprache

Fortsetzung

- | an die Beschäftigten des Fachbereichs statt: an die Mitarbeiter/innen des Fachbereichs
- | das Angebot richtet sich an Personen, die im Journalismus, tätig sind statt: Adressaten sind Journalist(inn)en

Manchmal hilft auch eine Umformulierung weiter

- | Wer das Seminarangebot nutzt... statt: der Nutzer des Angebots
- | Wer einen Führerschein besitzt... statt: der Inhaber des Führscheins

Passive Formulierungen helfen

- | Wahlverzeichnis statt: Wählerverzeichnis
- | Redeliste statt: Rednerliste
- | Teilnahmegebühr statt: Teilnehmergebühr
- | Das Kind wird von Monika Schreiber gesetzlich vertreten. statt: Gesetzlicher Vertreter des Kindes ist Monika Schreiber.
- | Der Antrag wird gestellt von...statt: der/die Antragsteller/in ist

4.4 Gender-Kompetenz als verbindlicher Bestandteil der Beauftragung von Dozentinnen und Dozenten

Die folgende Checkliste kann als Anlage zum Vertrag mit den Dozentinnen und Dozenten eingesetzt werden, um die Verbindlichkeit der Forderung nach Gender-Kompetenz transparent zu machen und zu unterstreichen.

Checkliste

Gender-Kompetenz von Dozentinnen und Dozenten

- | **Personale Kompetenz:** Motivation, sich mit gleichstellungsorientierten Themen auseinander zu setzen; geschlechterbezogene Selbstreflexivität,
- | **Fachliche Kompetenz:** gender-bezogenes Fachwissen, Wissen über soziale Konstruktion von Geschlecht und Geschlecht als sozialer Strukturkategorie, Kenntnisse über gleichstellungspolitische Zielsetzungen, Kenntnisse über Lebenslagen von Frauen und Männern in der Verwaltung, über deren Zugang zu Fortbildungen und ihr Bildungsverhalten,
- | **Soziale Kompetenz:** geschlechterbezogene Kommunikations- und Kooperationsfähigkeit, Empathie, Dialogfähigkeit, geschlechtergerechte Sprache,
- | **Methodische Kompetenz:** gender-sensible, partizipative didaktische Methoden, gruppendynamische Kenntnisse unter Gender-Gesichtspunkten

Wie können Sie als Dozentin bzw. Dozent Gender-Kompetenz nachweisen?

- | Nachweis über besuchte Gender-Fortbildungen, Studium der Gender Studies
- | Nachweis über selbst durchgeführte gender-bezogene Fortbildungen
- | Formulierung von gender-sensiblen Zielen, Inhalten, Methoden bei Fortbildungskonzepten
- | Systematische Differenzierung der Zielgruppen nach Geschlecht, Alter etc. bei der Konzipierung von Fortbildungen
- | Kenntnis der gender-bezogenen Fachliteratur, der Geschlechterforschung
- | Realistische Selbsteinschätzung in Bezug auf die vier Bereiche der Gender-Kompetenz und Fähigkeit diese zu erläutern

Woran erkennt Ihr Auftraggeber bzw. Ihre Auftraggeberin Ihre Gender-Kompetenz?

- | Vermeiden Sie eine geschlechterstereotype Darstellung von Frauen und Männern in der Kommunikation und in den Konzepten der Fortbildung (z. B. in Beispielen).
- | Benennen Sie die Zielgruppe differenziert und möglichst genau im Blick auf Frauen und Männer, nach Laufbahngruppen, (Dienst)Alter.
- | Thematisieren Sie die Inhalte der Fortbildung unter Gender-Gesichtspunkten möglichst selbstverständlich als einen integrativen Bestandteil (z. B. gleichstellungsorientierte Personalauswahl von Frauen und Männern).
- | Zeigen Sie Dialogfähigkeit (im Umgang mit den Teilnehmenden).
- | Verwenden Sie eine geschlechtergerechter Sprache.

Checkliste

Gender-Kompetenz von Dozentinnen und Dozenten (Fortsetzung)

Weitere Hinweise zur gleichstellungsorientierten Gestaltung von Fortbildungen auf der Ebene der Inhalte und Methoden, des Seminarverhaltens der Dozentinnen und Dozenten und des Umgangs mit den Teilnehmenden sowie der Materialien, Skripten und der Sprache finden Sie hier:

„Fortbildung – gleichstellungsorientiert!“

Arbeitshilfe zur Integration von Gender-Aspekten in Fortbildungen.

www.bmfsfj.bund.de

Allgemeine Informationen zu Gleichstellung, Gender-Mainstreaming und zu Handlungsfeldern der Bundesverwaltung finden Sie außerdem auf den Seiten der Bundesregierung (www.gendermainstreaming.net) und auf den Seiten des GenderKompetenzZentrums (www.genderkompetenz.info)

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V.

Gender-Aspekte konkret – Fachbezogene Konzepte für Fortbildungen

Die fachbezogenen Konzepte für Fortbildungen in der Bundesverwaltung stellen Beispiele für organisationsbezogene und personenbezogene Fortbildungen sowie für Seminare aus den Bereichen Didaktik und Öffentlichkeitsarbeit vor. Dabei handelt es sich nicht um komplette Fortbildungskonzeptionen, sondern um **inhaltliche Anregungen mit exemplarischer methodisch-didaktischer Vertiefung**.

Wie sind die Arbeitshilfen entstanden?

Die fachbezogenen Arbeitshilfen basieren auf teilnehmende Beobachtungen und Analysen bei ausgewählten Fortbildungen der BAKöV durch einen Gender-Experten oder eine Gender-Expertin. Sie wurden also nicht „am grünen Tisch“ entworfen, vielmehr liegen ihnen Fortbildungskonzepte zugrunde, die unterschiedlich, meist aber nur punktuell den Aspekt der Gleichstellungsorientierung verfolgten. Zu Beginn und am Ende jeder Fortbildung wurden Gespräche einer Projektleiterin mit der jeweiligen Gender-Expertin bzw. dem Gender-Experten, der zuständigen Seminarleitung der BAKöV und der Dozentin oder dem Dozenten geführt und Ansatzpunkte zur Integration der Gender-Perspektive erörtert. Die daraus hervorgegangenen Berichte bildeten die Grundlage für die Arbeitshilfen. In verschiedenen Settings, bilateralen Gesprächen und Workshops mit Planenden und Dozenten und Dozentinnen wurden diese Materialien weiterentwickelt.

Wie sind die Arbeitshilfen der fachbezogenen Konzepte aufgebaut?

Jedem Fortbildungsthema ist die Gliederung der Arbeitshilfe vorangestellt. Zu Beginn wird die allgemeine Ziel- und Schwerpunktsetzung der Fortbildung sowie die Zielgruppe genannt. Das erste Kapitel widmet sich dem gender-bezogenen Fachdiskurs. Im Anschluss wird in einem zweiten Schritt die Integration der Gender-Perspektive in einzelne Fortbildungsinhalte skizziert, hier liegt der Fokus darauf, deutlich zu machen, was es bedeutet, wenn von einer selbstverständlichen Berücksichtigung der Gender-Perspektive die Rede ist. In einem dritten Kapitel wird das Curriculum für eine thematische Fortbildungseinheit, das explizit ein Gender-Thema aufgreift, beschrieben. In einzelnen Arbeitshilfen sind auch mehrere Seminareinheiten dargestellt. Das jeweilige Curriculum beinhaltet Angaben zu Zielsetzung, Zeitrahmen, Inhalten, methodischem Vorgehen, Setting und Materialien. In manchen fachbezogenen Arbeitshilfen sind Arbeitsblätter für Teilnehmende und/oder Anleitungen für Dozentinnen und Dozenten enthalten. Jede Arbeitshilfe schließt dann wiederum mit einer Literaturauswahl unter besonderer Berücksichtigung der Gender-Perspektive.

5.1 Organisationsbezogene Fortbildungen

Fachbezogene Konzepte für Fortbildungen am Beispiel „Querschnittsaufgaben Organisation – Haushalt – Personal“

Expertin: Regina Frey

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- Haushalt: Rechtliche Grundlagen des Haushalts, Kosten-Leistungsrechnung, Vergabe von Aufträgen an Dritte
- Organisation: Ziele von Organisationen, Gleichstellung und Organisationsveränderungen
- Personal: Tabellenentgelt, Leistungsbewertung und Leistungsentgelt

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- Thema: Annäherung an Gender-Budgeting, Exemplarische Gender-Budgeting Analyse

4. Literatur

Im Rahmen einer dreitägigen Fortbildung für Führungskräfte findet eine Einführung in die Themenfelder Haushalt, Organisation und Personal statt. Eine Möglichkeit, Gender-Aspekte zu berücksichtigen, ohne sie zum Zusatzthema zu machen, könnte darin bestehen, Gleichstellung als inhaltliche Klammer zu nutzen. Das heißt, über diese verschiedenen Themen hinweg könnte auf die Kategorie „Gender“ als roter Faden zurückgegriffen werden. Beispiele mit einem Fokus auf Gleichstellung können ein verbindendes Element werden, die gleichzeitig der besseren Veranschaulichung dienen.

Dabei können im Rahmen von eintägigen Fortbildungen zu den einzelnen Themenfeldern bestimmte Akzente gesetzt werden, da die drei Themenbereiche jeweils Bezüge zur Gleichstellung aufweisen: Organisation, da Gender-Mainstreaming eine Strategie der Organisationsentwicklung darstellt; Haushalt, da Gender-Budgeting eine Strategie ist, die sich konkret auf die Wirkungsorientierung des Haushalts bezieht und Personal, da Gleichstellungs- und Gender-Kompetenz des Personals wesentliche Anforderungen an ein modernes Verwaltungshandeln sind.

1. Gender-bezogenes Fachwissen

Haushalt

Die Aufstellung, der Vollzug und die Kontrolle des Haushalts sind nicht lediglich technische Verfahren. Der Haushaltsvollzug entfaltet immer auch eine gesellschaftliche Wirkung und kann sich deshalb auf Lebenslagen von Frauen und Männern unterschiedlich auswirken. Das Haushaltsverfahren kann entsprechend genutzt werden, um Gleichstellungswirkungen festzustellen und im Sinne von Gleichstellung umzusteuern. Der Fachbegriff für die entsprechende Strategie heißt **Gender-Budgeting**. Nach einer Kommission des Europarats besteht „Gender-Budgeting (...) in der (Re-)Organisation, Verbesserung, Entwicklung und Evaluierung von budgetpolitischen Prozessen. Es bedeutet eine gender-basierte Beurteilung von

Budgets, die Einbeziehung einer Gender-Perspektive auf allen Ebenen des Budgetprozesses und die Umgestaltung von Einnahmen und Ausgaben im Hinblick auf eine Förderung der Geschlechtergleichstellung“ (Europarat 2005, S. 12). Überwiegend wird Gender-Budgeting als Teilstrategie des Gender-Mainstreaming verstanden, also der durchgängigen Berücksichtigung von Geschlechterverhältnissen in allen Bereichen der Politik, um so das grundsätzliche Ziel der Gleichstellung von Frauen und Männern und das Leitprinzip Gleichstellung (§ 2 GGO) Wirklichkeit werden zu lassen. Gender-Budgeting ist eine integrative Strategie, die eine systematische Analyse von Haushaltspolitik und der konkreten Haushalte und Kostenaufstellungen ermöglicht. Ziel von Gender-Budgeting ist, deren direkte und indirekte positive und negative Auswirkungen auf verschiedene Lebenslagen von Frauen und Männern zu erfassen und somit eine Orientierung für die Umsetzung des Gleichstellungsauftrages im Sinne des Art. 3 Abs. 2 GG zu schaffen. Dazu ist es notwendig, Gleichstellungsziele für einen jeweiligen fachlichen Bereich zu definieren und diese mit Kennzahlen bzw. Indikatoren zu unterlegen. Nur auf diese Weise können erwünschte und unerwünschte Wirkungen auf die gesellschaftlichen Geschlechterverhältnisse erfasst werden. Bei Gender-Budgeting geht es also nicht nur um die konkreten Ausgaben und Einnahmen oder um eine Erhöhung oder Kürzung von Haushaltsmitteln, sondern ggf. auch um neue Prioritätensetzungen in der Haushaltsstruktur. Wichtig zu betonen ist dabei, dass dies eine spezifische Förderung von Frauen nicht ausschließt.

Gender-Budgeting ist keine einmalige Maßnahme, sondern integriert sich in den Haushaltsprozess. Die Strategie stellt für alle Fachressorts eine Möglichkeit dar, ihren Beitrag zum Gleichstellungsauftrag umzusetzen und darzustellen. Hier sind auch diejenigen Ressorts gefordert, die vermeintlich kaum Bezüge zu Gleichstellung aufweisen, da mittelbare Wirkungen auf Gleichstellung zwar nicht auf den ersten Blick erkennbar, oft jedoch erheblich sind.

Durch die Darlegung von gender-sensiblen Daten und Zahlen wird kontinuierlich transparent gemacht, was eine jeweilige Verwaltungseinheit zur Geschlechtergerechtigkeit beiträgt. Dabei bleibt es nicht bei einer Analyse der Wirkungen von Haushaltspolitik, sondern es geht dabei um die Erreichung von definierten und rechtlich verankerten Gleichstellungszielen. Dabei kann es Aufgabe der Ressorts sein, eine solche gleichstellungspolitische Folgeabschätzung der Mittelverteilungen (Einnahmen und Ausgaben) zu vollziehen. So wurde in Österreich Gender-Budgeting als Aufgabe 2008 in die Verfassung aufgenommen. Koordiniert und gesteuert durch das Bundesfinanzministerium fließen Gender-Budgeting Informationen in den „Voranschlag“ ein (vgl. Bundeskanzleramt, ohne Datum).

Organisation

Die Geschlechterforschung hat gezeigt, dass sich Gender als soziale Kategorie zum einen in Strukturen und Verfahren von Organisationen widerspiegelt und zum anderen sind es Organisationen, die Gender als gesellschaftliche Struktur auch immer wieder reproduzieren und hervorbringen (z. B. durch die horizontale und vertikale Segregation: Frauen- und Männeranteile differieren vertikal nach Branchen/Politikfeldern und vertikal nach Status). Gender-Mainstreaming ist eine Strategie der Organisationsentwicklung, um eine durchgängige Orientierung am Ziel der tatsächlichen Gleichstellung von Frauen und Männer zu gewährleisten. Die EU-Expertin Alison Woodward bezeichnet Gender-Mainstreaming in

diesem Sinne auch als „Instrument zur Innovation von Institutionen“ (Woodward 2004). Im internationalen Bereich gibt es eine Reihe von Beispielen für Organisationen, die Organisationsentwicklung eng mit Gender-Mainstreaming verknüpft haben (wie z. B. das UNDP, Entwicklungsprogramm der Vereinten Nationen, vgl. Gesellschaft für Technische Zusammenarbeit 2001). Die Verknüpfung von Gleichstellungsaspekten mit ISO-Qualitätsnormen wurde im Rahmen eines EU-Projektes bearbeitet (vgl. Vision 2000).

Der Prozess der besseren Organisationsentwicklung umfasst dabei drei Ebenen: **die strukturelle, die personelle und die inhaltliche Verankerung von Gender-Aspekten** in der Arbeit einer Organisation. Als Schlüssel kann der Bereich der strukturellen Steuerung gelten: Ziele, die zum Beispiel im Leitbild aber auch in konkreten Zielvereinbarungen mit einzelnen Organisationseinheiten formuliert werden, orientieren den Prozess und schaffen die Voraussetzung für eine strukturelle Verankerung von Gender-Fragen bzw. des gesetzlichen Gleichstellungszieles. Im Bereich der personellen Verankerung geht es einerseits um ein diskriminierungsfreies Personalmanagement (vgl. z. B. Krell 2008, GenderKompetenz-Zentrum 2009b). Darüber hinaus und für die Arbeitsergebnisse einer Organisation entscheidender, geht es um die Entwicklung von fachlicher Gender-Kompetenz **aller** Führungskräfte und Mitarbeitenden. Diese Dimensionen wiederum bedingen gleichstellungsorientierte Arbeit nach außen, die inhaltliche Dimension bzw. der Output. Ein Instrument zur Organisationsdiagnose „SPI“ ist nach diesen drei Dimensionen (Strukturen, Personen, Inhalte) entwickelt worden (vgl. Frey 2007, S. 22f). Auch der Haushalt als Mittel der Steuerung wird dann Bestandteil der Steuerung durch Ziele.

Personal

Rechtliche Grundlagen wie das Bundesgleichstellungsgesetz (BGleG) und das Allgemeine Gleichbehandlungsgesetz (AGG) sind verpflichtend für den Bereich des Personalmanagements in der Bundesverwaltung. Die Gender-Perspektive als integraler Bestandteil des Personalmanagement (über die rechtlichen Verpflichtungen hinaus) kann als Mittel zur aktiven und effektiven Gestaltung von Personalmanagement und -entwicklung beitragen. Der Gender-Fachdiskurs thematisiert in diesem Sinne, wie durch eine bessere Chancengleichheit zum Beispiel in der Leistungsbewertung eine erhöhte Motivation der Mitarbeitenden wie auch eine bessere Ausschöpfung der Potenziale aller Beschäftigten erzielt werden kann (vgl. z. B. Baer/Englert 2006). Auf Basis des § 2 der gemeinsamen Geschäftsordnung der Bundesregierung hat das BMFSFJ ein Pilotprojekt im Bereich der Personalentwicklung durchgeführt, die Themen sind hier die „Gewinnung von Beschäftigten, ihrer individuellen Förderung, der Förderung ihrer Motivation, der Entwicklung ihres Potenzials und ihrer leistungsgerechten Beurteilung, Entwicklung von Führungsverantwortung, Verbesserung der internen Kommunikation“ (Sellach u. a. 2003, S. 129).

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Oberthema Haushalt

Thema: Rechtliche Grundlagen des Haushalts

Im Bereich des Haushalts kann als rechtliche Grundlage der § 2 GGO herangezogen werden. Im Zusammenhang der Umsetzung von Gender-Mainstreaming wurde eine Arbeitshilfe Rechtsetzung entwickelt, ein Instrument zur Prüfung von Gesetzesentwürfen auf ihre Gleichstellungswirkung hin (vgl. Arbeitshilfe Gesetzesfolgenabschätzung). Da auch der Haushalt ein jährliches Gesetz ist, könnte hier die Relevanz des Haushaltes hinsichtlich

Gleichstellung genannt werden. So wird in den Ausführungen zur Relevanzprüfung des Haushaltsgesetzes 2009 festgestellt, dass es „Aufgabe der jeweiligen Fachpolitik“ ist, „bei Inanspruchnahme des finanziellen Ermächtigungsrahmens Gender-Wirkungen zu berücksichtigen“ (Deutscher Bundestag, 16. Wahlperiode, Drucksache 16/9900, S. 13). Eine ausführliche Befassung mit dieser Relevanzprüfung ist im Seminar im Rahmen einer Übung möglich.¹³

Hier kann auf die Erfahrungen aus der Österreichischen Republik zurückgegriffen werden. Dort wurde das Prinzip der Gleichstellungsorientierung des Haushalts in die Bundesverfassung aufgenommen. Im Zuge dessen entstanden entsprechende Arbeitshilfen und Leitfäden, die die Integration von Gender-Aspekten in den gesamten Haushaltskreislauf ermöglichen (vgl. Buchinger u. a. 2008; Frey u. a. 2007). So hat die Interministerielle Arbeitsgruppe Gender-Mainstreaming der Österreichischen Bundesregierung Impulsfragen veröffentlicht, die die Ressorts darin unterstützen sollen, eine Wirkungsanalyse im Rahmen des Aufstellungsprozesses des Haushalts vorzulegen (vgl. Interministerielle Arbeitsgruppe Gender-Mainstreaming, ohne Datum).

I Thema: Kosten-Leistungsrechnung

Hinsichtlich der Kosten-Leistungsrechnung kann durch das Beispiel Gleichstellungsauftrag thematisiert werden, dass ein öffentlicher Haushalt im Gegensatz zu Unternehmen nicht einer reinen betriebswirtschaftlichen Effizienzlogik unterworfen ist. Vielmehr ist eine „Leistung“ der Regierung auch die Sicherung von grundgesetzlichen Rechtsansprüchen der Bürgerinnen und Bürger, was u. a. Chancengleichheit und Gleichstellung beinhaltet. Wenn die Kosten-Leistungsrechnung erläutert wird, kann über entsprechende Beispiele die Gleichstellungsdimension verankert werden: So werden auf Landesebene, wie beispielsweise im Berliner Produkthaushalt, für die einzelnen Verwaltungsleistungen Gleichstellungsziele definiert und in die Produktblätter mit aufgenommen. Das Produkt „Bereitstellung von Sportanlagen“ als Hauptziel kann hier zum Beispiel als weiteres Qualitätskriterium einen gleichen Nutzen und Zugang zu verschiedenen Sportanlagen von Frauen und Männern enthalten (vgl. Bezirksamt Lichtenberg von Berlin 2004).

I Thema: Vergabe von Aufträgen an Dritte

Im Rahmen des Themas haushaltsrechtliche Aspekte von Auftragsvergabe kann die Art des Auftrags einen Gleichstellungsbezug haben, etwa wenn es um die Beauftragung einer Studie zum Thema Förderung der Vereinbarkeit von Beruf und Familie geht. Darauf aufbauend ergibt sich die Fragestellung, welche Gleichstellungseffekte hiermit entstehen – etwa im Bereich der Beschäftigung im Sinne der Schaffung von Arbeitsplätzen für Frauen und Männer durch öffentliche Vergabe. Die AG Gender Budget der Berliner Verwaltung hat hier eine Broschüre erstellt (vgl. Senatsverwaltung 2007). Zu nennen sind hier auch Beispiele aus der Internationalen Entwicklungszusammenarbeit. Hier werden Projekte nach ihrem potenziellen Gleichstellungsbeitrag kategorisiert, ein Steuern der Gleichstellungswirkung wird möglich (GTZ 2006). Weitere Hinweise beinhaltet die Studie für das BMWF in Österreich (Frey/Köhnen 2007).

¹³ Siehe in diesem Kapitel in Abschnitt 3 die Arbeitseinheit zur Gender-Budgeting-Analyse.

Oberthema Organisation

I Thema: Ziele von Organisationen

Am Beispiel der Gleichstellungsthematik kann verdeutlicht werden, welche Bedeutung Ziele in Organisationen haben und wie Ziele formuliert werden. So kann die tatsächliche Gleichstellung von Frauen und Männern als Staatsziel gemäß Art. 3 Abs. 2 GG dargestellt werden. Wenn drei Zielbereiche unterschieden werden – zum Beispiel der aufgabenbezogene, der kostenbezogene und der mitarbeitendenbezogene Zielbereich – können die entsprechenden Bezüge hergestellt werden: Gleichstellung ist dann sowohl in den Ergebnissen des Verwaltungshandelns ein Ziel, wie auch in Bezug auf eine effiziente und gleichstellungsorientierte Mittelverwaltung und in Bezug auf die interne Gleichstellung in einer Verwaltungseinheit. Auch der Unterschied zwischen Zielen und Aufgaben kann an diesem Beispiel verdeutlicht werden: Wenn Gleichstellung ein Ziel ist, so ergeben sich entsprechend Aufgaben, wie im Rahmen der Gesetzesfolgenabschätzung auch die gleichstellungspolitische Folgenabschätzung mittels der Arbeitshilfe Rechtssetzung (vgl. BMFSFJ 2005) oder die Durchführung von Gender-Budgeting in den Ressorts (vgl. BMFSFJ 2007).

I Thema: Gleichstellung und Organisationsveränderungen

Anhand von Veränderungen in der Arbeitsorganisation von Aufbau- und Ablauforganisation kann das Thema Gleichstellung plastisch gemacht werden. So können Änderungen in der Ablauforganisation, die mit dem Einsatz neuer Technologien vonstatten gehen, unbeabsichtigte geschlechterbezogene Benachteiligungen nach sich ziehen. Bei der Neuordnung von Aufgaben kann es aufgrund geschlechtsstereotyper Attribuierungen zur Festlegung auf Aufgaben kommen, die insbesondere für Frauen mit geringeren Handlungsspielräumen und Aufstiegschancen verbunden sind (ausführlicher hierzu: GenderKompetenzZentrum 2009c). Derartige Zusammenhänge im Rahmen der Fortbildung aufzuzeigen, kann konkret verdeutlichen, welche Auswirkungen Organisationshandeln für jede und jeden Beschäftigten hat bzw. welche Rolle Führungskräfte hinsichtlich Chancengleichheit bei der Gestaltung der Ablauf- und Arbeitsorganisation haben.

Oberthema Personal

Eine Brücke zum Themenfeld Haushalt kann über das Thema Gender-Budgeting und Personal hergestellt werden. Das Land Bremen hat ein Projekt zum Thema „Gender-Budgeting im Personalmanagement der Freien Hansestadt Bremen. Ein Modell für eine strukturorientierte budgetbezogene Personalsteuerung“ (Freie Hansestadt Bremen, Senator für Finanzen, 2004) durchgeführt. Die Studie enthält auch Hinweise dazu, wie über Mittelverteilungen das Personalmanagement insgesamt chancengerechter gestaltet werden kann.

I Thema Tabellenentgelt

Im Gender-Fachdiskurs ist vielfach darauf hingewiesen worden, dass Fragen des Entgelts geschlechterbezogenen Verzerrungseffekten unterliegen (vgl. z. B. Tondorf/Ranftl 2002).

Das Tabellenentgelt von Beschäftigten ergibt sich aus der Zuordnung der jeweiligen Tätigkeit zu einer bestimmten Entgeltgruppe des geltenden Vergütungssystems (Tarifverträge oder Beamtenbesoldung), die nach bestimmten Regeln (Eingruppierungsordnungen) erfolgt. Hinzu kommt die Qualifikation und die Berufserfahrung der Beschäftigten. Sowohl bei der Festlegung der Zuordnungsregeln als auch bei ihrer Anwendung auf den jeweiligen

Einzelfall kann es zu Fehlern kommen, die im Ergebnis als geschlechterbezogene Benachteiligung bewertet werden müssen. Der Grund hierfür ist die Unterbewertung von Tätigkeiten, die traditionell überwiegend von Frauen ausgeführt wurden. Häufig werden bestimmte Tätigkeitsaspekte, Qualifikationen oder Belastungen, die solche „klassischen Frauen-Tätigkeiten“ auszeichnen oder für ihre Verrichtung notwendig sind, nicht als entgeltrelevant wahrgenommen und gehen damit nicht in die Ermittlung des Tabellenentgelts ein. Diese Fragen einer gleichstellungsorientierten Arbeitsbewertung stellen sich der Bundesverwaltung im Zuge der Aushandlung und Umsetzung der Eingruppierungsordnung zum TVöD, aber auch bei der Bewertung neu eingerichteter Stellen. Die Verwendung analytischer Verfahren der Arbeitsbewertung, die die unterbewerteten Aspekte traditionell Frauen zugewiesener Tätigkeiten systematisch einbeziehen, bieten geeignete Instrumente und Hinweise zur Vermeidung geschlechterbezogener Benachteiligungen bei der Bewertung von Arbeitstätigkeiten.

I Thema Leistungsbewertung und Leistungsentgelt

Die Einführung einer leistungsorientierten Bezahlung in der öffentlichen Verwaltung ist Gegenstand interner und externer Diskussion (vgl. Tondorf/ Ranftl 2002).

Sie ist eng verknüpft mit der Frage der Leistungsbewertung. Die Beurteilung von Mitarbeiterinnen und Mitarbeitern kann sachfremden Einflussfaktoren wie zum Beispiel Geschlechterstereotypen unterliegen (vgl. Fried/Wetzel/Baitsch 2000). Diese sind zwar nicht intendiert, werden jedoch oft bei der Einschätzung von Fähigkeiten und Kompetenzen von Personen virulent. Zum Beispiel zeigt die praktische Erfahrung, dass die Beurteilung von Teilzeitkräften im Vergleich zu Vollzeitkräften regelmäßig schlechter ausfällt – obwohl die reine Verfügbarkeit einer Kraft noch nichts über die Qualität der erbrachten Arbeitsleistung aussagt. Eine professionelle Beurteilung, die eine Vermeidung solcher externer Faktoren sucht, kann nur gewährleistet werden, wenn sich die Beurteilenden der möglichen Einflussfaktoren bewusst sind. Eine grundsätzliche Erkenntnis der diskriminierungsfreien Personalentwicklung ist: Weder Leistungsmerkmale als solche noch die Beurteilungspraxis sind geschlechtsneutral, sondern aufgrund von verinnerlichten gesellschaftlichen Normen und Werten agieren Personalverantwortliche entlang von Rollenbildern – ohne dass dies intendiert oder bewusst ist. Geschlechtssensible Personalentwicklung und -führung macht sich potenzielle Geschlechtermuster bewusst und vermeidet somit eine Beeinflussung durch Faktoren, die eine wertneutrale Beurteilung verhindern können. Wichtig ist im Rahmen einer solchen einführenden Veranstaltung die Benennung möglicher stereotyper Verzerrungseffekte. Es wurde in verschiedenen Modellen der Umsetzung des Leistungsentgelts versucht, den Verzerrungseffekten entgegenzusteuern.¹⁴

¹⁴ Ausführlicher zur Leistungsbewertung siehe die fachbezogenen Arbeitshilfen in Kap. 5.2, „Personalauswahlverfahren durchführen“, „Aktivierendes Führen“.

3. Curriculum einer Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Thema	Annäherung an Gender-Budgeting: Exemplarische Gender-Budgeting Analyse
Zeit- umfang	90 Min.
Ziele	Schärfung des Blickes für die Gleichstellungsdimension des Haushalts
Inhalte	<ul style="list-style-type: none"> Vergleich verschiedener Titel und Titelgruppen hinsichtlich ihrer möglichen Gleichstellungswirkungen Fachbezogenes Gender-Wissen abhängig von der Auswahl der Beispiele (z. B. Gesundheitsförderung, Sicherheit, Wirtschaftsförderung)
Metho- disches Vorgehen	<p>1. Bildung von gemischtgeschlechtlichen Untergruppen mit Teilnehmenden aus verschiedenen Ressorts, die jeweils die Aufgabe haben, unterschiedliche ausgewählte Haushaltstitel in ihrer Gender-Dimension zu erfassen (45 Min.)</p> <p> siehe Arbeitsblätter</p> <p>2. Vorstellung der Gruppenergebnisse (30 Min.)</p> <p>3. Auflösung der Fragestellung durch tatsächliche Beispiele aus der Verwaltungspraxis (z. B. Machbarkeitsstudie Gender-Budgeting der Bundesregierung, Studie zu Gender Budgeting in Oberösterreich) (15 Min.)</p> <p>Ein Beispiel für die Umsetzung von Gender-Budgeting: Gender-Controlling in der Bundeszentrale für politische Bildung, Machbarkeitsstudie Gender-Budgeting des Bundes (Färber u. a. 2007, S. 160–163)</p>
Setting und Mate- rialien	<p>Gruppenräume (Anzahl abhängig von Teilnehmendenzahl)</p> <p>Auszug aus dem Haushalt (Titel/Titelgruppe)</p> <p>Gender-Factsheets (Datenarbeitsblätter): Diese sind von den Dozentinnen bzw. Dozenten im Vorfeld zu erarbeiten. Dabei geht es um fachliche Zusammenhänge sowie Zahlen und Daten zu Themenbereichen je nach Themenbezug der Beispiele.</p> <p> siehe Arbeitsblatt: Beispiel für eine Gliederung des Datenarbeitsblattes</p> <p>Impulsfragen für eine Gender Budget-Analyse</p> <p> siehe Arbeitsblatt: Impulsfragen für eine Gender-Budgeting-Analyse</p>

Arbeitsblatt: Impulsfragen für eine Gender-Budgeting-Analyse

In Anlehnung an: Bundeskanzleramt Österreich, ohne Datum: Gender-Budgeting in den Erläuterungen zum Bundesvoranschlag – Kapitel Gender-Aspekte des Budgets.

URL: http://www.imag-gendermainstreaming.at/cms/imag/attachments/3/4/5/CH0561/CMS1211181884827/genderasp_d_budgets.pdf

1. Anteil

Wie hoch ist der prozentuale Anteil des ausgewählten Haushaltbereichs (Titel/Kapitel) am Gesamtbudget des Ressorts?

2. Ziele

Welche/s Gleichstellungsziel/e könnten im ausgewählten Bereich bestehen?

Hier exemplarisch einige nennen

3. Daten

Wie ist die Datenlage (nach Geschlecht und ggf. anderen Kategorien) im Bereich einzuschätzen? Etwas erläutern: Liegen geschlechterdifferenzierte Daten vor? Wenn ja, in welcher Form? Werden innerhalb der Geschlechtergruppen weitere Faktoren relevant? (...)

4. Messgrößen

Was sind mögliche Indikatoren zur Messung der oben identifizierten Gleichstellungsziele im Ergebnis?

5. Analyse

Inanspruchnahme der öffentlichen Leistungen nach Geschlecht und/oder Gleichstellungsbeitrag der zuwendungsempfangenden Institution.
oder

Welche Schritte der Analyse sind bis wann und mit welchen Methoden geplant?

6. Fazit/Bewertung

Abgleich der tatsächlichen Verteilung mit den Gleichstellungszielen und ggf. Zielerreichungsgrad bzw. -messung.

Einschätzung der möglichen Wirkungen auf Gleichstellung durch Veränderung des Haushalts (zum Beispiel Kürzungen oder Einnahmen durch Privatisierung und/oder Outsourcing).

Es soll dargelegt werden, ob und wenn ja, warum ein positiver Beitrag zur Gleichstellung erzielt werden konnte.

Arbeitsblatt: Beispiel für die Gliederung eines Factsheets (Datenarbeitsblattes) zum Thema Gleichstellung

Vgl. auch: Infoblatt Gender-Budgeting – Thema Einbürgerung, genderbüro 2007,
URL: http://www.berlin.de/imperia/md/content/sen-gender/infoblatt_einb_rgerung_011107.pdf

1. Gegenstand (z. B. Thema Sportförderung)
2. Gender-Aspekte und Thesen zu geschlechterbezogenen Unterschieden (z. B. Männer- und Frauensport, Gesundheitssport als Frauendomäne)
3. Mögliche Gleichstellungsziele im Gegenstandsbereich (z. B. gleicher Zugang und gleiche Ermöglichung Sport zu treiben für Frauen und Männer in ihrer Vielfalt, ...)
4. Zahlen und Daten zur Gleichstellung im Themenfeld (z. B. Frauen in Sportgremien, Anteil von Männer- und Frauenfußball, Subventionierung von Frauen- und Männersportarten, Anteil von Migrantinnen und Migranten im Sport, ...)
5. Gute Beispiele für Gleichstellungsorientierung aus der Praxis (z. B. Projekt Sachsen-Anhalt zu gleichstellungsorientierten Zielvereinbarungen im Sport, Gender-Budgeting in der Sportförderung im Bezirk Lichtenberg in Berlin)
6. Zitierte und weiterführende Literatur

4. Literatur

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Projektmanagement“

Expertin: Brigitte Sellach

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Schritt 1: Projekte initiieren
- | Schritt 2: Projektideen prüfen
- | Schritt 3: Projekte planen und durchführen
- | Schritt 4: Projekte steuern
- | Schritt 5: Projekte abschließen

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Die Relevanz der Gleichstellung von Frauen und Männern in den Projektideen

4. Literatur

Zur Zielgruppe des Seminars „Projektmanagement“ gehören Beschäftigte des höheren und des gehobenen Dienstes, die Projekte durchführen oder kontrollieren oder damit beauftragt werden sollen. Die Teilnehmenden lernen im Seminar Managementfunktionen in einem modernen Projektmanagement kennen und umsetzen. Sie erwerben Kenntnisse zu allen Phasen des Projektmanagements, zur Bedeutung und den typischen Mängeln beim Projektmanagement, der Arbeit mit Projektbeteiligten, dem Projektcontrolling und der Moderation unter Berücksichtigung von Gleichstellungsgesichtspunkten. Diese Kenntnisse werden praxisrelevant durch die Arbeit an einem Beispielpjekt vertieft, das aus dem Erfahrungsbereich der Teilnehmenden gewonnen wird.

1. Gender-bezogenes Fachwissen

Für die Integration von Gender-Aspekten in das Projektmanagement sind zwei Dimensionen, die „Gleichstellungswirkung“ und die „Teilhabechancen“, zentral:

- | Die Gleichstellungswirkung zeigt auf, ob und inwieweit Ungleichheitsstrukturen im Geschlechterverhältnis durch das geplante Projekt reproduziert oder abgebaut werden.
- | Teilhabechancen geben Auskunft darüber, ob und inwieweit Frauen und Männer in der Projektgruppe einen gleichberechtigten Zugang zur Mitwirkung am Projekt haben, ob sie z. B. entsprechend ihres Anteils an den Beschäftigten und ihres Status vertreten sind und gleichermaßen von der Teilnahme an der Planung, Umsetzung und Evaluierung des Projektes profitieren können.

In einem Projektmanagement, in das die Dimension der Gleichstellung von Frauen und Männern integriert ist, sind immer beide Dimensionen zu berücksichtigen.

Wissensgrundlagen und Handlungsanleitungen für die Integration von Gleichstellung als Querschnittsaufgabe in das Projektmanagement sind meist im Rahmen der Umsetzung von Maßnahmen im Europäischen Sozialfonds entstanden (vgl. ZFBT 2003, 2006; Bergmann/Pimminger 2004 a, b) oder stammen aus den Erfahrungen der Entwicklungspolitik (vgl. gtz 1997).

Um die Perspektive der Gleichstellung in das Projektmanagement einzuführen, bieten sich entsprechend dem PDCA-Zyklus (ein Kreislauf der ständigen Weiterentwicklung mit den Aktivitäten Plan, Do, Check und Act) der Qualitätsentwicklung die vier Schritte für die Durchführung von Projekten an: Analyse, Zielbestimmung, Umsetzung und Evaluation (vgl. den Leitfaden bei Bergmann/Pimminger 2004a). Der Leitfaden zur Umsetzung von Gender-Mainstreaming in Projekten enthält zum einen Fragen, die als Anregung dienen können, wie Projekte auf ihre Gleichstellungswirkung hin überprüft und Gleichstellungsziele integriert werden können. Zum anderen werden Hinweise gegeben, wie der gleiche Zugang und die gleiche Teilhabe von Frauen und Männern in einem Projekt gefördert werden können¹⁵.

Das Controlling unter der Gleichstellungsperspektive ist eine zentrale Aufgabe innerhalb des Projektmanagements. Voraussetzung für ein gleichstellungsorientiertes Controlling sind effektive Analysemethoden und die Bildung von Indikatoren (vgl. Sellach u. a. 2003; Aichhorn u. a. 2006). Als Analysemethoden haben sich international durchgesetzt: Gender Impact Assessment (GIA) (vgl. ISOE 2004), Gender Controlling¹⁶, 3 R-Methode, 4 R-Methode oder das Gender Monitoring.

Mit Indikatoren kann der Stand der Gleichstellungsentwicklung ermittelt werden. Beispiele für Gleichstellungsindikatoren und Indizes sind die Gleichstellungsindikatoren der Europäischen Kommission, die gender-sensitiven Indikatoren des Commonwealth Sekretariats, die Indizes der Vereinten Nationen (vgl. Sellach u. a. 2003) oder seit Ende 2008 auch die Gleichstellungsindikatoren der Bundesrepublik Deutschland (vgl. HBS 2008). Auch die Balanced Scorecard, ein anfangs der 90er Jahre entwickeltes Managementsystem zur Gestaltung des Planungs-, Steuerungs- und Kontrollprozesses von Organisationen, das um die Gleichstellungsdimension erweitert wird, kann für das Controlling im Prozessmanagement genutzt werden (vgl. „Equality Scorecard“ in Doblhofer/Küng 2008, S. 143ff; ZFBT 2003).

Zentral für das Berichtswesen und die Dokumentation innerhalb des Projektmanagements ist die geschlechtergerechte Sprache und die gleichberechtigte Darstellung von Frauen und Männern in bildlichen Medien. Leitlinien für das Berichtswesen sind im „Wissensnetz Gender-Mainstreaming für die Bundesregierung“ (vgl. Sellach u. a. 2003) dokumentiert. Außerdem hat die Bundesregierung eine Arbeitshilfe zur geschlechterdifferenzierten und gleichstellungsorientierten Erstellung von Berichten veröffentlicht (vgl. BMFSFJ 2003). Darüber hinaus wird der Teilbereich der Budgetplanung und -kontrolle im Kontext der Entwicklung einer Gender-Budgeting Strategie diskutiert (vgl. Färber u. a. 2007). In der Dokumentation von ressortspezifischen „Genderwirkungsanalysen“ wurden beispielhaft Fragestellungen zur Budgetanalyse formuliert, die auch auf die Budgetplanung und Kontrolle im Rahmen des Projektmanagements übertragen werden können.

¹⁵ Im Anhang dieser Arbeitshilfe ist der Leitfaden abgedruckt.

¹⁶ Siehe Kap. 5.1, Arbeitshilfe „Grundseminar Controlling“.

Das Beispiel der Einrichtung eines kulturwirtschaftlichen Gründungszentrums in Bochum zeigt, wie in einzelnen Phasen des Projektmanagements der Gleichstellungsaspekt eingebracht und mit bearbeitet werden kann. Mit der **Ziel Orientierten Projekt Planung** (ZOPP) der Deutschen Gesellschaft für technische Zusammenarbeit (gtz 1997) wird die Gleichstellungsperspektive in die umfassende Situationsanalyse eingeführt, die am Anfang jeder Projektplanung steht und daher zentraler Bestandteil des Projektmanagements ist. Grundlage war für das Gründungszentrum die Analyse der Situation derjenigen, die Existenzgründungen in der Kulturwirtschaft vornehmen, um die Anforderungen an ein Gründungszentrum bestimmen zu können. In der Dokumentation der einzelnen Phasen des Projektmanagements für das Zentrum wurde die Gleichstellungsperspektive weiter konkretisiert. Beispielsweise weist die Detailplanung als Leitziel für den Zugang zum Gebäude des Zentrums einen angst- und gefahrfreien Aufenthalt im Gebäude und auf dem Außengelände auf. Für das Controlling wurden Indikatoren gebildet, z. B. gute Orientierungsmöglichkeiten, gute Beleuchtung oder das subjektive Gefühl von Sicherheit der Nutzer und Nutzerinnen, mit denen die Zielerreichung überprüft werden konnte.

Die Erfahrungen aus der „Genderbegleitung“ beim Aufbau des kulturwirtschaftlichen Gründungszentrums sind ebenfalls in Form von Leitlinien aufgearbeitet worden (vgl. ZFBT 2006). Darin wird auch der Nutzen der Balanced Scorecard für das Projektcontrolling hervorgehoben, weil darin die finanzielle Perspektive, die interne Prozessperspektive, die Lern- und Entwicklungsperspektive und die Perspektive der Kundinnen und Kunden gleichzeitig erfasst werden können¹⁷. Aus Aussagen von den an der Entwicklung des Gründungszentrums beteiligten Expertinnen und Experten wird gleichzeitig der „Gewinn“ deutlich, den sie aus der Berücksichtigung der Gleichstellungsdimension in jeder Phase des Projektmanagements auch für ihre Arbeit gezogen haben.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Das Seminar beinhaltet eine personale Dimension, die gleichstellungsorientiert ausgestaltet werden kann. In jedem Lernschritt ist die Geschlechterperspektive implizit enthalten. Die gleichstellungsorientierte Darstellung der Inhalte der Fortbildung ist an der Struktur eines Selbstlernkurses zu Projektmanagement orientiert (vgl. Transfer GmbH o. D.) und liefert konkrete Vorschläge für die Integration von Gender-Aspekten in die einzelnen Schritte des Projektmanagements. Methodisch kommt ein Mix von Lehr- und Rundgespräch und Kleingruppenarbeit zu einzelnen Teilbereichen und für das Fallbeispiel zum Einsatz.

I Schritt 1: Projekte initiieren

Im ersten Schritt geht es u. a. um die Entwicklung der Projektidee. In dieser Phase ist z. B. die Projektidee daraufhin zu überprüfen, inwieweit im Projekt gleichstellungsrelevante Aspekte enthalten sind.

Zum Beispiel ist bei einem Projekt, in dem eine Handreichung für die Einarbeitung von neuen Mitarbeitenden entwickelt und erprobt werden soll, die spezifische Zielgruppe relevant: So sind möglicherweise unterschiedliche soziale und berufliche Voraussetzungen und Verpflichtungen von weiblichen und männlichen Beschäftigten in einer Behörde zu berücksichtigen.

¹⁷ Siehe Kap. 5.1, Arbeitshilfe „Grundseminar Controlling“.

Bei einer eher technisch ausgerichteten Projektidee wie z. B. der Umstellung des behörden-internen Rechenzentrums auf ein redundantes Rechenzentrum zur Steigerung der Leistungsfähigkeit und Sicherheit sind Gender-Aspekte nicht auf Anhieb zu identifizieren. Hier kann mit einer Checkliste die Gleichstellungsrelevanz überprüft werden. Angelehnt an die Relevanzprüfung bei der Gesetzesfolgenabschätzung (vgl. BMI 2002) erfolgt die Prüfung durch die Beantwortung einiger Fragen:

- | Auf welchen (Lebens-)Sachverhalt bezieht sich die Projektidee?
- | Inwieweit sind Frauen und Männer oder Teilgruppen von ihnen jeweils unmittelbar Zielgruppen in der Projektidee?
- | Welche geschlechterbezogenen Ungleichheiten gibt es im Themenbereich der Projektidee? Was sind die Ursachen dafür? Gibt es unterschiedliche Probleme und Bedürfnisse bei Frauen und Männern in Bezug auf die gewählte Maßnahme?
- | Welche Daten (Statistiken, Forschungsergebnisse usw.) liegen der Einschätzung zugrunde? Sind sie geschlechterdifferenziert? Falls keine Daten vorhanden sind: Auf welchen Einschätzungen beruhen die Annahmen zu den Wirkungen des Projektes?

Wenn bei der Prüfung Ungleichheiten aufgrund des Geschlechtes festgestellt werden, die mit Benachteiligung verbunden sind, enthält die Projektidee eine gleichstellungsrelevante Dimension. Es ist zu überlegen, wie diese im weiteren Projektverlauf als Querschnittsaufgabe integriert werden kann. Die Gleichstellungsbeauftragte kann gegebenenfalls für den weiteren Projektverlauf als Beraterin – nicht jedoch als Zuständige – hinzugezogen werden.

| Schritt 2: Projektideen prüfen

Im zweiten Lernschritt geht es um Verfahren zur Prüfung von Projekten, Projektanträgen und Verfahren zur Absicherung des Erfolgs. Hier kann z. B. im Projektantrag, der zur Genehmigung vorgelegt wird, auch das Ergebnis der Gleichstellungsprüfung aus Schritt 1 dokumentiert werden. Außerdem müssen die für das Projekt ermittelten gleichstellungsrelevanten Aspekte im Projektantrag in der inhaltlichen Darstellung von Projekthaltungen und Zielen überprüfbar dargestellt sein. Dazu gehört auch die Formulierung des Antrages in einer geschlechtergerechten Sprache. Hat die Gleichstellungsrelevanzprüfung in Schritt 1 ergeben, dass Gleichstellungsfragen in der Projektidee nicht berührt sind, z. B. im Projekt des redundanten Rechenzentrums, muss das Ergebnis nachprüfbar im Projektantrag dargestellt sein.

| Schritt 3: Projekte planen und durchführen

Im dritten Schritt geht es um die Zusammensetzung der Projektgruppe, Projektleitung (Projekthierarchie), Projektmitarbeitenden, Zusammenarbeit innerhalb der Projektgruppe, unterschiedliche berufliche und persönliche Interessen und Arbeitsstile und die Frage ihrer Einbindung in die Statusgruppen. Damit sind aufgrund der Arbeitsmarktstrukturen im Allgemeinen und der Personalstruktur in der jeweiligen Behörde im Besonderen mit der tendenziellen Benachteiligung von Frauen und der Überrepräsentation von Männern auf allen Stausebenen gleichstellungsrelevante Aspekte berührt. In diesem Lernschritt bilden deshalb die Teilhabechancen von Frauen und Männern einen Schwerpunkt, denn neben der fachlichen Kompetenz für die Projektarbeit ist auch der gleichberechtigte Zugang von Frauen und Männern zur Projektgruppe bzw. zur Projektleitung zu beachten. Hier könnte beispielsweise die Gleichstellungsbeauftragte als Beraterin in die Projektplanung einbezogen und Formen der Zusammenarbeit mit ihr vereinbart werden.

Die Kostenplanung kann neben einer Wirtschaftlichkeitsprüfung auch einer Analyse mit den Methoden des Gender-Budgeting unterzogen werden. Beispiele für die Analyse eines Budgets aus der Perspektive der Gleichstellung von Frauen und Männern aus allen Bundesministerien und aus verschiedenen nachgeordneten Behörden enthält die Machbarkeitsstudie Gender-Budgeting auf Bundesebene¹⁸ (Färber u. a. 2007).

Es wird im Bundesministerium für Familie, Senioren, Frauen und Jugend die Förderung neuer Baumodelle für das Wohnen im Alter auf ihre Gleichstellungsrelevanz hin untersucht. Das Programm wird deswegen als gleichstellungsrelevant eingeschätzt, weil die Adressatinnen und Adressaten des Programms, Frauen und Männer „unterschiedliche Lebenserwartungen sowie im Alter unterschiedliche Alltagskompetenzen und eine unterschiedliche Einkommenssituation haben: Männer sterben durchschnittlich früher, Frauen verfügen durchschnittlich über weniger Geld. (...) Eine Förderung könnte grundsätzlich die Frage einer – wenn auch unbeabsichtigten – Benachteiligung nach Geschlecht aufwerfen, wenn z. B. der Zugang zu diesen Wohnformen vom Wohlstand im Alter abhängen würde oder der Wohnraumzuschnitt und die Finanzierungsformen nicht flexibel genug wären, um Veränderungen der Lebenssituation z. B. durch Verwitwung zu beachten“ (Färber u. a. 2007, S. 199 f.).

I Schritt 4: Projekte steuern

Der Lernschritt umfasst die Teilschritte Soll-Ist-Vergleiche einschließlich der Bestimmung von Indikatoren, die Analyse von Abweichungen, Risikoeinschätzung, Qualitätssicherung und Projektsteuerung.

Gender-sensible qualitative und quantitative Daten sind die Grundlage für die Bestimmung von Indikatoren für den Soll-Ist-Vergleich. Indikatoren wiederum können in einem Index gebündelt werden.

Ein gutes Beispiel für eine umfassende Datenbasis ist der deutsche Gender-Index, mit dem die Chancengleichheit von Frauen und Männern regional gemessen wird. Der Index wird mit 19 Indikatoren aus den Bereichen Ausbildung, Erwerbsleben und Partizipation gebildet. Die relativen Abweichungen der Indikatorenausprägung für Frauen und für Männer werden mit einer Formel berechnet. Der Gender-Index ist der Mittelwert dieser 19 relativen Geschlechterdifferenzen. Die Auswahl der Bereiche und Indikatoren beruht auf den Ergebnissen vorhergehender Studien und einer Diskussion von Expertinnen und Experten (vgl. HBS 2008). Der Index, dessen derzeitige Werte auf Zahlen aus dem Jahr 2006 beruhen, soll jährlich aktualisiert werden. Der Gender-Index kann entweder als Grundlage für die Messung der Wirkungen im Projekt genutzt werden oder als Methode auf die eigene Indikatorenauswahl und Indexbildung übertragen werden.

¹⁸ Siehe Kap. 5.1, Arbeitshilfe „Querschnittsaufgaben Organisation – Haushalt – Personal“.

Gender-Aspekte sind darüber hinaus zentral in der Projektsteuerung, z. B. für die Personalführung. So können beispielsweise mögliche Konflikte im Projektteam auch auf unterschiedlichen Arbeitsbelastungen von Frauen und Männern durch die Vereinbarkeit von Beruf und Familie oder auf einer Teilzeitbeschäftigung beruhen. Das ist in der Projektleitung mit zu berücksichtigen, von der ein effektives und wirtschaftlich vertretbares Projektmanagement gefordert wird (vgl. GenderKompetenzZentrum 2009).

I Schritt 5: Projekte abschließen

Arbeitsaufgaben beim Abschluss eines Projektes sind der Abschlussbericht und eine Abschlusssitzung. Inhalt dieses Lernschrittes ist die interne und möglicherweise auch externe Kommunikation der Ergebnisse des Projektes.

Für die interne und externe Präsentation der Ergebnisse des Projektes könnten Aspekte aus der Arbeitshilfe der Bundesregierung zur geschlechterdifferenzierten und gleichstellungsorientierten Erstellung von Berichten aufgegriffen werden. Das Bundesministerium für Familie, Senioren, Frauen und Jugend hat ein Merkblatt zu § 2 GGO: „Gender-Mainstreaming im Berichtswesen“ publiziert (vgl. BMFSFJ 2005), worin angeregt wird, dass schon in der frühen Planungsphase eines Berichtes die Gleichstellungsdimension „durch eine geschlechterdifferenzierte und gleichstellungsorientierte Reflexion der Fragestellungen“ integriert werden soll. Daten sollen möglichst geschlechterdifferenziert sein. Bilder und Layout sollen „Geschlechterstereotypen entgegenwirken“ (a. a. O.). Dies kann im Projektmanagement durch die Berücksichtigung dieser Aspekte im Abschlussbericht gewährleistet werden.

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Voraussetzung für die Fortbildungseinheit ist, dass die Teilnehmenden bereits im Plenum Projektideen aus ihrem Erfahrungsbereich zusammengetragen haben oder die Dozentin bzw. der Dozent Projektideen ergänzend eingeführt hat. Um zu gewährleisten, dass die Teilnehmenden ihr Erfahrungswissen im Seminar einbringen können, könnten sie bereits in der Einladung zum Seminar aufgefordert werden, Beispiele aus ihrem Tätigkeitsbereich mitzubringen. Darauf könnte auch in der Ausschreibung des Seminars hingewiesen werden.

Thema	Die Relevanz der Gleichstellung von Frauen und Männern in den Projektideen
Zeitung-fang	Gesamtdauer: 90 Min.
Ziele	<ul style="list-style-type: none"> Identifizierung gleichstellungsrelevanter Aspekte in der Projektidee Prospektive Einschätzung der möglichen Wirkungen des Projektes auf die Gleichstellung von Frauen und Männer (Wirkungsanalyse) Bewertung der Teilhabechancen von Frauen und Männern ausgehend von den Ergebnissen der Wirkungsanalyse Einschätzung der Konsequenzen aus den Ergebnissen für die weitere Arbeit an der Projektidee
Inhalte	<ul style="list-style-type: none"> Klärung des Bedarfs an Recherchen zur Ermittlung der Gleichstellungsrelevanz, z. B. Bedarf an gender-bezogenem Fachwissen, Expertinnen und Experten, qualitativen und quantitativen Daten, die für die Wirkungsanalyse benötigt werden, jeweils an konkreten Beispielen aus dem Tätigkeitsbereich der Teilnehmenden Berücksichtigung der Gleichstellungsrelevanz bei der Projektplanung, z. B. für die Planung der Zusammensetzung des Projektteams nach den für das Projekt notwendigen Kompetenzen
Metho-disches Vorge-hen	<p>1. Input zur Vorbereitung der Gruppenarbeit (10 Min.)</p> <p>Einführung in das gesellschaftlich strukturierte Geschlechterverhältnis (z. B. die geschlechterbezogene Arbeitsteilung, die Vereinbarkeit von Beruf und Familie, das Modell des Alleinverdieners) und zum Leitfaden „Gleichstellungswirkung und Teilhabechancen“.</p> <p> Siehe Arbeitsblatt „Leitfaden Gleichstellungswirkung und Teilhabechancen“</p> <p>2. Arbeitsgruppen (40 Min.)</p> <p>Die Teilnehmenden werden gebeten, Arbeitsgruppen jeweils zu der Projektidee zu bilden, die sie entweder selbst eingebracht haben oder die sie gerne bearbeiten möchten. Die Gruppen sollen während des gesamten Seminars konstant bleiben und die Methoden des Projektmanagements an der Projektidee weiter erproben.</p> <p>Diskussion der Fragestellungen (Arbeitsblatt) in den Gruppen, Verschriftlichung der Ergebnisse als Grundlage für die weitere Planung der Arbeit am Projekt unter Berücksichtigung der Gleichstellungsrelevanz (Flipchart).</p> <p> Siehe Arbeitsblatt „Fragestellungen für die Arbeitsgruppen“</p> <p>3. Präsentation im Plenum (40 Min.)</p> <p>Ein Mitglied der Arbeitsgruppe präsentiert die Ergebnisse, ein anderes moderiert die Diskussion im Plenum.</p>
Setting und Materia-lien	Kleingruppenräume, Flipcharts, 2 Arbeitsblätter

Arbeitsblatt „Leitfaden Gleichstellungswirkung und Teilhabechancen“

aus: Bergmann/Pimminger 2004

	Gleichstellungswirkung	Teilhabechancen
Analyse	Um geschlechtsspezifische Wirkungen eines Projektvorschlags abschätzen zu können, ist es notwendig, als Grundlage die geschlechtsspezifischen Strukturen im Projektfeld zu analysieren. Es wird untersucht, ob das geplante Projekt geschlechtsspezifische Strukturen reproduziert oder abbaut.	Damit das Projekt geschlechtssensibel gestaltet werden kann, sind im ersten Schritt die Zugangs- und Teilhabebedingungen und die Bedürfnisse von Frauen und Männern der Projektzielgruppe zu analysieren.
Ziele	Die Fortschreibung von geschlechtsspezifischen Ungleichheitsstrukturen durch das Projekt soll vermieden und ein Beitrag zum Abbau von Ungleichheiten geleistet werden. Für das Projekt werden dazu im zweiten Schritt gleichstellungsorientierte Wirkungsziele festgelegt.	Ziel der geschlechtssensiblen Projektgestaltung ist die Sicherstellung gleicher Zugangs- und Teilhabechancen von Frauen und Männern. Für das Projekt werden dazu im zweiten Schritt überprüfbare Ziele formuliert.
Umsetzung	Im dritten Schritt werden zur Integration gleichstellungsorientierter Aspekte Begleitmaßnahmen entwickelt.	Im dritten Schritt wird das Projekt so gestaltet, dass Frauen und Männer die gleichen Zugangs- und Teilhabechancen haben.
Evaluierung	Im vierten Schritt wird festgelegt, wie der Erfolg des Projekts geschlechtsbezogen analysiert und wie die gleichstellungsorientierten Wirkungsziele evaluiert werden.	Im vierten Schritt wird für das Projekt ein Verfahren zur begleitenden Überprüfung und Verbesserung der geschlechtssensiblen Gestaltung festgelegt.

Arbeitsblatt „Fragestellungen für die Arbeitsgruppen“

- Auf welchen (Lebens-)Sachverhalt bezieht sich die Projektidee?
- Inwieweit sind Frauen und Männer oder Teilgruppen von ihnen jeweils unmittelbar Zielgruppen in der Projektidee?
- Welche geschlechterbezogenen Ungleichheiten gibt es im Themenbereich der Projektidee? Was sind die Ursachen dafür? Gibt es unterschiedliche Probleme und Bedürfnisse bei Frauen und Männern in Bezug auf die gewählte Maßnahme?
- Welche Daten (Statistiken, Forschungsergebnisse usw.) liegen zugrunde? Sind sie geschlechterdifferenziert? Falls keine Daten vorhanden sind: Auf welchen Einschätzungen beruhen die Annahmen zu den Wirkungen des Projektes?

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Methoden und Techniken der Prozessorganisation“

Expertin: Brigitte Sellach

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Grundlagen der methodischen Organisationsarbeit in Verwaltung und Dienstleistung
- | Beispiele zur Einübung von Methoden und Techniken der Prozessorganisation
- | Prozessgestaltung

3. Curricula für Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

- | Thema 1 : Einführung in die Grundbegriffe der Prozessorganisation unter Berücksichtigung der Gleichstellungsdimension
- | Thema 2: Ablaufstrukturen im Berichtswesen unter Berücksichtigung der Gender-Perspektive

4. Literatur

Das Seminar „Methoden und Techniken der Prozessorganisation“ richtet sich an Beschäftigte des höheren und gehobenen Dienstes aus Organisations- und Fachreferaten von Bundesbehörden, zu deren Aufgabenbereich die Prozessorganisation gehört.

Die Fortbildung zielt auf die theoretische Vermittlung von Grundlagenwissen zu Prozessorganisation, Prozesserhebung und Dokumentation, Prozessanalyse sowie die Prozessoptimierung mit den jeweils dazu gehörenden methodischen Verfahren. Daran anknüpfend sollen Methoden und Techniken der Prozessorganisation an einem konkreten Beispiel erprobt und eingeübt werden.

1. Gender-bezogenes Fachwissen

Die Gleichstellung von Frauen und Männern ist als Querschnittsaufgabe in das Konzept des Seminars zu integrieren. Grundgedanke einer integrierten Gender-Perspektive ist der Sachverhalt, dass es keine geschlechtsneutralen Veränderungsprozesse in Organisationen bzw. von einzelnen Arbeitsabläufen innerhalb einer Organisation gibt. Eine Ausnahme stellen vollautomatisierte Unterprozesse dar. Deshalb bedürfen alle Prozessanalysen und Ansätze der Prozessoptimierung der Prüfung nach Kriterien der Geschlechtergerechtigkeit.

Analysen zum Unternehmenswandel – ausgelöst durch neue Managementkonzepte oder das Konzept der lernenden Organisation – haben sich mit der Frage auseinandergesetzt, inwieweit sich dadurch die Arbeitsteilung zwischen Frauen und Männern verändert hat, und somit positive Auswirkungen auf die Gleichstellung festzustellen sind. Ansatzpunkte

zur Lockerung der geschlechtshierarchischen Arbeitsteilung, mit denen die Arbeitssituation von Frauen in verschiedenen Beschäftigungsbereichen verbessert werden kann, enthalten aktuelle Konzepte der Reorganisation und Arbeitsgestaltung im Kontext der Humanisierung der Arbeitswelt, wie z. B. den Abbau von Zeitzwängen oder die Erweiterung des Tätigkeitsspektrums (vgl. Hilf/Jacobson 2001). Gleichwohl werden die von Frauen besetzten Beschäftigungsbereiche weniger stark in Reorganisationsprozesse einbezogen (vgl. Osterloh/Wübker 2001). Die Chancen für die Nutzung des Potenzials aller Beschäftigten werden damit nur unzureichend genutzt. Sowohl die positiven als auch die negativen Effekte von Reorganisationsprozessen können als ein Indiz für die Bedeutung von Gleichstellung als Querschnittsaufgabe gewertet werden.

Ähnliche Analysen wie die von Organisationsentwicklungskonzepten und -prozessen in der Wirtschaft stehen in der öffentlichen Verwaltung bislang noch weitgehend aus. Erste Ansatzpunkte bieten jedoch die Erfahrungen, die im Rahmen des wissenschaftlich begleiteten Prozesses der Implementierung von Gender-Mainstreaming in der Bundesregierung in verschiedenen Bundesministerien dokumentiert worden sind (vgl. Sellach u. a. 2003). Als Beispiel für den Beginn einer systematischen, methodischen Prozessorganisation sei hier die Entwicklung von Instrumenten zur Prozessorganisation genannt, so z. B. die Arbeitshilfe „Gender-Mainstreaming in Forschungsvorhaben“ (Ressortforschung) (vgl. BMFSFJ 2005 a). Ziel der Entwicklung dieses Instruments ist es, Gleichstellung systematisch in der Ressortforschung zu verankern. Zu Beginn der Arbeitshilfe werden die für die Aufgabenstellung relevanten rechtlichen Grundlagen dargestellt. Mit diesen Organisationsgrunddaten können die nächsten Arbeitsschritte der Prozessorganisation wie z. B. die Ermittlung von Stellen- und Anforderungsprofilen, die zeitliche Auslastung, die Bemessung der personellen Kapazitäten für die Aufgabenwahrnehmung und der Kosten, die Aufgabenkontrolle und die Analyse von Schwachstellen gegangen werden.

2. Inhalte für Fortbildungen mit einer integrierter Gender-Perspektive

Eine Fortbildung zum Thema Prozessorganisation in Verwaltung und Dienstleistung umfasst Inhalte wie die Grundlagen der methodischen Organisationsarbeit, eine Einführung in Grundbegriffe der Prozessorganisation sowie in Prozessgestaltung und die Organisation des Prozessmanagements. Vertiefend geht es um Ablaufstrukturen und Prozessdarstellungen, Grundlagen der Datenermittlung (Analyse und Synthese), Grundlagen der analytischen Personalbedarfsrechnung, quantitative Bewertungsverfahren, Fehlermöglichkeiten und Einflussanalyse und Methoden zur Entscheidungsfindung (Prioritätenanalyse – Nutzwertanalyse).

Im folgenden wird auf einzelne Themenfelder eingegangen, in die Gender-Aspekte integriert werden. Diese spielen vor allem für die Vermittlung der Grundlagen der methodischen Organisationsarbeit eine zentrale Rolle. Auch wird darauf eingegangen, wie bei Beispielen zur Einübung von Methoden und Techniken der Prozessorganisation eine integrierte Gender-Perspektive aussehen kann, und was Gleichstellungsorientierung bezogen auf die Prozessgestaltung bedeutet. Grundsätzlich geht es dabei immer auch um die Beteiligung von Frauen und Männern im Prozessteam und inhaltlich um die Umsetzung der Gleichstellung als Zielsetzung.

I Grundlagen der methodischen Organisationsarbeit in Verwaltung und Dienstleistung

Das Thema „Grundlagen der methodischen Organisationsarbeit in Verwaltung und Dienstleistung“ wird am Beispiel der ersten Phase im „Modell zum Vorgehen beim Organisationsmanagement“ (vgl. REFA Bundesverband e. V. 2005) vorgestellt. Hier kann Gleichstellung als Querschnittsperspektive anschaulich eingefügt werden. Dieses Thema ist deswegen von besonderer Bedeutung, weil alle weiteren Fortbildungsinhalte und Methoden auf diesem Grundlagenwissen aufbauen. Die Integration der Gleichstellungsperspektive ist daher zugleich auch der Ausgangspunkt für ihre Berücksichtigung in den anderen Themen der Fortbildung.

In dieser Phase findet eine Ist-Analyse statt. Vorgesehen ist:

- I die Erhebung der Organisationsgrunddaten, aus denen „ersichtlich wird, in welchen Organisationseinheiten welche Aufgaben erfüllt werden und welche die größten Kapazitäten binden“ und
- I die Beurteilung der Sinnhaftigkeit von Aufgaben- und Funktionszuordnung, um erkennen zu können, „wie detailliert der weitere Untersuchungsgang zu betreiben ist“ (ebenda).

Ziel ist es, „Grunddaten zu erheben, Mängel zu diagnostizieren, weiteres Vorgehen und die dabei erforderliche Detailtiefe zu bestimmen“ (ebenda). Auf der Grundlage von gesetzlichen und politischen Vorgaben wird das fachliche und fachpolitische Konzept für die Umsetzung der Aufgabenstellung entwickelt, das richtungsweisend ist für die daran anschließende Prozessorganisation. Dabei ist auch zu prüfen, inwieweit in der Aufgabenstellung gleichstellungsrelevante Aspekte enthalten sind.

Zum Verständnis dieser Einheit sind Beispiele notwendig. Diese sollten aus dem Aufgabebereich von Bundesbehörden gewonnen werden, damit die Merkmale des Verwaltungshandelns wie etwa die Rechtsförmigkeit bei der Umsetzung mit berücksichtigt werden können. Mit verwaltungsnahen Beispielen kann außerdem an den Erfahrungen der Teilnehmenden angeknüpft werden. Beispiele können z. B. aus den zentralen Entscheidungsbereichen des Regierungshandelns gewonnen werden (vgl. Sellach u. a. 2003):

- I Externe Steuerung: In diesem Bereich wird vor allem mit den Mitteln der Rechtsetzung auf gesellschaftliche Vorgänge steuernd eingewirkt. Zentrale Aufgabe der externen Steuerung ist die Gesetzgebung.
- I Interne Steuerung: Damit sind alle Aufgaben gemeint, die auf die Optimierung der Arbeitsabläufe in den Behörden gerichtet sind. Zu den Hauptaufgaben der internen Steuerung gehören die Personalentwicklung (Personalauswahl, Beurteilungsverfahren, Fortbildungen), das Berichtswesen sowie die Organisationsentwicklung. Diese beinhaltet die Festlegung von Arbeitsstrukturen und -abläufen, Beteiligung und Wissensmanagement.
- I Aktivierung Dritter: In diesem Bereich lassen sich alle Aufgaben bündeln, die an Dritte wie Unternehmen der Wirtschaft oder Nicht-Regierungsorganisationen gerichtet werden, damit sie an der Gestaltung gesellschaftlicher Vorgänge mitwirken. Zu den Handlungsfeldern gehören Öffentlichkeitsarbeit, Förderprogramme und Förderinstrumente.

Auch wenn zu den Zielgruppen des Seminars Beschäftigte des gehobenen und des höheren Dienstes aus nachgeordneten Behörden gehören, die nicht direkt an Gesetzgebungsverfahren beteiligt sind, könnten dennoch Beispiele aus den drei Bereichen in einer Fortbildung gewählt werden. Denn die nachgeordneten Behörden sind häufig mit der Überwachung

des Vollzugs von Gesetzen betraut. Prozessorganisatorinnen und -organisatoren schaffen mit ihrer Arbeit die Rahmenbedingungen dafür, dass neben allgemeinen fachlichen Anforderungen auch der Gleichstellungsauftrag umgesetzt wird.

Ein anschauliches Beispiel aus dem Bereich der internen Steuerung ist die Personalgewinnung. In dieser Aufgabenstellung hat neben anderen Fachgesetzen, wie z. B. der Bundeslaufbahnverordnung, auch die Gleichstellungsdimension mit dem Bundesgleichstellungsgesetz (BGleiG) in der Fassung von 2006 eine rechtliche Grundlage. Im BGleiG enthalten sind u. a. Vorschriften zur Ausschreibung oder zu Bewerbungsgesprächen. Durch die Organisation des Prozesses der Personalgewinnung muss gewährleistet werden, dass auch bei arbeitsteiliger Aufgabenwahrnehmung der Gleichstellungsauftrag des Gesetzes im Einzelfall einer Stellenbesetzung umgesetzt wird. Gleichzeitig muss durch die Prozessorganisation sichergestellt werden, dass personelle Ressourcen zur Verfügung stehen für die Steuerung und Kontrolle der behördeninternen Gleichstellung insgesamt. Dies ist Aufgabe entsprechend dem Auftrag im Gesetz, einen behördeninternen Gleichstellungsplan zu entwickeln und umzusetzen (§11 BGleiG). So muss etwa die Zuständigkeit für die Aufstellung des behördeninternen Gleichstellungsplanes, seiner Kontrolle und regelmäßigen Fortschreibung geregelt werden.

I Einübung von Methoden und Techniken der Prozessorganisation

Grundsätzlich kann ein anschaulicher Bezug zwischen Prozessorganisation und Aspekten der Gleichstellung hergestellt werden, wenn die Beispiele aus der Praxis der öffentlichen Verwaltung, sowohl der obersten Bundesbehörden als auch aus dem nachgeordneten Bereich, gewonnen werden. Auch ist es sinnvoll, dass die Teilnehmenden eigene aktuelle Beispiele aus ihren Tätigkeitsfeldern in die Fortbildung einbringen.

Um die Rahmenbedingungen zu klären, sollten wesentliche Bestimmungen des BGleiG im Seminar benannt und beispielhaft erläutert werden. Die Teilnehmenden werden dazu mit Sicherheit Beispiele aus ihrer Berufserfahrung beisteuern können. Die 4R Gender-Analyse (vgl. Doblhofer/Küng 2008, S. 171ff.) bietet eine sehr gute Möglichkeit, Projekte zur Prozessorganisation von Anfang an unter Gleichstellungsfragestellungen zu begleiten und zu evaluieren.

Für die Seminarunterlagen müssen Beispiele aus der öffentlichen Verwaltung in Form von Aufgabenstellungen so aufbereitet werden, dass die Teilnehmenden im Seminar Methoden und Techniken der behördlichen Prozessorganisation einüben können. Grundlegend für alle Seminarunterlagen ist zudem, dass sie in einer geschlechtergerechten Sprache verfasst sind und Frauen und Männer in bildlichen Darstellungen gleichberechtigt und frei von Stereotypen vertreten sind.¹⁹

¹⁹ Siehe Kap. 4.3 Geschlechtergerechte Sprache.

Ein Stereotypen verfestigendes Negativbeispiel aus der Wirtschaft

In einem Fallbeispiel einer Fortbildung ging es um die Frage nach den Konsequenzen betrieblicher Veränderungen in der privaten Wirtschaft durch den Einsatz von EDV und Internet. Es handelte sich in dem Beispiel um eine Abteilung mit drei männlichen Beschäftigten auf verschiedenen Ebenen und einer weiblichen Beschäftigten für Sekretariatstätigkeiten. Das Beispiel diente dazu, dass die Teilnehmenden in Kleingruppen Methoden und Techniken der Prozessorganisation anwenden. Problematisch erweist sich unter Gleichstellungsgesichtspunkten das Arbeitsergebnis der Kleingruppen, das besonders durch die Anlage des Fallbeispiels bedingt ist: der Arbeitsplatz der Sekretärin sollte wegfallen, während die Tätigkeit eines der männlichen Beschäftigten durch die stellvertretende Übernahme einer Leitungsfunktion aufgewertet würde.

Das Beispiel erweist sich in mehrfacher Hinsicht als nicht geeignet für Verwaltungsfortbildungen:

- Es kommt nicht aus der Verwaltung, sondern aus der Wirtschaft,
- es negiert den aktiven öffentlichen Gleichstellungsauftrag und
- es werden traditionelle Bilder und Stereotype transportiert.

Wird ein Beispiel mit der Thematik der Auswirkungen von Reformen auf die Beschäftigten gewählt, ist darüber hinaus die Rolle der für Prozessorganisation zuständigen Organisatorinnen und Organisatoren in der Fortbildung zu beachten und zu thematisieren. Sie haben dafür Sorge zu tragen, in den von ihnen erarbeiteten Konzepten auch die Auswirkungen von Neustrukturierungen von Aufgaben auf weibliche und männliche Beschäftigte unter einer Gleichstellungsperspektive reflektieren zu lassen.

Ein Beispiel zur Berichterstellung eignet sich insofern, als es an den Verwaltungsroutinen im nachgeordneten Bereich einsetzt (vgl. BMFSFJ 2005 b). Hier lassen sich verschiedene Aspekte des Projektmanagements durchspielen – durchaus auch bis hin zu Reduktion der Bearbeitungs- und Durchlaufzeit im Sinn einer effizienten Verwaltungsorganisation unter Berücksichtigung der Gleichstellungsorientierung. Es können Schritte erprobt werden wie das Durchführen eigener Recherchen, die Koordination mit Anderen und das Zurateziehen von externer Expertise (wie z. B. Statistisches Bundesamt). In parallelen Arbeitsgruppen können die Teilnehmenden die Berichtsform wählen, die bei ihnen gerade aktuell ist²⁰.

Um zu gewährleisten, dass die Teilnehmenden ihr Erfahrungswissen in das Seminar einbringen können, sollten sie bereits in der Einladung und Ausschreibung zum Seminar aufgefordert werden, Beispiele für die Prozessorganisation aus ihrem Tätigkeitsbereich mitzubringen.

²⁰ Siehe den Curriculumvorschlag in diesem Kapitel in Abschnitt 3.

I Prozessgestaltung

Grundlegend für die Prozessgestaltung in Bundesbehörden, wie auch in allen staatlichen oder kommunalen Behörden, sind folgende Schritte: die Festlegung der Aufgabenbereiche nach politischen und gesetzlichen Vorgaben; die Klärung der Aufgabenteilung und Kooperation innerhalb tarif- und beamtenrechtlicher Bestimmungen; die Klärung des Umfangs von Kontrolle und Leitung bzw. Führung im Rahmen von dienstrechtlichen und laufbahnmäßigen Erfordernissen sowie die Verteilung der Aufgaben auf die personellen Ressourcen, die vom Parlament, auf Bundesebene, jährlich im Staatshaushalt gesetzlich festgelegt werden.

Gleichstellung als Querschnittsthema ist von Bedeutung in Bezug auf:

- I die rechtsstaatliche Verpflichtung der Verwaltung, Gleichstellungsauftrag als Verfassungsauftrag umzusetzen;
- I die Ungleichheiten im Verwaltungssystem: die sowohl horizontale als auch vertikale Segregation der Arbeitsverhältnisse in der Verwaltung, die von Frauen und Männern getragen werden und daher in das gesellschaftlich strukturierte Geschlechterverhältnis von Ungleichheit und Diskriminierung eingebettet sind;
- I das Gebot der Wirtschaftlichkeit des Verwaltungshandelns: in der Prozessorganisation sind immer auch die vielfältigen Potenziale aller Beschäftigten zu berücksichtigen.

Mit der Thematisierung von Gleichstellung als Querschnittsaufgabe geraten auch Vereinbarkeitsprobleme zwischen beruflichen Verpflichtungen und sozialen, familiären und gesellschaftlichen Anforderungen in den Blick von prozessverantwortlichen Organisationsmanagern und Organisationsmanagerinnen. Aus diesen Gründen können bei der Prozessgestaltung nicht nur die methodischen und technischen Instrumente vermittelt werden, sondern es sind auch umfassendere Strategien und Aushandlungsprozesse zur Beteiligung der beschäftigten Frauen und Männer zu thematisieren.

3. Curricula für Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

Zeitumfang	90 Minuten
Ziele	<p>Mit dieser Einheit soll die Bedeutung der Vermittlung von Kenntnissen zu Methoden und Techniken der Prozessorganisation hervorgehoben werden. Es geht darum zu erfassen, dass durch die Organisation der Prozesse der Rahmen geschaffen wird für die Umsetzung von Aufgaben, in denen Gleichstellung von Frauen und Männern als Staatsauftrag immer mit enthalten ist:</p> <ul style="list-style-type: none"> ■ Erfassen der Bedeutung der Gleichstellungsperspektive innerhalb der fachlichen Aufgabenstellung für die Gestaltung der Prozessorganisation in der öffentlichen Verwaltung ■ Erwerb von gleichstellungsorientierter Handlungskompetenz in Prozessorganisation und Organisationsmanagement ■ Wissen um die Bedeutung der gleichstellungsrechtlichen Grundlagen für die verschiedenen Entscheidungsbereiche der Verwaltung ■ Erkennen und Übernahme der Verantwortung derjenigen, die Prozesse organisieren, für die inhaltliche und formale Funktionsfähigkeit von Verwaltung unter Gleichstellungsgesichtspunkten
Inhalte	<ul style="list-style-type: none"> ■ Vermittlung von Kenntnissen zu den Grundlagen der methodischen Organisationsarbeit in der Verwaltung und den darin enthaltenen Aspekten der Gleichstellung von Frauen und Männern, u. a. gleichstellungsrelevante Wirkungen von Prozessorganisation für die Beschäftigten, Stellenabbau oder Karriere durch Prozessorganisation ■ Berücksichtigung gleichstellungspolitischer Ziele in Prozessorganisation bei Aufgabenbewertung, Aufgabenstrukturierung und Aufgabenverteilung ■ Vermittlung gleichstellungsrechtlicher Grundlagen, u. a. Gleichstellungsgesetz, beamtenrechtliche Vorschriften, Tarifverträge ■ Grundlegendes Wissen über die Integrationsmöglichkeit von Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) in Verwaltungshandeln wie z. B. Kenntnis des Wissensnetz Gender-Mainstreaming (vgl. Sellach u. a. 2003)
Methodisches Vorgehen	<p>1. Input (siehe Fachbezogenes Gender-Wissen) (15 Min.)</p> <p>2. Kleingruppen (45 Min.)</p> <p>mit erkenntnisleitenden Fragestellungen zur Integration der Gleichstellungsperspektive (auf Flipcharts):</p> <ul style="list-style-type: none"> ■ Wie eng ist der Bezug zwischen fachlicher Aufgabenstellung, formaler Prozessorganisation und Gleichstellung? ■ Inwieweit sind Methoden und Techniken der Prozessorganisation gebunden an fachliche, gesetzliche und politische Vorgaben in Bezug auf Gleichstellung? ■ Welche Bedeutung hat in diesem Kontext Gleichstellung als Querschnittsaufgabe in Prozessorganisation und Organisationsmanagement? ■ Welches Fachwissen benötigen Beschäftigte im Arbeitsbereich Prozessorganisation zur Integration von Gleichstellung? <p>3. Diskussion im Plenum (30 Min.)</p>
Setting und Materialien	Kleingruppenräume und Plenarraum, PowerPointPräsentation, mehrere Flipcharts (abhängig von Gruppengröße)

Thema Einheit 2	Ablaufstrukturen im Berichtswesen unter Berücksichtigung der Gender-Perspektive
Zeitungsumfang	90 Minuten
Ziele	<ul style="list-style-type: none"> Handlungskompetenz zur Identifizierung von gleichstellungsrelevanten Sachverhalten und Kooperationserfordernissen Kompetenz zur Einschätzung vorliegender Daten und zur Identifizierung von Daten- und Wissenslücken Fähigkeit zur Vermittlung gleichstellungsrelevanter Aspekte an die Fachkräfte in den am Bericht zu beteiligenden internen und externen Organisationseinheiten, z. B. durch die Formulierung von entsprechenden Fragen zur Bearbeitung
Inhalte	<p>Mit dieser Einheit werden gleichstellungsrelevante Aspekte in die Ablaufstruktur im Berichtswesen eingeführt. Am Beispiel von konkreten Berichtsaufträgen sollen alle Arbeitsschritte der Berichterstellung vom Berichtsauftrag bis zur Abgabe des Berichtes systematisch aufgelistet und jeweils geprüft werden, inwieweit darin Gleichstellungsaspekte berührt sind, sowohl bei der inhaltlichen und sprachlichen Gestaltung als auch bei den am Bericht zu beteiligenden Organisationseinheiten:</p> <ul style="list-style-type: none"> Systematisierung der Ablaufstruktur für die Berichterstellung Formulierung von gleichstellungsrelevanten Fragen für jeden Arbeitsschritt Bestimmung des Verfahrens zur Bearbeitung der Fragen für jeden Arbeitsschritt beispielhafte Formulierung von Fragen für die zu beteiligenden Organisationseinheiten eine für das Organisationsreferat nachvollziehbare Dokumentation der Ergebnisse
Methodisches Vorgehen	<p>1. Einführung in die Aufgabenstellung für die Kleingruppen (15 Min.)</p> <p>2. Kleingruppen (45 Min.)</p> <p>Aufgabe der Kleingruppen ist, am Beispiel von konkreten Berichten (mitgebrachte Berichte von den Teilnehmenden oder dem Dozenten bzw. der Dozentin) die Ablaufstruktur für die Berichterstellung systematisch darzustellen und dabei für jeden Arbeitsschritt folgende Fragen zu klären (Fragen auf Flipcharts):</p> <ul style="list-style-type: none"> Inwieweit sind die Lebenswirklichkeiten und Interessen von Frauen und Männern im Berichtsauftrag angesprochen? Welche gleichstellungsrelevanten Fragestellungen müssen bearbeitet werden? Welche Daten und Erkenntnisse sind zur Bearbeitung der Fragen vorhanden? Welcher ergänzende gleichstellungsrelevante fachliche Input zur Bearbeitung des Berichtes wird benötigt? Welche Fragestellungen sollten von den zu beteiligenden Organisationseinheiten bearbeitet werden? Wie können die Aspekte der Gleichstellung systematisch in das Ablaufschema für die Berichterstellung eingefügt werden? <p>3. Plenum (30 Min.)</p> <p>Die Ergebnisse werden im Plenum präsentiert und diskutiert.</p>
Setting und Materialien	<p>Kleingruppenräume</p> <p>Kopien der ausgewählten Berichte, Flipchartpapier</p>

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Grundlagen des Qualitätsmanagements“

Experte: Wolfgang Nötzold

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Qualitätsdimension „Leitung“
- | Qualitätsdimension „Controlling“
- | Qualitätsdimension „Personal/Personalentwicklung“
- | Qualitätsdimension „Kundinnen/Kunden“

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Qualitätsmanagement und Gender-Mainstreaming oder: Qualität hat verschiedene Geschlechter

4. Literatur

Das Seminar zu den Grundlagen des Qualitätsmanagements (QM) richtet sich an Personen, die in einer Behörde oder Verwaltung mit der Planung, Einführung, Durchführung und Kontrolle von Qualitätsmanagementverfahren befasst sind. Sie erhalten im Seminar eine Einführung in die Grundlagen verschiedener Qualitätsmanagementsysteme, deren Grundbegriffe und Instrumente. In diesem Zusammenhang werden QM-Verfahren daraufhin überprüft, ob und wie in ihnen Gender-Aspekte Berücksichtigung finden bzw. wie diese integriert werden können.

1. Gender-bezogenes Fachwissen

Viele Verfahren und Instrumente des Qualitätsmanagements verstehen sich als a priori geschlechtsneutral – so wie sie sich auch neutral verstehen hinsichtlich sozialer, ethnischer, religiöser und anderer Unterschiede und Tatbestände. Es hat sich jedoch erwiesen, dass die organisationalen Strukturen und Prozesse, auf die sie sich beziehen, die sie analysieren und verbessern wollen, durch Geschlechterverhältnisse geprägt sind. Daher sind auch im Qualitätsmanagement Gender-Aspekte zu thematisieren und zu bearbeiten.

Bundesbehörden sind laut Gemeinsamer Geschäftsordnung (GGO) dem Prinzip der Gleichstellung in ihrem Handeln verpflichtet²¹. Auch EU-Richtlinien verpflichten nationale Behörden und nachgeordnete Einrichtungen zur Umsetzung der Strategie des Gender-Mainstreaming. Im Sinne dieser Verpflichtungen ist es konsequent, Gleichstellung als grundlegende Wahrnehmungs- und Handlungskategorie in Verfahren und Strukturen des Qualitätsmanagements einzubeziehen.

²¹ Siehe Kap. II und Kap. 4.2, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

Notwendige Voraussetzungen für eine gelingende Integration von Gleichstellungsdimensionen in das Qualitätsmanagement wie auch für ein Projekt zur Implementierung beider sind die grundlegenden normativen Leitlinien eines jedes Qualitätsmanagements:

1. die grundlegende Entscheidung und die Verantwortung der Leitungs- und Führungsebene,
2. Anlage des Prozesses der Qualitätsentwicklung als Top-down-Prozess, der von der Leitung nicht nur entschieden und verantwortet, sondern auch gesteuert wird,
3. klare Regelung für die operative Verantwortung in Rolle und Funktion einer Person bzw. einer Personengruppe als Qualitäts-Beauftragte bzw. Gender-Beauftragte,
4. partizipative Gestaltung des Qualitätsentwicklungsprozesses, d. h. die Einbeziehung aller Beschäftigten auf allen Hierarchieebenen und in allen Funktionsgruppen.

Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) ist nicht nur eine gleichstellungspolitische Strategie, sondern dient auch zur Qualitätsverbesserung des jeweils konkreten fachlichen Handelns. Dabei ist die Umsetzung an professionell ausgewiesene Qualifikationen und Kompetenzen sowie an entsprechendes Vorgehen gekoppelt. Es handelt sich um eine kontinuierliche Vermittlung und begleitende Verbesserung der Qualitäts- und Gender-Idee im Sinne einer Impulsfunktion mit der wesentlichen Orientierung in die jeweilige Führungs- und Leitungskultur hinein, in die Organisations- und Personalstruktur, in Fachbezug und Repräsentanz. Die notwendige Implementierung setzt an diesen Prozessen und Strukturen an. Die relevanten Instrumente einer so verstandenen Implementierung von Qualitätssicherung unter einer Gender-Perspektive sind damit:

- Fortbildung und kontinuierliche Kommunikationsmöglichkeiten innerhalb der Verwaltung,
- Fachlicher Input (möglichst mit Unterstützung durch externe Kompetenz),
- Einbau von Qualitäts- und Gender-Kriterien in alle Planungs- und Controllingsysteme,
- Gender-Budgetanalyse,
- Interne Audits ergänzt um „Gleichstellungscontrolling“,
- Transparenz und Öffentlichkeitsarbeit zu den Ergebnissen nach innen und außen.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Die Bearbeitung des Themas Gleichstellung kann in Seminaren zum Qualitätsmanagement in zwei Formen erfolgen:

- a) als ständige Fragestellung bei der Behandlung der Methoden und Verfahren der Qualitätsentwicklung,
- b) als eigenständige Seminareinheit – möglichst zu Beginn des Seminars.

Wichtig ist, dass sowohl in der Ausschreibung zum Seminar wie auch im definitiven Programm Gleichstellungsaspekte als inhaltlicher Schwerpunkt benannt werden, damit die Teilnehmenden das Thema bereits im Vorfeld als relevant wahrnehmen.

In der öffentlichen Verwaltung gibt es unterschiedliche Ansätze und Modelle des Qualitätsmanagements. Es werden Verfahren nach ISO 9001 oder nach EFQM (European Foundation for Quality Management), Methoden des Benchmarking oder des Common Assessment Framework (CAF-Modell) angewendet. Fast alle diese Qualitätsmanagementsysteme ver-

nachlässigen bisher Gender-Kriterien. Dabei ist Gleichstellung ein klassisches Querschnittsthema für alle Bereiche des Qualitätsmanagement – für Führung ebenso wie für Mitarbeiterzufriedenheit, für Ressourcen wie für Ergebnisse. In anderen Branchen gibt es bereits Ansätze zur Integration von Gender-Aspekten in Qualitätsentwicklungsverfahren, die auf die Verwaltung übertragen und angepasst werden können. Diese Ansätze werden im Folgenden dazu herangezogen, um Fragestellungen zu entwickeln, mit denen Gender-Aspekte in QM-Verfahren integriert werden können.

Folgende Dimensionen von Qualitätsmanagementverfahren bieten sich u. a. an, um Gender-Aspekte zu thematisieren: Leitung, Controlling, Personal/Personalentwicklung und Kundinnen/Kunden.

I Qualitätsdimension „Leitung“

In dieser Dimension geht es darum, wie die Leitungs- und Führungsebene alle wichtigen Personengruppen in der Verwaltung und im Umfeld beteiligt und wie sie Motivation und Beteiligung aller Mitarbeitenden an der Entwicklung der eigenen Organisation fördert und würdigt. Das beinhaltet z. B. folgende Fragen (vgl. Kriterium 1 „Leitung“ des Modells der European Foundation for Quality Management (EFQM), Heinold-Krug u. a. 2001, S. 14ff.), die einer differenzierten Analyse nach Gleichstellungskriterien zugänglich sind:

Beispiel: „Leitung“ im EFQM-Modell

- I** Wie werden Männer und Frauen dazu motiviert, Fragestellungen, die sich aus Gleichstellung und Vielfalt ergeben, zu bearbeiten und entsprechende konzeptionelle und strukturelle Veränderungen in Gang zu setzen?
- I** Wie unterstützt die Leitungs- und Führungsebene die Mitarbeitenden dabei, ihre Pläne zu realisieren und ihre Ziele und Teilziele zu erreichen?
- I** Wie unterstützt die Leitungs- und Führungsebene die Mitarbeitenden aktiv bei der Vereinbarkeit von Beruf und Familie?
- I** Wie werden Mitarbeitende unabhängig von ihrem Geschlecht belobigt, beurteilt und ausgewählt?
- I** Wie werden Frauen und Männer gleichermaßen in die Verteilung von Ressourcen und die Entwicklung neuer Arbeitsfelder einbezogen?

I Qualitätsdimension „Controlling“

Bei der Bearbeitung der Qualitätsdimension „Controlling“ können ebenso Gender-Aspekte als Querschnittsdimension bearbeitet werden²². Im QM-Verfahren der „Lernerorientierten Qualitätstestierung in der Weiterbildung – LQW“ wird das folgendermaßen beschrieben: „Kennzahlen, Kennziffern und qualitative Erfolgsindikatoren sind definiert und begründet und, sofern sie personenbezogen sind, geschlechtsbezogen bzw. im Sinne von Diversity Management differenziert. Sie werden regelmäßig erhoben und bewertet; Konsequenzen werden gezogen“ (Zech 2008, S.76).

²² Eine umfassendere Darstellung der Integration von Gender-Aspekten in die Bearbeitung des Themas Controlling befindet sich im Kap. 5.1, Arbeitshilfe „Grundseminar Controlling“.

I Qualitätsdimension „Personal/Personalentwicklung“

Insbesondere Personalpolitik, Personalmanagement und Personalentwicklung in Unternehmen und Verwaltungen müssen gender-sensibel gestaltet werden, wenn sie diskriminierungsfrei ablaufen sollen. Von daher sind in die Leitfragen zu dieser Qualitätsdimension Gender-Aspekte zu integrieren. Ein Beispiel dafür, wie dieses umgesetzt werden kann, bieten die Fragen zum Bereich „Personal/Personalentwicklung“ im Qualitätsentwicklungsverfahren QVB (Bundesarbeitskreis Arbeit und Leben 2007, S. 9).

- | In welcher Weise werden in den Tätigkeitsbeschreibungen die festgelegten Aufgaben, Befugnisse sowie Anforderungen auf stereotype Geschlechterrollenzuschreibung hin überprüft?
- | Wie ist die Einkommenssituation in der Organisation bzgl. der Gleichstellung von Frauen und Männern?
- | Gibt es in der Organisation Modelle zur Einbindung von Beschäftigten während der Karenzzeiten, zur Betreuung der Kinder von Beschäftigten, zur Unterstützung von Pflegezeiten von Beschäftigten?
- | Wird bei der Festsetzung von Terminen auf die Möglichkeiten von Teilzeitkräften geachtet? Werden Überstunden erwartet und wie sind die Auswirkungen auf Frauen und Männer?
- | Gibt es Betriebsvereinbarungen zur besseren Vereinbarkeit von Beruf und Familie, gegen geschlechtsbezogene Lohndiskriminierung oder gegen sexuelle Belästigung am Arbeitsplatz?
- | Wie ist die Anerkennungskultur der Organisation (Belobigungen, Prämien ...) gender-spezifisch geprägt?
- | Welche gender-sensiblen Fragen und Hinweise enthalten die Leitfäden für Mitarbeitendengespräche?

I Qualitätsdimension „Kundinnen/Kunden“

Viele Verwaltungsstellen haben externe Kundinnen/Kunden – Steuerzahlende, Fahrzeughaltende, Importeure und Importeurinnen ausländischer Waren, Wählerinnen und Wähler u. a. Zur Qualitätsentwicklung gehört unabdingbar die Optimierung des Umgangs mit diesen Gruppen. Ein erster Schritt, hier Gleichstellung umzusetzen, kann bei der Umgestaltung der schriftlichen Kontakte geschehen, d. h. durch die Übernahme der Vorschläge zur geschlechtergerechten Sprache des Bundesverwaltungsamtes (BVA 2002). Weitere Schritte des gender-orientierten Qualitätsmanagements könnten z. B. die Erhebung der Zufriedenheit der Kundinnen und Kunden mit Angaben zum Geschlecht oder/und die Überprüfung des Verhältnisses zwischen Kund(inn)enkontakten und „Gesamtkundschaft“ sein: Gibt es eine Entsprechung nach Geschlecht oder Abweichungen? Wie könnte Abweichungen entgegengesteuert werden?

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Ziele	<ul style="list-style-type: none"> Erkenntnis des grundlegenden Zusammenhangs zwischen Qualitätsmanagementverfahren und Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) Kennen lernen von sinnvollen Möglichkeiten, Gender-Aspekte und dazugehörige Fragestellungen in Qualitätsmanagement-Prozesse und QM-Instrumente zu integrieren Kenntnis grundlegend notwendiger Voraussetzungen für die Umsetzung von Qualitätsmanagementprojekten unter der Berücksichtigung von Gender-Aspekten Verknüpfung eigener Erfahrungen als Frau bzw. Mann am Arbeitsplatz mit den Anforderungen eines gender-sensiblen Qualitätsmanagements
Zeitbedarf	120 Minuten
Methodisches Vorgehen	<p>Wechsel zwischen Plenumsgesprächen und Kleingruppenarbeit</p> <p>1. Plenum (15 Min.)</p> <p>Kurzeinführung in den Zusammenhang von Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) und Qualitätsentwicklung, z. B. mit Hilfe einer PowerPoint-Darstellung</p> <p>2. Plenum (30 Min.)</p> <p>Darstellung und Diskussion von Dimensionen, Verfahrensweisen und Instrumenten zur Integration von Gleichstellungsaspekten in die Qualitätsentwicklung</p> <p>3. Kleingruppenarbeit in geschlechtshomogenen Gruppen (30 Min.)</p> <p>Bestandsaufnahme zu folgenden Fragen:</p> <ul style="list-style-type: none"> Wie wird in meiner Verwaltung mit dem Thema „Gleichstellung“ bzw. „Gender-Mainstreaming“ umgegangen? Welche Erfahrungen im Umgang mit Gender-Aspekten finde ich für die Arbeit in der Qualitätsentwicklung wichtig? Wie stelle ich mir die Integration von Gender-Aspekten in meine Arbeit bei der Qualitätsentwicklung vor? <p>4. Plenum (30 Min.)</p> <p>Zusammentragen der Ergebnisse der Arbeitsgruppen, Systematisierung der Ergebnisse auf Wandzeitungen</p> <p>5. Abschluss (15 Min.)</p> <p>Im Ausblick sollte dargestellt werden, dass Fragen der Gleichstellung im weiteren Seminarverlauf immer wieder angesprochen werden und in welchen Dimensionen der Qualitätsmanagementverfahren sie von Bedeutung sind.</p>

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Grundseminar Controlling“

Experte: Wilfried Kunstmann

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Kennzahlen
- | Kosten- und Leistungsrechnung
- | Benchmarking

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Zusammenhang von Leitbild/Vision, strategischen Zielen und Kennzahlencontrolling am Beispiel der Gleichstellung von Frauen und Männern

4. Literatur

Zur Zielgruppe des Grundseminars Controlling gehören Beschäftigte des gehobenen und höheren Dienstes, die entweder bereits Controllingfunktionen übernommen haben und eine systematische Erweiterung und Vertiefung ihrer Kenntnisse benötigen oder sich auf anstehende Anforderungen (Tätigkeit im Controlling, Erweiterung der eigenen Stelle durch Controllingfunktionen) vorbereiten wollen. Sie sollen eine allgemeine Einführung in die Aufgaben des Controlling erhalten und dabei wesentliche Begriffe und Funktionsweisen des Controlling in der öffentlichen Verwaltung unter Berücksichtigung von Gleichstellungspunkten kennen lernen. Dabei werden ihnen wesentliche Elemente des Controlling und deren Einsatzmöglichkeiten vermittelt.

1. Gender-bezogenes Fachwissen

Controlling ist eine Form der internen Unternehmenssteuerung durch die Koordination von Planung und Kontrolle sowie durch die Informationsversorgung der Unternehmensführung (Horváth 1996). Es ist primär ein Steuerungsinstrument für – gewinnorientierte oder gemeinnützige – Wirtschaftsunternehmen. Die Entwicklung „passgenauer Steuerungssysteme“ (BMI 2006, S. 11) mit dem Ziel einer stärkeren Ergebnis- und Wirkungsorientierung des Haushalts für die öffentliche Verwaltung mit ihren nicht-wirtschaftlichen Aufgabenstellungen kann daher nicht bruchlos auf die klassischen Controllingsysteme zurückgreifen, sondern muss sie den eigenen Zielen entsprechend anpassen. Ein wichtiges, gesetzlich verankertes Ziel der öffentlichen Verwaltung ist die Gleichstellung von Frauen und Männern.

Ein auf den rechtlichen Rahmenbedingungen beruhender Bestandteil des Controlling in der öffentlichen Verwaltung ist das Gleichstellungscontrolling. „Gleichstellungs-Controlling ist die Integration der Gleichstellungsziele in die routinemäßigen Planungs- und Steuerungsprozesse eines Unternehmens oder einer öffentlichen Verwaltung. Damit wird Gleich-

stellung als Querschnittsaufgabe verankert und die Umsetzungsverantwortung den Führungskräften und Entscheidungsträgerinnen und -trägern übertragen“ (Müller/Sander 2005, S. 15; vgl. auch Krell 2008 und Wiltzius 2003).

Dies bedeutet beispielsweise für die Bundesregierung, die Umsetzung des „Leitprinzip Gleichstellung“, das in der Gemeinsamen Geschäftsordnung der Bundesministerien festgelegt ist (GGO), abzusichern. Es gilt darauf hinzuwirken, dass die gleichstellungspolitischen Ziele bei jeder Maßnahme ausdrücklich ausgewiesen sind, die Evaluierungskriterien zur Erreichung dieser Ziele benannt werden und dass eine Kommunikation darüber gesichert ist. Anknüpfungspunkte und bisherige Elemente des Controlling sind Berichte und Abfragen sowie Beteiligungsverfahren laut der GGO (vgl. GenderKompetenzZentrum).

In der öffentlichen Verwaltung können eine Reihe von Handlungsfeldern identifiziert werden, die für die Geschlechtergerechtigkeit relevant sind und die mit Hilfe des Controlling geplant, überprüft und gesteuert werden können. In Erweiterung von Doblhofer (2001) sind dies folgende Handlungsfelder:

- Beschäftigungssituation von Frauen und Männern in der Verwaltung
- Personalbeschaffung und Einstellung
- Personalentwicklung, Weiterbildung, Karriereförderung
- Vereinbarkeit von Privatleben und Beruf
- Förderung partnerschaftlichen Verhaltens am Arbeitsplatz
- Institutionalisierung von Chancengleichheit
- Chancengleichheit als Prinzip der öffentlichen Verwaltung
- Geschlechtergerechtes Verhalten gegenüber Externen (Kundinnen und Kunden)
- Auswirkung der Verwaltungshaushalte auf die davon betroffenen Frauen und Männer.

Anknüpfend an die klassischen Instrumente des Controlling sind in den letzten Jahren eine Reihe von Anwendungen entstanden, die direkt auf die Gleichstellung von Frauen und Männern gerichtet sind, so das Gender Controlling (Rösener/Damkowski 2004; Universität Salzburg 2006), das Gender-Budgeting (vgl. Färber u. a. 2007; Friedrich-Ebert-Stiftung 2007; MASGF Brandenburg 2008) oder die 4-R- bzw. 5-R-Methode (vgl. Universität Salzburg 2006; Doblhofer/Küng 2008)²³.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Gender-bezogene Themen können sowohl in die reguläre Behandlung der Controllinginstrumente einbezogen als auch mit speziellen Methoden des Gender-Controlling behandelt werden. Die inhaltliche Struktur des Controlling (Grundlagen, operatives Controlling, strategisches Controlling) erlaubt es, Gender-Aspekte als Querschnitt-Themen in alle Phasen der Fortbildung zu integrieren. Die Integration kann implizit oder explizit geschehen – implizit über Fallbeispiele, in denen u. a. Fragen der Gleichstellung thematisiert werden, explizit durch die Behandlung von operativem und strategischem Gleichstellungscontrolling und deren Instrumenten.

²³ Siehe auch Kap. 5.1, Arbeitshilfe „Querschnittsaufgaben Organisation – Haushalt – Personal“.

Beispiel 1: Kennzahlen

Bei der Behandlung der Kennzahlen als „Arbeitsmaterial“ des Controlling ist eine Integration der Gleichstellungsperspektive geboten. Um zu Beginn die Verbindung zwischen „Philosophie“ der Einrichtung/Behörde (Vision, Leitbild) und daraus abzuleitenden Zielen (Aufgabenerledigung, Mitarbeitendenorientierung) zu verdeutlichen, kann die Gleichstellungsorientierung (Gender-Mainstreaming) als strukturierendes Beispiel genommen werden. Am Gleichstellungsziel lässt sich exemplarisch deutlich machen, wie das Leitbild einer Behörde von übergeordneten Leitlinien (z. B. politischen, fachlichen und gesetzlichen Ziele) abhängt und getragen wird und wie wiederum aus diesem Leitbild konkrete strategische und operative Ziele generiert werden können. Aus diesen Zielen können Soll- und Ist-Kennzahlen entwickelt werden, die zur Situationswahrnehmung und Steuerung benutzt werden können.

Als durchgängiges Referenzbeispiel kann die Gleichstellungsperspektive zum einen das Verhältnis von Leitbild, Zielbestimmung und Kennzahlenentwicklung inhaltlich transparent machen und zugleich die Notwendigkeit der systematischen Verfolgung des Gleichstellungsziels innerhalb des Controllings aufzeigen. Hilfreich wäre auch für das allgemeine Verständnis der Controlling-Kennzahlen die Differenzierung nach Input-, Output-, Outcome-, Performance-, Effizienz- und Effektivitätsindikatoren, für die jeweils Beispiele aus der Gender-Perspektive genutzt werden können (vgl. Universität Salzburg 2006, S. 16f.).

Beim Themenbereich Kosten- und Leistungsrechnung kann im Zuge der Behandlung des Betriebsabrechnungsbogens (Umlage der Kostenstellen) als Beispiel die Kostenstelle „Gleichstellungsbeauftragte“ gebildet werden. Dabei hätten die Teilnehmenden zu überlegen, welche Sachkriterien für die Aufteilung dieser Hilfskostenstelle auf die Hauptkostenstellen benutzt werden können. Manche Gemeinkosten lassen sich leicht aufteilen (Miete z. B. über die genutzten Quadratmeter Fläche), andere wiederum können durchaus zu Diskussionen führen (Warum wird meine Abteilung mit der Hälfte der Gleichstellungsbeauftragten belastet?). Insofern wäre dieses Beispiel diskussionsanregend: es zeigt die Bewertungsproblematik von Gemeinkostenumlagen, kann aber auch zu Gesprächen über den Sinn und Zweck der Gleichstellungspolitik führen.

Die Instrumente des strategischen Controlling eignen sich in sehr unterschiedlicher Weise für die Bundesverwaltung. Insbesondere die Balanced Scorecard (BSC) und das Benchmarking sind Instrumente, die sich für die Integration von Gleichstellungsaspekten beispielhaft anbieten. So kann gefragt werden, wie in der Perspektive der Mitarbeitendenorientierung der klassischen BSC die Gleichstellung von Frauen und Männern vorkommen kann – besonders, wenn das Seminar das Beispiel schon bei der Behandlung der Kennzahlen diskutiert hat. Wenn die Zeit reicht, können die Teilnehmenden in Kleingruppen solche BSC-Kennzahlen für ihre Arbeitsbereiche entwickeln. Dabei kann auf gleichstellungspolitische Weiterentwicklungen der BSC wie die „Equality Scorecard“ (vgl. Doblhofer/Küng 2008; Doblhofer 2009) zurückgegriffen werden.

Beispiel 3: Benchmarking

Auch das interne und externe Benchmarking lässt sich am Beispiel der Geschlechtergerechtigkeit darstellen, z. B. mit der Frage: Wie schaffen es andere Verwaltungen, wie schaffen es Wirtschaftsunternehmen, die Zahl von Frauen in Führungspositionen zu vergrößern?

Beispiele für gleichstellungsorientiertes Controlling lassen sich aus allen oben angeführten Handlungsfeldern entwickeln. Dabei bieten sich die Handlungsfelder „Beschäftigungssituation“ und „Personalentwicklung“ besonders an, weil bei ihnen zum einen schnell einsichtig wird, warum Gleichstellungsperspektiven ein zentrales Element im Controllingprozess bilden. In diesen Handlungsfeldern können relativ einfach Kennzahlen und Indikatoren für Gleichstellung entwickelt werden. Bspw. können die Teilnehmenden in Arbeitsgruppen Indikatoren für die Anteile von Frauen und Männern an Führungspositionen, für die Beteiligung an Fortbildungen u. a. entwickeln²⁴.

Notwendig wäre es auf jeden Fall, im Seminar auf Instrumente wie das Gender-Budgeting hinzuweisen, also auf „die systematische Prüfung aller Einnahmen und Ausgaben im Haushaltsprozess bei der Aufstellung, Ausführung und Rechnungslegung sowie aller haushaltsbezogenen Maßnahmen auf die ökonomischen Effekte für Frauen und Männer sowie auf die gesellschaftlichen Geschlechterverhältnisse“ (Färber 2007, S. 17).

²⁴ Siehe Arbeitshilfe 5.1, „Querschnittsaufgaben Organisation – Haushalt – Personal“.

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitumfang	4,5 Stunden
Ziele	Die Lernenden verstehen den direkten Zusammenhang zwischen Leitbildinhalten, Zielen und Kennzahlen unter Gleichstellungsaspekten. Sie können Soll-Kennzahlen operationalisieren und Ist-Kennzahlen generieren.
Inhalte	<p>Leitbilder haben die Funktion, betriebliche bzw. behördenspezifische Ziele explizit zu formulieren und sowohl den Mitarbeitenden als auch den „Kundinnen und Kunden“ gegenüber transparent zu machen, was und wie die Einrichtung ihre Leistung erbringen will. Sie stellen die normative Grundlage dar, an der alle Beteiligten die aktuelle Situation und die bislang erfolgten Schritte messen und bewerten können.</p> <p>Das Leitbild bildet den Zielrahmen für die Entwicklung mehrjährig angelegter strategischer Ziele, die jährlich in operative Ziele und Aufgaben umgesetzt werden (vgl. BMI 2001, S. 7f.). Voraussetzung für die Generierung, Implementierung und Überprüfung operativer Ziele ist deren Messbarkeit in Form von Kennzahlen (Operationalisierung).</p> <p>Der Zusammenhang von Leitbildern, Zielen/Aufgaben und Kennzahlen ist ein zentrales Scharnier des strategischen Controllings und des strategischen Managements auch bei Behörden. Die Beachtung dieses Zusammenhangs ermöglicht erst eine zielorientierte Führung.</p> <p>Das Leitbild Gleichstellung gehört zu den zentralen Leitbildzielen der Bundesministerien.</p> <p>Es bietet sich daher an, bei der Entwicklung von Kennzahlen die Gleichstellung von Männern und Frauen als Beispiel zu nehmen. Auch der Sachverhalt, dass die fachliche Aufgabe Gender-Mainstreaming für alle Ressorts gleichermaßen gilt, spricht dafür.</p>
Arbeitseinheit 1 (90 Min.)	Leitbilder und die Entwicklung strategischer und operativer Ziele
Ziel	Die Lernenden kennen die Funktion von Leitbildern, verstehen den Prozess der Implementierung und Revision von Leitbildern und den der Entwicklung strategischer und operativer Ziele im Zusammenhang mit Gleichstellungsorientierung

Thema Zusammenhang von Leitbild/Vision, strategischen Zielen und Kennzahlencontrolling am Beispiel der Gleichstellung von Mann und Frau	
Fortsetzung	
Methodisches Vorgehen	1. Einführender Vortrag mit Diskussion (25 Min.) Arbeitsmaterial: Leitbild 2. Kleingruppenarbeit (40 Min.) Formulierung eines Leitbildziels zur Gleichstellung von Frauen und Männern und Entwicklung eines strategischen Ziels zur Gleichstellung 3. Plenum (25 Min.) Zusammentragen und Diskussion der Kleingruppenergebnisse
Arbeitseinheit 2 (180 Min.)	Operationalisierung der Ziele und Kennzahlen
Ziel	Die Lernenden verstehen das Erfordernis, Ziele zu operationalisieren und können den Zielen angemessene Kennzahlen unter Berücksichtigung der Gender-Perspektive zuordnen
Methodisches Vorgehen	1. Einführung im Plenum (30 Min.) Mögliche Kennzahlen für den Erfolg der Gleichstellung 2. Kleingruppenarbeit (45 Min.) Entwicklung operativer Gleichstellungsziele für die eigene Behörde und entsprechende Kennzahlen 3. Plenum (30 Min.) Zusammenführen der Ergebnisse der Kleingruppen 4. Gruppendiskussion (45 Min.) Hindernisse und Widerstände – Vorschläge zur Überwindung 5. Abschlussrunde (30 Min.) Zusammenfassende Diskussion im Plenum

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Gesetzesfolgenabschätzung“

Expertin: Ulrike Spangenberg

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit integrierter Gender-Perspektive

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- Thema: Anwendung der Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“

4. Literatur

Das Seminar richtet sich an Beschäftigte der Bundesverwaltung, die mit der Erarbeitung oder Evaluierung von Gesetzen und anderen Rechtsvorschriften befasst sind. Die Inhalte sollen die Teilnehmenden befähigen, die Auswirkungen bzw. die Wirksamkeit von Gesetzen zu ermitteln sowie – bei der Vergabe von Gutachten oder Wirkungsanalysen an andere Abteilungen oder externe Auftragnehmer – die Anforderungen für eine solche Prüfung zur formulieren.

Das Seminar vermittelt den Teilnehmenden praxisorientiert die rechtlichen Grundlagen, Ziele, Arten und Methoden der Gesetzesfolgenabschätzung. Darüber hinaus werden die in der Bundesverwaltung verwendeten Instrumente vorgestellt und beispielhaft angewendet.

1. Gender-bezogenes Fachwissen

Die Gesetzesfolgenabschätzung (GFA) ist ein Verfahren zur Ermittlung und Bewertung der Wirkungen einer geplanten oder bereits in Kraft getretenen Rechtsvorschrift. Das Verfahren zielt auf eine Verbesserung der Wirksamkeit von Rechtsvorschriften, insbesondere von Gesetzen. Über die GFA sollen die voraussichtlichen oder tatsächlichen Folgen und Nebenwirkungen von Rechtsvorschriften abgeschätzt bzw. ermittelt werden, um Entscheidungsprozesse innerhalb der Verwaltung aber auch der Politik auf eine bessere Informationsgrundlage zu stellen (Böhret/Konzendorf 2000). Seit Juni 2009 wird für die Durchführung von (prospektiven) Gesetzesfolgenabschätzungen die Arbeitshilfe zur Gesetzesfolgenabschätzung empfohlen (Bundesministerium des Inneren 2009).

In der Bundesverwaltung soll die GFA auf Gesetze, Rechtsverordnungen und Verwaltungsvorschriften angewendet werden. Seit dem Jahr 2000 sind die Bundesministerien nach §§ 43, 44 Abs. 1 der Gemeinsamen Geschäftsordnung (GGO) verpflichtet, in der Begründung eines Gesetzesentwurfs die voraussichtlichen Gesetzesfolgen darzustellen. Gleichzeitig ist nach § 2 GGO die Gleichstellung von Frauen und Männern als durchgängiges Leitprinzip bei allen politischen, normgebenden und verwaltenden Maßnahmen der Bundesministerien zu

fördern (Gender-Mainstreaming). Die Gleichstellung von Frauen und Männern ist daher auch in Gesetzgebungsverfahren bzw. Gesetzesevaluationen zu berücksichtigen. Für die GFA heißt das:

- Die Folgen und die Nebenwirkungen eines Gesetzes sind auch im Hinblick auf eine unterschiedliche Betroffenheit von Frauen und Männern bzw. deren Lebenslagen zu prüfen.
- Die Gleichstellung von Frauen und Männern ist als Zielvorgabe bzw. als Bewertungsmaßstab zu berücksichtigen. Regelungen und Regelungsoptionen sind daher zu prüfen, inwieweit deren Wirkungen die Gleichstellung von Frauen und Männern fördern oder behindern.
- Das Verfahren der GFA ist gleichstellungsorientiert zu gestalten. Dazu gehört z. B. eine ausgewogene Partizipation von Frauen und Männern in Gremien und Beteiligungsverfahren.

Die Vorgabe in § 2 GGO konkretisiert den verfassungsrechtlichen Auftrag des Staates, die Gleichstellung von Frauen und Männern aktiv zu fördern. Zu diesem Gleichstellungsgebot gehört auch das Verbot der Benachteiligung von Frauen und Männern. Gleichstellungsgebot und Benachteiligungsverbot sind in Art. 3 Abs. 2 und 3 Grundgesetz verankert. Das Benachteiligungsverbot umfasst dabei auch Regelungen, die sprachlich zwar neutral formuliert sind, deren tatsächliche Wirkungen Frauen und Männer, bedingt durch verschiedene Lebenslagen, aber unterschiedlich treffen (z. B. geschlechtsbezogene Erwerbsmuster oder familiäre Rollenverteilungen). Zu berücksichtigen ist, dass Frauen und Männer keine in sich homogenen Gruppen sind. Vielmehr können die Lebenslagen von Frauen und Männern auch durch andere gesellschaftliche Strukturmerkmale, z. B. Alter, soziale oder ethnische Herkunft, Bildungsgrad oder sexuelle Orientierung geprägt sein. Entsprechend unterschiedlich können auch die Wirkungen von Gesetzen für die entsprechenden Gruppen ausfallen. Die Analyse und Bewertung der tatsächlichen Wirkungen von Gesetzen setzt die Verwendung von Daten voraus, die nach Geschlecht und anderen für den Regelungsbereich relevanten Merkmalen differenzieren.

Durch eine solche differenzierte Analyse der tatsächlichen Wirkungen eines Gesetzes, gestützt auf entsprechende Daten, können Rechtsvorschriften letztendlich zielgenauer und damit wirksamer ausgestaltet werden. GFA und Gender-Mainstreaming verfolgen damit gemeinsame Ziele: Die Verbesserung der Wirksamkeit von Gesetzen und die Vermeidung von unbeabsichtigten Nebeneffekten (vgl. Baer/Lewalter 2007; Baer 2002; Internetseiten GenderKompetenzZentrum).

Das Instrument der Bundesverwaltung für eine gleichstellungsorientierte Gesetzesfolgenabschätzung ist die Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“ (BMFSFJ 2007).

Die Arbeitshilfe zeigt die für eine gleichstellungsorientierte Gesetzesfolgenabschätzung relevanten Fragen und Verfahrensschritte auf. Die Arbeitshilfe sensibilisiert für die Gleichstellungsrelevanz von gesetzlichen Regelungen und unterstützt die Analyse der Gleichstellungswirkungen eines Gesetzes anhand von einfachen Prüffragen. Bislang wird die Arbeitshilfe jedoch nur selten angewendet und Gender-Mainstreaming in der Gesetzgebung häufig auf eine sprachliche Gleichbehandlung reduziert. Ziel sollte es sein, das Wissen der Beschäftigten um Geschlechterverhältnisse zu stärken und die Relevanz einer gleichstellungsorientierten Folgenabschätzung zu verdeutlichen, um die Akzeptanz für Gender-Mainstreaming und die Umsetzung von § 2 GGO in der Verwaltung zu steigern.

Auch in anderen Ländern, z. B. Großbritannien, die Niederlande, Kanada und Österreich, und einigen Landesverwaltungen wurden Instrumente für eine gleichstellungsorientierte Gesetzesfolgenabschätzung entwickelt. In Österreich ist die Verknüpfung von Gesetzesfolgenabschätzung und Gender-Mainstreaming seit 2008 in der Bundesverfassung geregelt (vgl. Link auf den Internetseiten des GenderKompetenzZentrums; Mückenberger u. a. 2008; Beveridge u. a. 2002)

Auf europäischer Ebene ist die so genannte integrierte Folgenabschätzung seit 2005 als Standardverfahren bei allen europäischen Gesetzgebungsvorhaben und wichtigen politischen Vorhaben anzuwenden. Die Analyse der sozialen bzw. gesellschaftlichen Auswirkungen umfasst auch die Analyse geschlechtsbezogener Wirkungen (European Commission 2005).

2. Inhalte für Fortbildungen mit integrierter Gender-Perspektive

Die Förderung der Gleichstellung als Aspekt der Gesetzesfolgenabschätzung sollte die konkrete Umsetzung von Gender-Mainstreaming in der Gesetzesfolgenabschätzung thematisieren. Zum anderen sollte die Relevanz einer geschlechterdifferenzierten Perspektive für die Rechtssetzung verdeutlicht werden. Diese Themen können in die Seminarinhalte (Grundlagen: Anforderungen der GGO, Kriterien der Abschätzung, Instrumente der GFA, Internationale Erfahrungen, Praxisbeispiele) integriert werden.

Beispielsweise kann § 2 GGO (Gleichstellung von Frauen und Männern) in die Darstellung der Anforderungen der GGO an Gesetzesfolgenabschätzung einbezogen werden. Dabei ist auf die verbindliche Prüfung der Gleichstellungswirkungen hinzuweisen. Die Verbindlichkeit kann auch anhand der Verfassung oder über europäische Vorgaben erläutert werden.

Bei der Erläuterung der Prüfkriterien einer Gesetzesfolgenabschätzung ist zu verdeutlichen, dass eine gleichstellungsorientierte Gesetzesfolgenabschätzung bedeutet:

- die Berücksichtigung der unterschiedlichen Lebenslagen von Frauen und Männern bei der System- und Problemanalyse sowie bei der Analyse der Folgen und Nebenwirkungen der geplanten oder in Kraft getretenen Regelung(-soptionen); dabei sind z. B. auch die finanziellen Be- und Entlastungen von Frauen und Männern zu ermitteln;
- die Einbeziehung der Gleichstellung von Frauen und Männern als verbindliche Zielvorgabe bzw. als Maßstab für die Bewertung verschiedener Regelungsoptionen.

Im Rahmen der Vorstellung von Instrumenten der Gesetzesfolgenabschätzung ist zumindest auf die Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“ hinzuweisen (BMFSFJ 2007). Sinnvoller ist allerdings eine integrierte Prüfung und Bewertung gleichstellungsbezogener Wirkungen in einer Arbeitshilfe. In der Arbeitshilfe vom Bundesministerium des Inneren (BMI 2009) werden gleichstellungsrelevante Wirkungen nur sehr allgemein als soziale Folgen und Risiken erfasst (siehe Anlage zur Arbeitshilfe GFA – Fragenkatalog, S. 6ff.). Die unten genannten Beispiele für gleichstellungssensible Gesetzesfolgenabschätzungen zeigen jedoch, dass auch die ökonomischen und ökologischen Folgen und Risiken gleichstellungsrelevant sein können. Mangels einer integrierten Arbeitshilfe können Gleichstellungsaspekte in einer Fortbildung aber in den Prüfungsschritten der Arbeitshilfe des Bundesministerium des Innern (BMI) erläutert und

diskutiert werden. Ein Verweis auf die Zuständigkeit des BMFSFJ genügt nicht, denn die Verantwortung für die Prüfung der gleichstellungspolitischen Auswirkungen liegt bei den fachlich zuständigen Ressorts. Die Prüfung der gleichstellungsrelevanten Wirkungen ist im Gesetzesentwurf zu dokumentieren.

Schritt 1 Analyse des Regelungsfeldes: Problem- und Systemanalyse

Sensibilisierung für eine mögliche unterschiedliche Betroffenheit von Frauen und Männern und deren Ursachen im Regelungsbereich, z. B. unterschiedliche Verteilung von Ressourcen (Geld, Bildung, Zeit, Gesundheit, Mobilität etc.) oder geschlechtsbezogene gesellschaftliche Normen

Schritt 2 Zielbeschreibung

Berücksichtigung von Gleichstellung als implizite oder explizite Zielsetzung, z. B. durch eine geschlechterdifferenzierte Darstellung der Zielgruppen und der angestrebten Wirkungen auf die Adressaten und Adressatinnen der Regelung und durch konkrete gleichstellungssensible Zielvorgaben

Schritt 3 Entwicklung von Regelungsalternativen

Entwicklung von gleichstellungsorientierten Regelungsalternativen, Berücksichtigung von gleichstellungssensibler Forschung und Literatur, Einbeziehung von Experten und Expertinnen und Interessenverbänden aus dem Gleichstellungsbereich

Schritt 4 Prüfung und Bewertung der Regelungsalternativen:

Integrierte Analyse der Folgen und Nebenwirkungen der Regelungsalternativen im Hinblick auf die Lebenslagen von Frauen und Männern, Berücksichtigung möglicher unterschiedlicher Präferenzen von Frauen und Männern, Verwendung geschlechterdifferenzierter Statistiken, Gewährleistung einer ausgewogenen Partizipation von Frauen und Männern bei Konsultationsverfahren

Schritt 5 Ergebnisdokumentation

Berücksichtigung der gleichstellungsrelevanten Wirkungen in der Darstellung der Ergebnisse

Es ist wichtig, immer wieder auf die Einbeziehung einer geschlechterdifferenzierten Perspektive hinzuweisen. Bereits die Verwendung männlicher und weiblicher Sprachformen sensibilisiert für mögliche Unterschiede der Auswirkungen von Gesetzen und anderen Rechtsvorschriften.

Häufig wird gegen die Einbeziehung von Gender-Mainstreaming eingewandt, dass nur wenige Gesetze oder Maßnahmen gleichstellungsrelevant sind. Auch in der Begründung von Gesetzesentwürfen findet sich bislang unter den Angaben zu gleichstellungspolitischen Wirkungen überwiegend die Formulierung, dass Auswirkungen auf die Gleichstellung nicht erkennbar sind. Durch die beispielhafte Darstellung bzw. Diskussion geschlechtsbezo-

gener Differenzen in Praxisbeispielen kann die Relevanz einer geschlechterdifferenzierten Gesetzesfolgenabschätzung und die Bedeutung von Geschlecht bzw. „Gender“ als gesellschaftliches Strukturmerkmal verdeutlicht werden.

Beispielsweise sind in der Bundesverwaltung seit der Einführung von Gender-Mainstreaming in verschiedenen Politikfeldern Gesetzesfolgenabschätzungen durchgeführt worden, die eine Gleichstellungsperspektive integriert haben. Beispiele für prospektive Gesetzesfolgenabschätzungen sind das Altenhilfestrukturegesetz (BMI 2002) und die Novellierung der Strahlenschutzverordnung (Hayn/Schultz 2002). Beispiele für retrospektive Gesetzesfolgenabschätzungen sind die Evaluation der Gesetze Hartz I bis III (RWI/ISG 2006), das zweite Familienförderungsgesetz (Mückenberger u. a. 2008) und die laufende Evaluation der Umsetzung von Hartz IV im SGB II (Wagner 2008). Auch andere Länder, z. B. die Niederlande und Österreich, haben entsprechende Gesetzesfolgenschätzungen durchgeführt (vgl. Mückenberger u. a. 2008, S. 237ff.)²⁵.

²⁵ Hinweise zu gleichstellungsrelevanten Aspekten verschiedener Sachgebiete und Handlungsfelder finden sich auf den Internetseiten des GenderKompetenzZentrums.

Beispiel 1: Strahlenschutzverordnung

Exemplarische Anwendung des für den Umweltbereich entwickelten Instrumentes für eine gleichstellungsorientierte Folgenabschätzung (Gender Impact Assessment) anhand der Novellierung der Strahlenschutzverordnung (StrSchV)

Die Novellierung der StrSchV beinhaltet u. a. die Festsetzung von neuen Strahlenschutzgrenzwerten und die Einführung eines differenzierten Schutzkonzeptes für den Zugang zum Kontrollbereich. Zielgruppe der Regelungen sind beruflich strahlenexponierte Personen, d. h. Frauen und Männer aus dem Bereich der Forschung, medizinisches Personal, Personal kerntechnischer Anlagen und Flugpersonal. Wie in der Arbeitshilfe zu § 2 GGO wurde ermittelt, inwieweit sich die in der StrSchV neu zu regelnden Maßnahmen unmittelbar oder mittelbar unterschiedlich auf Frauen und Männer auswirken.

Mit Hilfe einer Recherche bei Personen in strahlenexponierten Berufen und Verbänden wurde u. a. untersucht, welche Wirkungen die Neuregelungen auf die Gesundheit von Frauen, Männern sowie ungeborenes Leben und welche Wirkungen sie auf die Berufssituation von Frauen und Männern in strahlenexponierten Berufen haben. Die Prüfung kommt zu dem Ergebnis, dass die Neuregelungen sowohl umweltpolitisch als auch gleichstellungspolitisch positiv zu bewerten sind. Das neue Schutzkonzept ermöglicht schwangeren Frauen, wenig strahlenbelastete Arbeitsplätze beizubehalten und eröffnet Frauen so die Möglichkeit, auf hoch qualifizierten Arbeitsplätzen zu bleiben. Die unterschiedlichen Grenzwerte für Frauen und Männer sind durch den Stand der medizinischen Forschung begründet, die eine unterschiedliche Aufnahme von radioaktiven Giften in Ovarien und Gebärmutter einerseits und in Spermien andererseits nachweist.

Zudem wurden Verbesserungsmöglichkeiten deutlich, die untergesetzliche Regelungen betreffen, z. B. das Informationsbedürfnis von betroffenen Frauen sowie der Strahlenschutzbeauftragten, dem durch eine Informationsbroschüre Rechnung getragen wurde (vgl. Hayn/Schultz 2002).

Beispiel 2: Auswirkungen der österreichischen Steuerreform 2004/2005

In Österreich werden seit einigen Jahren die geschlechtsbezogenen Auswirkungen der Einkommensbesteuerung untersucht. Mit den Steuerreformen 2004/2005 wurden u. a. die Tarife der Einkommensteuer gesenkt, Kinderzuschläge zum Absetzbetrag für Alleinverdienende und Alleinerziehende eingeführt und die Pendlerpauschale erhöht. Zielgruppe der Regelung sind alle lohn- und einkommensteuerpflichtigen Personen.

Die Auswirkungen auf Frauen und Männer wurden auf der Basis der Lohnsteuerstatistik 2003 unter Berücksichtigung der veranlagten Einkommensteuerpflichtigen ermittelt.

Die Veränderungen der Tarifsenkungen wurden in % der Bruttobezüge bewertet, weil diese dem steuerrechtlichen Prinzip der Leistungsfähigkeit entspricht. Die Auswertung zeigt, dass Männer zwar in absoluten Beträgen von der Tarifsenkung profitieren, in % der Bruttobezüge hat die Tarifreform tendenziell jedoch Frauen besser gestellt. Die Auswertung der Steuerreform 2009 auf der Grundlage der Lohnsteuerstatistik 2007 zeigt ähnliche Ergebnisse (Gierlinger 2009).

	Arbeitnehmende		Rentner und Rentnerinnen	
	Männer	Frauen	Männer	Frauen
Lohnsteuerstatistik 2003				
Anzahl	2.025.032	1.670.395	923.092	1.163.785
Bruttobezüge (Mio. €)	59.313	29.921	18.210	14.453
Lohnsteuer (Mio. €)	10.112	3.453	2.877	1.449
Lohnsteuersenkung 2003–2005				
in Mio. €	568	407	254	188
Pro Kopf (in € p. a.)	281	243	275	188
In % der Bruttobezüge 2003	1,0%	1,4%	1,4%	1,3%
In % der Lohnsteuer 2003	5,6%	11,8%	8,8%	13,0%

Demgegenüber kommen die Kinderzuschläge (200 Mio. €) zu etwa 2/3 Männern zugute, weil zwar fast alle Alleinerziehenden Frauen sind, jedoch bei den Alleinverdienenden Männer überwiegen. Auch die Anhebung der Zuverdienstgrenze (30 Mio. €) fällt daher stärker zu Gunsten von Männern aus. Ebenfalls relativ stärker profitieren Männer von der Erhöhung der Pendlerpauschalen (20 Mio. €) (vgl. BMF Österreich o. A.).

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitung-fang	4 Seminarstunden
Ziele	Die Teilnehmenden lernen die Arbeitshilfe kennen und verstehen die Relevanz einer geschlechterdifferenzierten Gesetzesfolgenabschätzung in verschiedenen Handlungsfeldern.
Inhalte und Unterthe-men	<p>Die Einheit führt in die Arbeitshilfe des BMFSJF zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“ und deren Anwendung ein. Die gleichstellungsorientierten Wirkungen sind bei der Erarbeitung eines Gesetzesentwurfes nach § 2 GGO verbindlich zu prüfen. Die Ergebnisse sind der Gesetzesbegründung darzustellen.</p> <p>Anknüpfend an die Prüffragen der Arbeitshilfe werden anhand von Praxisbeispielen aus der Bundesgesetzgebung die unterschiedlichen Lebenslagen von Frauen und Männern verdeutlicht. Dabei wird insbesondere auf die Dimensionen Repräsentation von Frauen und Männern (z. B. Beteiligung an Entscheidungsprozessen, Anteil an Teilzeitarbeitenden), Verteilung von Ressourcen (z. B. Geld, Zeit, soziale Sicherung) und gesellschaftliche Normen und Werte (z. B. stereotype Rollenzuweisungen) eingegangen. Geschlecht wird dabei im Kontext von anderen gesellschaftlichen Strukturmerkmalen, wie z. B. Alter, soziale oder ethnische Herkunft erläutert.</p> <p>Die Einheit konkretisiert zudem Gleichstellungsziele und Gleichstellung als Bewertungsmaßstab in der Gesetzesfolgenabschätzung.</p> <p>Um die Relevanz einer geschlechterdifferenzierten Perspektive in der Gesetzesfolgenabschätzung zu verdeutlichen, werden konkrete Gesetzgebungsvorhaben aus verschiedenen Handlungsbereichen bearbeitet. Damit wird zum einen die Gender-Kompetenz der Teilnehmenden gestärkt, zum anderen die Akzeptanz von Gender-Mainstreaming in der Bundesverwaltung und die Umsetzung von § 2 GGO gefördert. Die beispielhafte Anwendung verdeutlicht zudem die Notwendigkeit von geschlechterdifferenzierten Daten. Je nach Zusammensetzung und Anzahl der Teilnehmenden können verschiedene Gesetzesvorhaben ausgewählt und bearbeitet werden. Die Gesetzesvorhaben sollten die Handlungsfelder der Teilnehmenden widerspiegeln. Es können auch aktuelle Gesetzesvorhaben verwendet werden, die im Vorfeld bei den Teilnehmenden abgefragt worden sind.</p>
Thema Einheit 1	Einführung in die Arbeitshilfe Rechtssetzung
Ziel	Die Teilnehmenden kennen die Arbeitshilfe Rechtssetzung und verstehen Geschlecht als gesellschaftliches Strukturmerkmal.

Thema	Anwendung der Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“
Fortsetzung	
Methodisches Vorgehen	<p>1. Einführender Vortrag Vorstellung der Arbeitshilfe – Erläuterung der konkreten Anwendung anhand von Praxisbeispielen Arbeitsmaterial: BMFSFJ 2007: Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“</p> <p>2. Arbeit in Zweiergruppen (Murmelgruppen) Diskussion von Verständnisfragen, Austausch zu Problemen bei der Anwendung der Arbeitshilfe im Arbeitsfeld der Teilnehmenden</p> <p>3. Plenum Diskussion offen gebliebener Fragen</p>
Thema Einheit 2	Analyse der Gleichstellungswirkungen von Gesetzen anhand von konkreten Fallbeispielen
Ziel	Die Teilnehmenden verstehen die Relevanz einer gleichstellungsorientierten Gesetzesfolgenabschätzung in verschiedenen Handlungsfeldern.
Methodisches Vorgehen	<p>1. Kurzvortrag Einführung in die Kleingruppenarbeit und Erläuterung des Arbeitsmaterials</p> <p>2. Kleingruppenarbeit Anwendung der Arbeitshilfe zu § 2 GGO auf praxisrelevante Gesetzgebungsvorhaben</p> <p>Arbeitsmaterial: z. B. aktuelle Gesetzesentwürfe oder andere Rechtsvorschriften aus den Sachgebieten der Teilnehmenden</p> <p>Um die Arbeit in den Kleingruppen zu erleichtern, bietet es sich an, ein vereinfachtes Arbeitsblatt zu entwerfen, das nur die wichtigsten Fragen enthält. Dabei kann die Aufgabe der Kleingruppen z. B. auf die Relevanzprüfung der Arbeitshilfe zu § 2 GGO beschränkt werden. Hier wird zunächst nur geprüft, inwieweit sich die Maßnahmen eines Gesetzes oder einer Rechtsvorschrift unmittelbar oder mittelbar auf Frauen und Männer auswirken. Wichtig ist es, für die Ermittlung der Auswirkungen auf verschiedene Lebensbereiche hinzuweisen, z. B. Erwerbsleben, Freizeit, Mobilität, Familie etc.</p> <p>In der Arbeitshilfe zu § 2 GGO sind unter 4.4. Beispielfragen zu Gleichstellungswirkungen aufgeführt. Unterstützend können für die Analyse der (unterschiedlichen) Betroffenheit von Frauen und Männern die Prüfungspunkte der in Schweden entwickelten 3-R-Methode (Sellach u. a. 2003) herangezogen werden:</p> <ul style="list-style-type: none"> ■ Repräsentation: Anzahl von Frauen und Männern (ggf. differenziert nach Alter, Migrationshintergrund, Behinderung etc.) ■ Ressourcen: Verteilung von und Zugang zu Geld, Zeit, Raum, Gesundheit, Verkehrsmitteln, Dienstleistungen etc. ■ Realitäten: Woraus resultiert die unterschiedliche Repräsentation und unterschiedliche Verteilung von Ressourcen? (z. B. Rechte, gesellschaftliche Werte und Normen etc.).

Thema	Anwendung der Arbeitshilfe zu § 2 GGO: „Gender-Mainstreaming bei der Vorbereitung von Rechtsvorschriften“
Fortsetzung	
Methodisches Vorgehen	<p>Das Arbeitsblatt kann sich auch an den in Rheinland-Pfalz entwickelten Prüfkriterien zum Gender-Mainstreaming (Landtag Rheinland Pfalz 2003) oder der in Sachsen-Anhalt erarbeiteten Checkliste zur Anwendung von Gender-Mainstreaming bei Kabinettvorlagen (MJ Sachsen Anhalt o. A.) orientieren.</p> <p>3. Plenum Vorstellung und Diskussion der Ergebnisse aus den Kleingruppen</p> <p>4. Gruppendiskussion Diskussion von Problemen und Widerständen in der Verwaltung im Hinblick auf die Anwendung der Arbeitshilfe bei Gesetzesfolgenabschätzungen unter Gender-Gesichtspunkten</p> <p>5. Abschlussrunde im Plenum Zusammenfassende Diskussion</p>

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5.2 Personenbezogene Fortbildungen

Fachbezogene Konzepte für Fortbildungen am Beispiel „Kommunizieren und kooperieren“

Experten: Ralf Lange, Andreas Baumgärtner

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Kommunikationsmodelle: Bewusst kommunizieren und alle Ausdrucksmittel nutzen
- | Gesprächsführung in der Praxis
- | Teamarbeit und Kooperation

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Gender-bewusst kommunizieren und den körpersprachlichen Ausdruck reflektieren

4. Literatur

Das viertägige Seminar „Kommunizieren und Kooperieren“ richtet sich an Angehörige des mittleren und einfachen Dienstes. Die Teilnehmenden sollen mit dieser Fortbildung grundlegende Einblicke in die theoretischen Grundlagen von Kommunikation gewinnen und ihre Fähigkeiten steigern, genau zuzuhören und sich konstruktiv in den Kommunikationsprozess einzuschalten. Darüber hinaus sollen Kommunikationsstörungen im Arbeitsalltag und Methoden zu ihrer Vermeidung erlernt werden.

Im Kontext des Verwaltungshandelns soll es zugleich darum gehen, den teilnehmenden Frauen und Männern erweiterte Handlungsmöglichkeiten jenseits stereotyper Zuschreibungen an die Geschlechter zu eröffnen.

1. Gender-bezogenes Fachwissen

Beim Thema „Gender und Kommunikation“ geht es um die Beschäftigung mit der Frage, wie verschiedene Kommunikationsmuster entstehen, inwieweit der jeweilige Kontext – auch im Sinne von Status- und Machtfragen – und die jeweilige Situation auf das Kommunikationsverhalten von Frauen und Männern wirken. Es geht dabei nicht um zugeschriebene „Besonderheiten“ oder „geschlechtsspezifische“ Kommunikation. Diese häufig benutzten Formulierungen unterstellen spezifische Kommunikationsmuster von Männern und Frauen. Da aus systemtheoretischer Perspektive die Kontextabhängigkeit kommunikativer Prozesse von zentraler Bedeutung ist, bietet sich das Thema „Kommunikation und Kooperation“ für die Thematisierung geschlechterbezogener Fragestellungen besonders an.

Geschlechterbezogene Zuschreibungen spielen in der täglichen Interaktion und Kommunikation eine bedeutsame Rolle. Im täglichen Miteinander werden Geschlechterverhältnisse als Machtverhältnisse inszeniert. In einem Gremium beispielsweise kann sich dies darin

ausdrücken, wer etwas sagt, wie das Gesagte ankommt, wer Aufmerksamkeit bekommt, wie das Gesagte bewertet wird (vgl. Goffman 1994). Durch diesen permanenten Prozess des „doing gender“, der geschlechterbezogenen Zuschreibung in der Kommunikation, werden immer wieder Stereotype über Frauen und Männer bekräftigt (vgl. Mühlen-Achs 1998). In der Wahrnehmung von Männlichkeit und Weiblichkeit und den damit zusammenhängenden Rollenerwartungen und Deutungsmustern in Bezug auf die Geschlechter liegen wichtige Ausgangspunkte für die gender-sensible Bearbeitung des Themas.

Menschliche Wahrnehmung und Kommunikation sind geprägt durch Vorerfahrungen, die mitunter auch behindernd wirken können. Benachteiligungen von Frauen etwa werden im beruflichen Alltagshandeln über Sprache und Körpersprache vermittelt. So können beispielsweise unterschiedliche Vorlieben, Gewohnheiten und Zuschreibungen durch Frauen und Männer dazu beitragen, dass es falsche und diskriminierende Einschätzungen zur Fachlichkeit und zur Leistungsfähigkeit von Frauen und Männern in bestimmten Kontexten gibt. Die Kenntnis dieser geschlechterbezogenen Zuschreibungen und Vorurteile ermöglichen es allen Organisationsmitgliedern, insbesondere den Führungskräften, Benachteiligungen und Diskriminierungen zu verhindern und zur Förderung der Chancengleichheit von Frauen und Männern beizutragen.

Unterschiedliche Kommunikationsmuster stehen sich im Alltag nicht gleichberechtigt gegenüber. Ein Status und Kompetenz anzeigendes Muster, das z. B. Deborah Tannen (1993) als männlich konnotierte Sprechweise bezeichnet, dominiert derzeit noch weite Teile des wirtschaftlichen und öffentlichen Lebens. Bindungsorientierte Kommunikationsweisen, die die Autorin als weiblich konnotiertes Muster bezeichnet, finden sich häufig im familiären und privaten Bereich. Gleichwohl werden auch in bestimmten beruflichen Kontexten die geforderten sozialen und kommunikativen Kompetenzen zunehmend wichtig, so dass auch viele Männer immer häufiger die Möglichkeiten und Vorzüge einer bindungsorientierten Kommunikation für sich entdecken. Frauen in höheren Leitungspositionen sehen sich auf der anderen Seite häufig mit der Erwartung konfrontiert, Status und Kompetenz anzeigende Kommunikationsmuster zu zeigen, um sich auf diese Weise Akzeptanz und Geltungsmacht im Kreise der überwiegend männlichen Kollegen verschaffen zu können.

Damit werden Tendenzen und mehrheitlich auftretende Verhaltensmuster beschrieben. Es gibt viele Frauen und Männer, die diese Kommunikationsmuster anwenden bzw. insbesondere in schwierigen Situationen darauf zurückgreifen. Zugleich gibt es viele Frauen und Männer, die durchaus unterschiedlichen Kommunikationsmuster anwenden und dabei auf die spezifischen Anforderungen des jeweiligen Kontextes reagieren.

In der alltäglichen Kommunikation und Wahrnehmung werden geschlechterbezogene Unterscheidungen vorgenommen und zwar – dies ist besonders wichtig – abhängig von sozialen Situationen mit unterschiedlichen Erwartungen an Frauen und Männer. Dabei spielen insbesondere häufig unbewusste Darstellungsweisen von Frauen und Männern und eine Reihe von Stilphänomenen (z. B. Kleidung, Haare, Bewegungen, Sprache usw.) eine herausragende Rolle. Demnach sind kommunikative Stile und die damit verbundenen Symbolisierungen und Zuschreibungsmuster entlang der Unterscheidung männlich – weiblich Ausdruck einer kulturellen Praxis, die in den jeweiligen Kontexten „üblich“ ist. Erving Goffman (1994) betont ähnlich wie die Kommunikationswissenschaftlerin Helga Kotthoff (2002), dass kulturell und sozial hervorgebrachte Geschlechter(rollen) institutionalisiert

hervorgebracht werden, so dass sich die tradierten Merkmale des Männlichen und Weiblichen herausbilden und ein „Arrangement der Geschlechter“ entsteht, das auf der differenzierten Inszenierung von Weiblichkeit(en) und Männlichkeit(en) basiert.

Zugleich gibt es zur Identitätsbildung durchaus einen gewissen Spielraum, der den Menschen in den jeweiligen Kontexten zugebilligt wird. Der kulturelle und gesellschaftliche Wandel ermöglicht den modernen Menschen, vielfältige Formen der Selbstinszenierung als Frauen und Männer jenseits stereotyper Deutungsmuster vorzunehmen. Normalitätsstandards verändern sich permanent und zugleich fordert die tägliche Begegnung mit unseren Mitmenschen einen ständigen Prozess der wechselseitigen Inszenierungen als Frauen und Männer, was nicht selten zu Irritationen, Spannungen, Missverständnissen, Konflikten und Krisen im Geschlechterverhältnis beitragen kann. Dies kann auch beinhalten, dass die Wirksamkeit geschlechterbezogener Stereotype in bestimmten Kontexten an Bedeutung verliert: Tiefere Stimmlagen bei Frauen, die in der Öffentlichkeit als Expertinnen auftreten, das insgesamt gewachsene Durchsetzungsvermögen vieler Frauen in Gruppensituationen oder auch die in vielen sozialen Milieus gesunkene Bedeutung von Geschlechteretikette (Höflichkeitsformen, tradierte Stilmittel im Umgang zwischen Frauen und Männern) sind Beispiele für solche Relevanzverschiebungen. Dies alles sind Indizien für gesellschaftliche Veränderungen, die wiederum zu einer verstärkten Gleichstellung in unserer Gesellschaft beitragen können.

Gleichwohl lassen sich noch immer im täglichen Miteinander von Frauen und Männern Machtungleichgewichte finden, die wiederum auf den tradierten und als „normal“ empfundenen Verhaltensmustern von Frauen und Männern basieren (vgl. West/Zimmermann 1987). Diese differenzierenden Muster und die damit verbundenen stilistischen Präferenzen sind Folge und Ausdruck unterschiedlicher Umfeldbedingungen von sozialen Interaktionen. Sie müssen allerdings nicht in jedem Kontext ausagiert werden. Das bedeutet, dass die meisten Menschen über eine Vielfalt von stilistischen und habituellen Ausdrucksformen verfügen, die sie je nach Erfordernissen einer Situation und eines Kontextes einsetzen. Dies kann auch bedeuten, dass es in bestimmten Situationen zu einer situativen Neutralisierung der Geschlechterdifferenz kommen kann – ein Prozess, den Hirschauer (1994) mit „undoing gender“ bezeichnet hat. Der einfühlsame und ganz selbstverständliche Umgang vieler Väter mit ihren kleinen Kindern z. B. in der Elternzeit eröffnet die Lernchance, neue Verhaltensdimensionen zu entdecken, die traditionell nicht unbedingt den Männern bzw. Vätern zugeschrieben werden.

Zugleich erinnern uns massenmedial inszenierte Idealbilder von Männlichkeit und Weiblichkeit daran, wie wirksam und mächtig diese Traditionen und Vorurteile sind. Die permanente Produktion von häufig sehr eindimensionalen Männer- und Frauenbildern in den Medien erschwert die Neugestaltung von Weiblichkeit und Männlichkeit. Kotthoff (2002) vermutet mit Blick auf die außerordentliche Wirksamkeit der massenmedialen Bildproduktion, dass diese Inszenierungen von Weiblichkeit(en) und Männlichkeit(en) zu den bedeutendsten konservativen Faktoren im Erhalt einer asymmetrisch konstruierten Geschlechterordnung zu zählen sind. Gender ist in erster Linie als eine soziale und kulturelle Kategorie wirksam und die personale Ebene der Selbststilisierung und des Identitätsmanagements ist vor diesem Hintergrund häufig sekundär.

Ein wesentlicher Bestandteil der alltäglichen Inszenierung und Kommunikation in Geschlechterverhältnissen ist der Einsatz körpersprachlicher bzw. nonverbaler Mittel. Körpersprachliche Informationen werden häufig nicht bewusst wahrgenommen. Unbewusst versuchen wir uns gleichwohl durch unsere Beobachtungen von Körperhaltung, Gestik, Mimik usw. ein Bild von unseren Mitmenschen zu machen. So können wir in verschiedenen Situationen wahrnehmen, wie der Körper zur Demonstration von Überlegenheit eingesetzt wird, wenn z. B. raumgreifende Haltungen eingenommen werden, Gesten der Dominanz durch Hände, Blicke oder Armbewegungen genutzt werden, oder wenn durch entsprechende Mimik ein Herrschaftsanspruch begründet werden soll (vgl. Wex 1983; Mühlen-Achs 1998). Auf der anderen Seite kann ein anderer körpersprachlicher Ausdruck Bindung, Kontakt und Nähe herstellen, der für gelingende Kommunikation von entscheidender Bedeutung ist (weniger raumgreifende Gesten und Haltungen, zurückhaltende Selbstdarstellung). Allerdings besteht hier nicht selten die Gefahr, dass körpersprachliche Elemente wie z. B. ein charmantes Lächeln, ein Augenaufschlag bzw. Blick oder eine bestimmte Geste als Ausdruck von fehlender Autorität und Unterwerfung interpretiert werden.

Zwischenmenschliche Kommunikation ist zum einen kontextabhängig und zum anderen biographisch und kulturell geprägt. Zugleich wirkt Kommunikation identitätsbildend. Insofern bietet die Reflexion kommunikativer Prozesse eine gute Folie, die Existenz, Genese und Wirkung von Bildern, Werten und Rollenerwartungen auch in Bezug auf das soziale Geschlecht zu thematisieren (vgl. Mühlen-Achs 1998; Kotthoff 2002; Tannen 1993; Goffman 1994). Hiermit könnte ein individueller und institutioneller Entwicklungsprozess unterstützt werden, um von stereotypen und häufig hierarchisierenden Zuschreibungen entlang der Geschlechtergrenze zur Würdigung von Vielfalt zu gelangen.

2. Inhalte für Fortbildungen mit einer integrierter Gender-Perspektive

Im Mittelpunkt stehen Modelle und Konzepte der Wahrnehmung und der zwischenmenschlichen Kommunikation. Sowohl die verbale als auch die nonverbale Ebene von Kommunikation werden thematisiert. Techniken der Gesprächsführung im Kontext des jeweiligen Arbeitsumfeldes sowie die Grundlagen einer wirkungsvollen Zusammenarbeit in einer Gruppe bzw. einem Team werden reflektiert. Phasen und Methoden von Teamarbeit sowie die damit verbundene Gruppendynamik spielen eine Rolle. Ein wichtiges Querschnittsthema sind die gender-bezogenen Aspekte der Kommunikation.

I Kommunikationsmodelle: Bewusst kommunizieren und alle Ausdrucksmittel nutzen

Neben einer Darstellung und Reflexion des ersten Axioms nach Paul Watzlawick „Man kann nicht nicht kommunizieren“ (2000) stehen Erfolgsfaktoren von Kommunikation wie z. B. „Sicherheitsdistanz“, Sprechtechnik, Stimmigkeit sowie die Bedeutung und die Ebenen der Körpersprache (Blickkontakt, Mimik, Gestik, Körperhaltung) im Mittelpunkt des Themas. Mit Blick auf das Thema Sprechtechnik sind Aspekte wie Lautstärke, Stimmlage, Sprechtempo, Pausen, Betonungen, Aussprache und Füllwörter von großer Bedeutung. Der körpersprachliche Ausdruck bestimmt maßgeblich die Qualität und die Wirkung zwischenmenschlicher Kommunikation sowie auch das Selbst- und Fremdbild von Frauen und Männern. So können im Lernprozess Themen wie „Selbstbewusstsein“ oder „Mein Bild von

mir“ nicht allein reflektorisch angesprochen werden, sondern über Verfahren der Skulpturierung körpersprachlich präsentiert und erlebbar werden. Hieraus können eine Reihe weiterer Fragen folgen: nach der individuellen und kulturellen Genese dieser Bilder („Lebensgeschichte als Zeit- und Kulturgeschichte“), den Differenzen und Gemeinsamkeiten unter Frauen, unter Männern und zwischen Frauen und Männern in der Lerngruppe. Hierüber ist die Rückkoppelung an die Existenz und Wirkung gesellschaftlicher und kultureller Werte möglich, d. h. auch an Konstruktionsprozesse von Geschlechterverhältnissen, jeweils zurückgekoppelt an individuelles Erleben, Erfahren und Erkennen. Die Fachliteratur bietet Übungen an, die zur Reflexion der Relevanz von Geschlecht im Alltagshandeln beitragen können (vgl. z. B. Mühlen-Achs 1998, S. 127–142; Merz 2001, S. 57–130).

Beispiel:
„Apfelübung“ (Mühlen-Achs 1998, S. 137 ff.)

Bei dieser Übung geht es um die Anwendung verschiedener Strategien, um im Dialog mit einer zweiten Person ein begehrtes Objekt (den Apfel) zu bekommen. Eine Person ist im Besitz dieses Apfels und die andere soll versuchen, ihn zu bekommen. Der Sinn der Übung liegt darin, die wesentlichen Unterschiede zwischen den Strategien im Anschluss daran bewusst zu machen und unter Gender-Gesichtspunkten zu reflektieren. Jede Person ist ein Mal im Besitz des Apfels, d. h. die Übung wird doppelt mit verteilten Rollen absolviert. Als Varianten können Regieanweisungen wie „Den Apfel unbedingt behalten“ oder „Auf gute Argumente wohlwollend eingehen und Entgegenkommen zeigen“ gegeben werden.

Die angewandten Strategien bzw. Vorgehensweisen werden unter den Überschriften Dominanzstrategie („Fordern“, „Drohen“, „Erpressen“), Unterwerfungsstrategie („Bitten“, „Flehen“, „Werben“) und Tauschstrategie („verhandeln“, „geben und nehmen“, „fairer Interessenausgleich“) gesammelt.

Bei der Auswertung der Übung wird geprüft, welche Arten von Strategien für die beteiligten Frauen und Männer erfolgreich bzw. nicht erfolgreich waren. Dabei ist zu ergründen, ob bzw. welche Präferenzen es bei den Teilnehmenden gibt:

- Woher kommen diese ggf. vorhandenen Vorlieben und Gewohnheiten?
- Welche Gefühle und Bedürfnisse stehen bei den beteiligten Personen im Vordergrund?
- Wie weit sind Sie gegangen, um Ihr Ziel zu erreichen?
- Weshalb haben Sie bestimmte strategische Optionen ggf. nicht berücksichtigt?
- Wurden die festgestellten Besitz- bzw. Machtverhältnisse letztlich akzeptiert und respektiert?
- Wurde die Grenze zwischen Kommunikation und Gewalt überschritten?

Dabei geht es darum, Gemeinsamkeiten, aber auch Unterschiede jeweils unter Frauen und unter Männern herauszuarbeiten und auf der Folie gesellschaftlicher Erwartungen und Rollenzuweisungen mit den Teilnehmenden zu reflektieren.

Auf der Basis des Sender-Empfänger-Modells nach Schulz von Thun (1991) kann in einem weiteren Schritt die „Vierseitigkeit“ der Kommunikation herausgearbeitet werden. Jede Mitteilung beinhaltet demnach die Ebenen Sachinformation (worüber ich informiere), Selbstkundgabe (was ich von mir zu erkennen gebe), Beziehungshinweis (was ich von Dir

halte und wie ich zu Dir stehe) und Appell (was ich bei Dir erreichen möchte). D. h., wenn wir miteinander reden, werden wir auf vierfache Weise wirksam bzw. erleben, dass unsere Mitmenschen nur auf einer Ebene reagieren und die anderen Ebenen ignorieren bzw. nachrangig behandeln. Dies kann zu erheblichen Missverständnissen beitragen und starken Einfluss auf die Entwicklung von Strukturen und Prozessen in Geschlechterverhältnissen nehmen.

Als ein bekanntes Beispiel mag der Einsatz und die Reflexion des Sketches von Lorient („Herta, das Ei ist hart!“) dabei zur humorvollen Einübung des Vier-Ebenen-Modells und dessen gender-bewusster Reflexion dienen. In der Szene spricht ein Paar am Frühstückstisch über die Güte des Frühstückseis und eine Verständigung zwischen ihnen scheitert ständig.

Ein ähnlich konzipiertes Beispiel stellt folgender Dialog dar, bei dem aber die Zuständigkeiten und Rollen, die Frauen und Männern „traditionell“ zugeschrieben werden, vertauscht sind („Perspektivenwechsel“).

Beispiel für einen Perspektivenwechsel im Vier-Ebenen-Modell

Eine Frau (zunächst Senderin der Nachricht) und ein Mann (zunächst Empfänger) sitzen beim Abendessen.

Die Frau sagt: „Da ist etwas Grünes in der Suppe.“

Der Mann antwortet: „Wenn es dir nicht schmeckt, kannst du ja selber kochen!“

Eine mögliche Interpretation dieser kurzen Situation auf den vier Kommunikationsebenen könnte folgendermaßen lauten:

Senderin (Frau)

- | | |
|-----------------------|-----------------------------|
| 1. Sachebene: | Da ist etwas Grünes. |
| 2. Selbstoffenbarung: | Ich weiß nicht, was es ist. |
| 3. Beziehung: | Du solltest es wissen. |
| 4. Appell: | Sag mir bitte, was es ist! |

Empfänger (Mann)

- | | |
|-----------------------|--|
| 1. Sachebene: | Da ist etwas Grünes. |
| 2. Selbstoffenbarung: | Du weißt nicht, was das Grüne ist, und das bereitet dir Unbehagen. |
| 3. Beziehung: | Sie hält meine Kochkunst für fragwürdig. |
| 4. Appell: | Ich soll künftig nur noch kochen, was sie kennt! |

Anhand eines solchen Beispiels kann in einem Seminar geprüft werden, was sich in der Darstellung und Wahrnehmung verändert bzw. verschiebt, wenn das Geschlecht der beteiligten Personen wechselt. Ein solcher Perspektivenwechsel eröffnet häufig interessante Einblicke in Vorannahmen und Zuschreibungsmuster entlang der Geschlechtergrenze. In einer lebendigen Lernkultur könnten Dialogsequenzen auch eigenständig von Seminarteilnehmenden inszeniert werden, um unmittelbare Eindrücke und Einsichten zur Inszenierung von Geschlecht und Geschlechterverhältnissen in Alltagssituationen gewinnen zu können.

In Fortbildungen zur Kommunikation ist aus didaktischer Sicht eine starke Leitungszentrierung und starre Vorstrukturierung kontraproduktiv. So wichtig es insbesondere in Anfangssituationen von Gruppen- und Lernprozessen ist, klare Orientierung und Struktur zu vermitteln, so sehr besteht in einem derartigen Vorgehen die Gefahr, letztlich bekannte Rollenbilder zu reproduzieren und zu zementieren wie bspw. „der/die wissende Referent/in“ und „die unwissenden Schülerinnen und Schüler“. Gerade im Leistungsverhalten und in den angebotenen Sozialformen aber bietet sich die Möglichkeit, durch (sanfte) Irritation und ein hohes Maß an Rollenflexibilität, neue (Kommunikations-)Formen und Rollenmuster implizit – als Modell lernen – oder explizit – durch Metakommunikation und Transparenz – einzuführen bzw. zumindest zu ermöglichen. Alternativ zur Rolle der „wissenden Lehrkraft“ können Dozentinnen und Dozenten eine Haltung und ein Handeln praktizieren, das die Förderung der Interaktionen und Kommunikation zwischen den Teilnehmenden durch das Zulassen von offenen Fragen und Zweifeln ermöglicht. Das kann so weit gehen, den Vermutungscharakter des eigenen Wissens zuzulassen.

Darüber hinaus sind unterschiedliche Lernzugänge und das Ansprechen unterschiedlicher Lernstile, die keinesfalls 1:1 „den Frauen“ und „den Männern“ zuzuordnen sind, zu berücksichtigen. Neben Overhead-Vorträgen und Präsentationen am Flipchart kommen eine Vielzahl anderer methodischer Zugänge zum Einsatz. Dazu gehören u. a. Paargespräche, Triaden, Videoanalyse, Rollenspiel, Gruppenexperiment, Feedbackgespräche. Sie bieten eine Vielzahl von Möglichkeiten zur expliziten Thematisierung von Gender-Aspekten.

Die Leitung sollte im Rahmen einer Fortbildung auch auf die Sprachbilder und Deutungsangebote der Teilnehmenden in Bezug auf eine Gender-Perspektive explizit eingehen. Wenn also beispielsweise die Teilnehmerinnen und Teilnehmer aus einer weiblichen Vorgesetzten in einem Fallbeispiel unmittelbar einen männlichen Vorgesetzten machen und in einem anderen Beispiel zum Vier-Ohren-Modell den Appell, eine Flasche Bier zu holen, sofort einem Mann unterstellen, obwohl im Ausgangsbeispiel der Satz von einer Frau gesprochen wird, ist dies zwingend zu thematisieren und zu reflektieren. In diesen scheinbar unbedeutenden Verschiebungen wird ein ganzes Set von Deutungen und geschlechterbezogenen Zuschreibungen deutlich, die bei expliziter Thematisierung unmittelbar zur Existenz, Genese und Wirkung von Bildern und (Rollen)-Erwartungen in Bezug auf das Geschlecht führen können. Vor dem Hintergrund eines möglichen Leitzieles, Bewusstheit und Rollenflexibilität im Kontext des Verwaltungshandeln, d. h. Vielfalt und Differenz, zu fördern, bieten sich solche geschlechterbezogenen Sprachspiele für eine Reflexion und einen individuellen wie institutionellen Entwicklungsprozess geradezu an.

I Gesprächsführung in der Praxis

Zu Beginn eines Seminars werden durch die Seminarleitung i. d. R. allgemeine Seminarregeln für eine optimale Arbeitsatmosphäre eingeführt. Hierbei werden häufig die Selbstverantwortung der Teilnehmerinnen und Teilnehmer angesprochen und Regeln zum gelingenden Miteinander benannt (z. B. Einhalten der Zeiten, Hinweise zu den Räumlichkeiten). Hier bietet sich an, frühzeitig Vereinbarungen auch auf der Beziehungsebene anzusprechen. Später kann dies einer Reflexion zugeführt werden:

- Wie haben sich hier im Seminar förderliche und hinderliche Kommunikationsmuster zwischen Mann und Frau und/oder auf der Hierarchieebene abgebildet?
- Welche Alternativen sind denk- und realisierbar?

In einer späteren Arbeitsphase können das „Paraphrasieren“ und das „Aktive Zuhören“ als Instrumente der Gesprächsführung vorgestellt und anschließend in einer praktischen Übung erprobt werden. Dabei geht es um die Herstellung einer vertrauensvollen Gesprächsatmosphäre zwischen zwei oder mehr Menschen und die Förderung der Verständigung im Dialog. Vertrauen wächst immer dann, wenn sich unser Gegenüber verstanden fühlt. Dazu müssen wir allerdings zeigen und mit eigenen Worten wiedergeben („paraphrasieren“), was wir von dem verstanden haben, was unser Gegenüber ausgedrückt hat. Die Schlüsseltechnik des „Aktiven Zuhörens“ ist die Einfühlung in die Erlebniswelt unseres Gegenübers: „Welche Gefühle und Bedürfnisse werden bezogen auf den jeweiligen Gesprächsgegenstand geäußert? Was steht für diesen Menschen im Mittelpunkt? Was ändert sich bei mir, wenn ich ein Gegenüber des eigenen bzw. des anderen Geschlechts vor mir habe?“

Aussagen werden in der Regel durch eine Reihe von körpersprachlichen Mitteln unterstrichen, die unserem Gegenüber zeigen sollen, dass wir uns beim Hinhören voll auf ihn bzw. sie konzentrieren: Blickkontakt herstellen und halten; den Körper in Richtung Gesprächspartner/in ausrichten; Gestik und Mimik kontrollieren; Offenheit und Interesse verkörpern; durch Kopfnicken, „hm“, „ja“, „oder andere auch körpersprachliche Signale zum Sprechen ermutigen und Teilhabe ausdrücken. Die beteiligten Frauen und Männer können anhand praktischer Beispiele aus ihrem Berufsalltag diese Techniken einüben. In der Auswertung dieser Übungen sollten Reflexionsfragen bearbeitet werden, die explizit die Relevanz von Geschlecht und Geschlechterverhältnissen prüfen. Als Fragen könnten beispielsweise genutzt werden:

- Wie leicht bzw. schwer fällt es mir als Frau/Mann, empathisch zuzuhören und eine sprachliche Rückkoppelung vorzunehmen?
- Welche körpersprachlichen Vorlieben und Stärken habe ich – was liegt mir nicht so sehr?
- Was bereitet mir Unbehagen – was verschafft mir Sicherheit in diesen Situationen?
- Welche möglichen biographischen Hintergründe spielen dabei eine wichtige Rolle?

Als weiteres Instrument der Gesprächsführung können unterschiedliche Fragetypen (offen, geschlossen, alternativ, suggestiv) und ihre Wirkungen in der zwischenmenschlichen Kommunikation erläutert und als Gesprächstechniken eingeübt werden. Dabei ist entscheidend, die angestrebte Wirkung verschiedener Fragetechniken in einem konkreten Kontext zu bewerten. Durch offene und informatorische Fragen zu einem Sachverhalt (z. B. „Wie beurteilen Sie den Sachverhalt? Was halten Sie von diesem Vorschlag?) werden Meinungen und Argumente transparent gemacht und es entwickeln sich schnell ein persönlicher Kontakt und ein entspanntes Gesprächsklima. Die Antwortspielräume sind vergleichsweise groß und das gemeinsame Nachdenken kann noch durch weiterführende Fragen („Wie würde sich dieser Vorschlag auf den weiteren Planungsprozess auswirken?“) befördert werden. Geschlossene Fragen („Haben Sie den Einwand bereits beantwortet?“), Zweifelsfragen („Sind Sie wirklich sicher, dass dies die beste Lösung ist?“), Gegenfragen („Wie meinen Sie das genau?“) oder Suggestivfragen („Ihnen ist doch auch an einer schnellen Entscheidung gelegen?“) können verunsichernde Wirkung auslösen, drängen die am Gespräch Beteiligten zu einer Bestätigung des eigenen Standpunktes und sind ggf. durch vorherrschende Machtungleichgewichte der beteiligten Personen beeinflusst.

Bei der Vermittlung und Reflexion von Fragetechniken und -typen ist wiederum bedeutsam, welche individuellen Präferenzen die beteiligten Personen in ihren jeweiligen professionellen Kontexten ausgebildet haben und wie gut sich diese Vorlieben, Gewohnheiten und Traditionen bewähren. Dabei sind die Wirkungsmacht und die Wirkungsweise vorherrschender Erwartungen, die sich häufig an Regeln und Ritualen des täglichen Miteinanders erkennen lassen, von größter Bedeutung:

- | Was ist den beteiligten Frauen und Männern erlaubt – was wird sanktioniert?
- | Wer hat die größeren Freiheitsgrade bei der Nutzung bestimmter Frageformen?
- | Welche Interventionen haben in dem jeweiligen Kontext eher die Chance, wirksam zu werden – und welche Auffälligkeiten bezogen auf die Relevanz von Gender-Aspekten sind dabei spürbar?
- | Was erzählt uns dies über die Prinzipien, Normen, Werte und Regeln eines organisationalen Kontextes?

| Teamarbeit und Kooperation

Die Möglichkeiten und Grenzen von Teamarbeit und Kooperation lassen sich besonders gut anhand von praktischen Erprobungen und anschließenden Reflexionen vermitteln. Ein in zwei Durchläufen vollzogenes Experiment mit dem Titel „Zeltaufbau“ kann als Ausgangspunkt für das Thema Teamarbeit und Kooperation dienen. Zwei Teams sollen dabei unter Berücksichtigung begrenzter Ressourcen (Zeit, Material, Personen) jeweils ein Zelt aufbauen. Im Fokus der Auswertung steht das Selbsterleben der Gruppenmitglieder bei dieser Übung sowie die leitfadengestützten Rückmeldungen der Beobachter und Beobachterinnen:

- | Wie wird Führung übernommen?
- | Wie werden Entscheidungen getroffen? Wie werden Vorschläge durchgesetzt?
- | Wie werden schwierige Situationen gelöst?

Anschließend werden mit Hilfe einer Stichwortsammlung Aspekte eines guten Teams zusammengetragen und zu Merkmalen erfolgreicher Teams gebündelt (Klima, Leitung, Ziele, Dynamik und Struktur). Fokussiert werden insbesondere das Verhältnis von Leitung und Team sowie die Fähigkeit eines guten Teams, sich in Teilbereichen selbst zu führen.

Gender-Aspekte können sich dabei bereits bei der Struktur und der Rollen- und Aufgabenverteilung eines Teams zeigen:

- | Welche Beteiligungs- und Einflussmöglichkeiten haben Frauen und Männer in der Teamarbeit?
- | Welche Rollen und Aufgaben wird ihnen zugewiesen – und mit welchen Argumenten findet diese Kompetenzzuschreibung statt?
- | Welche Entscheidungsstrukturen werden etabliert und haben Frauen und Männer gleichwertige Anteile an den Prozessen der Entscheidungsfindung?
- | Welche Unterstützungen werden dem Team angeboten – und wer bietet welche Form von Hilfe an?
- | Welche Bewertungskriterien werden wirksam und werden Frauen und Männer im Team in gleicher Weise daran gemessen?

Mit Hilfe eines Fragebogens oder anderer Methoden der Selbstevaluation können Selbst- und Fremdeinschätzung zur Teamfähigkeit z. B. in einer Kleingruppe reflektiert werden. Die Regeln und der Ablauf eines wirkungsvollen Feedbacks im Team sollten illustriert werden und leiten über zu einer ausführlichen Feedbackrunde im Plenum oder in Kleingruppen. Nach dem Zufallsprinzip werden Feedback-Geberinnen und -geber und Feedback-Nehmerinnen und -nehmer bestimmt und zwei Leitfragen formuliert:

- | Welche positiven Seiten haben Sie bei Ihrer Partnerin bzw. Ihrem Partner in den zurückliegenden Seminartagen wahrgenommen?
- | Welche Berufsempfehlung würden Sie ihr bzw. ihm „in einem neuen Leben“ geben?

Die Übung wird anschließend gemeinsam reflektiert. Die Bedeutung von Feedback als „Nahrung“ für die zwischenmenschliche Kommunikation spielt auch für die Konstruktion von Geschlechterverhältnissen eine herausragende Rolle. Spätestens in einer abschließenden Auswertungsrunde sollten Gender-Aspekte durch die Seminarleitung angesprochen bzw. eingeführt werden. Fragen hierzu könnten beispielsweise sein:

- | Was ist mir beim Geben bzw. Empfangen von Rückmeldungen besonders schwer bzw. leicht gefallen?
- | Welchen Einfluss hatte dabei die Tatsache, dass ich mit einem Menschen des gleichen bzw. des anderen Geschlechts zu tun hatte?
- | Was hilft mir als Frau bzw. als Mann bei der Äußerung von Feedback?
- | Was ist ggf. schwierig und möglicherweise tabu?
- | Welche Hintergründe könnten dafür bedeutsam sein (Sozialisation, Kultur, Biographie, Kontext)?

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitung-fang	2,5 Stunden
Ziele	<ul style="list-style-type: none"> Analyse der wesentlichen verbalen und nonverbalen Ausdrucksmittel unter Berücksichtigung geschlechterbezogener Zuschreibungsmuster in ausgewählten Kontexten Reflexion der erlernten Verhaltensmuster, Vorlieben und Reaktionsweisen insbesondere unter Gender-Aspekten (Stärken – Schwächen, Regeln, Rituale vor dem Hintergrund biographischer Erfahrungen usw.) Erweiterung des Spektrums möglicher Verhaltensweisen inkl. Erprobung neuer Interventionstechniken

Thema	Gender-bewusst kommunizieren und den körper-sprachlichen Ausdruck reflektieren
Fortsetzung	
Inhalte	<ul style="list-style-type: none"> Die Bedeutung von Sprache, Sprechweise und Körpersprache für gelingende Kommunikation verstehen und dabei unter Gender-Gesichtspunkten reflektieren Die Relevanz des körpersprachlichen Ausdrucks auf den Ebenen Blickkontakt, Mimik, Gestik, Körperhaltung, Nähe-Distanz, Berührung und Geruch erkennen und vor dem Hintergrund vorhandenen Gender-Wissens reflektieren (vgl. Mühlen-Achs 1998) Sprechtechniken und Sprechweisen erproben, die diesseits und jenseits der persönlichen Vorlieben von Frauen und Männern angesiedelt sind (z. B. Lautstärke, Stimmlage, Sprechtempo, Pausen, Betonung, Aussprache, Füllwörter)
Methodisches Vorgehen	<p>1. Schritt: Thesen zum Zusammenhang von Kommunikation und Geschlecht als inhaltlicher Einstieg (30 Min.)</p> <p>Je nach Teilnehmendengruppe ist es notwendig, mögliches Alltagswissen und Annahmen zu Unterschieden zwischen Frauen und Männer zunächst zu thematisieren, um diese bewusst zu machen. Daran sollte angeknüpft werden, um weitere notwendige Differenzierungen unter Frauen und unter Männern und um soziale Konstruktionsprozesse zu erläutern. Die Gefahr der geschlechterbezogenen Festschreibung durch polarisierende Thesen kann im Anschluss ebenfalls thematisiert werden.</p> <p> siehe Anleitungsblatt 1 „Thesen zu Kommunikation“</p> <p>2. Schritt: Kurz-Vortrag zu wesentlichen Elementen von Kommunikation inkl. Gender-Relevanz des Themas auf den Ebenen Sprache, Sprechweise und Körpersprache (20 Min.)</p> <p> siehe Anleitungsblatt 2: Vortrag „Kommunikation und Geschlecht“</p> <p>3. Schritt: Kleingruppenphase zur Vorbereitung einer Inszenierung alltäglicher Kommunikation zwischen drei Personen (30 Min.)</p> <p> siehe Anleitungsblatt 3 „Alltagskommunikation“</p> <p>4. Schritt: Präsentation der Rollenspiele und Auswertung im Plenum (60 Min.)</p> <p> siehe Anleitungsblatt 3 „Alltagskommunikation“</p> <p>Ein Feedback zu dieser Arbeitseinheit sollte nochmals explizit auf die Gender-Dimension des Themas fokussieren.</p> <p> siehe Anleitungsblatt 4 „Auswertung“</p>
Setting und Materialien	<p>Kleingruppenräume</p> <p>Flipchart und Metaplankarten in zwei verschiedenen Farben für Schritt 1 „Thesen zu Kommunikation“</p>

Anleitungsblatt 1: „Thesen zu Kommunikation“

Für den Einstieg müssen die Thesen inkl. Skalierung auf Flipchart oder MetaPlan-Wand vorbereitet werden. Thesen könnten z. B. folgendermaßen formuliert werden:

- Der körpersprachliche Ausdruck von Frauen und Männern unterscheidet sich sehr stark und befördert die Hierarchisierung in Geschlechterverhältnissen.
- Stimmlage, Lautstärke und Aussprache lassen sofort erkennen, ob eine Frau oder ein Mann spricht. Dies wirkt häufig zum Nachteil für Frauen, weil ihnen pauschal weniger Kompetenz und Leistungsfähigkeit zugeschrieben wird.
- Die Fähigkeit des empathischen Zuhörens und der bindungsorientierten Kommunikation bringt Vorteile für Frauen, wenn es der jeweilige Kontext im Sinne einer Schlüsselkompetenz verlangt.

Die vorbereiteten Thesen werden mittels einer Punktabfrage auf einer Wandzeitung oder mittels einer soziometrischen Aufstellung im Raum von jedem Seminarteilnehmenden bewertet (Skala von +2 bis -2, um Zustimmung oder Ablehnung zu signalisieren). Die entstandenen Meinungsbilder dienen dem Einstieg in das Thema.

Um Differenzen in den Einschätzungen und Bewertungen deutlich zu machen, können die beteiligten Frauen und Männer Punkte mit unterschiedlichen Farben erhalten. Auf diese Weise kann auf einen Blick eine ggf. vorhandene Beurteilungstendenz der beteiligten Frauen und Männer erkennbar werden. Die Interpretation der entstandenen Meinungsbilder kann darauf Bezug nehmen. Zugleich ist einer stereotypen Festschreibung in den Meinungsbildern durch Rückfragen der Leitenden zu begegnen.

Gender-bezogene Reflexionsfragen

Bei der Auswertung der so entstandenen Meinungsbilder können folgende gender-bezogene Reflexionsfragen hilfreich sein:

- Welche Gründe waren für Ihr Votum bedeutsam? Welche Rolle spielten dabei Ihre konkreten Erfahrungen und Erlebnisse im Kontakt mit Männern bzw. Frauen?
- Welche Erfahrungen machen Sie mit stereotypen Zuschreibungen?
- Welche Unterscheidungen machen Sie im Umgang mit Frauen und Männern?
Was erleben Sie als nützlich – was als problematisch?
- Welche Gesprächstechniken bewähren sich in welchen Kontexten gut?

Anleitungsblatt 2: Vortrag „Kommunikation und Geschlecht“

Der Vortrag nimmt eine differenzierte Beschreibung der Ebenen und Ausdrucksmittel Sprache, Sprechweise und Körpersprache in den Blick. Dabei werden Differenzen in der Wahrnehmung, Darstellung und Interpretation des gezeigten Verhaltens im Sinne der Inszenierung von Geschlechtsidentitäten und Geschlechterverhältnissen („doing gender“) thematisiert (siehe Abschnitt 1 Gender-bezogenes Fachwissen).

Hilfreich ist dabei die Rezeption der Fachliteratur zur Körpersprache der Geschlechter und die Integration diverser Abbildungen (Fotos) aus Mühlen-Achs (1998) in einen Foliensatz. Der Vortrag sollte insbesondere die körpersprachlichen Dimensionen mit geeignetem Bildmaterial verdeutlichen. Dazu liegen mit Veröffentlichungen von Mühlen-Achs (1998) und Kotthoff (2002) viele Beispiele vor (z. B. Körperhaltungen, Sitzpositionen, Kopfhaltung, Gestik, Mimik, Hände).

Bei Bedarf kann auch geeignetes Filmmaterial zum Einsatz kommen, um diesen Aspekt weiter zu vertiefen. Baitsch/Steiner (2004) bieten z. B. mit ihrem Buch „Zwei tun das Gleiche. Kommunikation zwischen Frauen und Männern im Berufsalltag“ inkl. DVD eine Fülle praktischer Anschauungsbeispiele für die Relevanz von Gender in beruflichen Alltagssituationen, die als Ausgangspunkt für Lernprozesse in der jeweiligen Seminargruppe dienen können (z. B. „Kriterien für die Personalauswahl“, „Teilzeitarbeit auch für Männer“, „Familie und berufliche Laufbahnplanung“, „Leistung zeigen oder nicht“, „Frauen in Führungspositionen“, „Älter werden und berufliche Anforderungen“, „Führung schwieriger Mitarbeiter und Mitarbeiterinnen“).

Anschließend sollte die Klärung von Fragen zur Präsentation erfolgen:

- Was ist unklar geblieben?
- Welche ergänzenden Informationen benötigen Sie?
- Was haben Sie als nützlich und hilfreich erlebt? Welche neue Erkenntnis bzw. Einsicht ist gewachsen?
- Aber auch: Inwieweit laufen Beispiele etwa aus dem Filmmaterial Gefahr einer erneuten Festschreibung von Geschlechterdifferenz?

Anleitungsblatt 3: „Alltagskommunikation“

3. Schritt: Kleingruppen zur Vorbereitung einer Inszenierung alltäglicher Kommunikation zwischen drei bis vier Personen

Jeweils drei bis vier Personen erhalten die Aufgabe, eine berufliche Alltagssituation spielerisch darzustellen. Es sollten Gesprächssituationen ausgewählt werden, in denen häufig wiederkehrende Muster bzw. Rituale zwischen den Geschlechtern im Alltagshandeln sichtbar werden. Es können sowohl kurze Interaktionen (z. B. die Begrüßung einer Kollegin bzw. eines Kollegen in der Abteilung und ein kurzer informeller Austausch) als auch längere Sequenzen inszeniert werden (z. B. eine Teamsitzung in einer schwierigen Projektphase, ein Treffen der Leitungsrunde, die Präsentation einer neuen Produktidee in der Abteilung). Die Akteure und Akteurinnen wählen eine Rolle für sich aus, ohne zu Beginn deutlich zu machen, ob sie eine Frau oder einen Mann spielen.

Die Rollenspiele sollten in Kleingruppen vorbereitet werden, die sich zum einen nur aus Frauen bzw. Männern zusammensetzen, zum anderen kann auch eine geschlechtergemischte Gruppenbildung zugelassen werden. Ob die Teilnehmenden einen Perspektivwechsel spielerisch erproben möchten, ist ihnen selbst überlassen. Die Seminarleitung sollte dies aber explizit als Möglichkeit ansprechen und dafür werben, um den Erfahrungs- und Reflektionsraum zu vergrößern. Wird eine Szene aus der Rolle des jeweils anderen Geschlechts gespielt, sind weitere Rückfragen an diese Person denkbar, die das eigene Erleben und die damit verbundenen Eindrücke, Gefühle und Bedürfnisse erkennbar werden lassen.

4. Schritt: Präsentation der Rollenspiele und Auswertung im Plenum

Gender-bezogene Reflexionsfragen

Die Reflexion der Präsentationen der beruflichen Alltagssituationen und Reflexion der Szene kann anhand folgender Fragen erfolgen:

- | Was habe ich bei den beteiligten Frauen und Männern wahrgenommen bezogen auf Sprache, Sprechweise und körpersprachlichen Ausdruck?
- | In welchem Verhältnis standen die Akteure und Akteurinnen zueinander (symmetrisch – asymmetrisch? hierarchisch – egalitär?) und woran wurde das spürbar?
- | Wer hat was getan, so dass erkennbar wurde, ob es sich bei der Person um eine Frau oder einen Mann handelt?
- | Was ist an dieser Szene deutlich geworden in Hinblick auf die Stellung der Geschlechter und die dargestellte Machtbalance? Wie hätte die Szene weiter gehen können (Szenarien)?

Fragen an die Spielenden

- | Wie haben Sie die Inszenierung erlebt?
- | Was war stimmig – was war schwierig?
- | Wen und was haben Sie gespielt?
- | Weshalb haben Sie die Szene so und nicht anders gespielt?
- | Was wäre passiert, wenn Sie sich in der Rolle für das andere Geschlecht entschieden hätten?

Zusammenfassende Darstellung von Erkenntnissen und Eindrücken aus den verschiedenen Rollenspielen

- | Welche Muster und Rituale sind uns aufgefallen?
- | Was daran ist auf das Geschlecht der handelnden Personen zurückzuführen?
- | Welche Rolle spielt der Kontext bzw. das Umfeld bei der Bewertung dieser kommunikativen Situationen?

Anleitungsblatt 4: „Auswertung“

Auswertungsfragen können zum Beispiel sein:

- | Welche Wahrnehmungs- und Zuschreibungsmuster der beteiligten Frauen und Männer haben mich überrascht – worin fühle ich mich bestätigt?
- | Welches Gewicht haben aus meiner persönlichen Sicht geschlechterbezogene Dimensionen im alltäglichen Miteinander am Arbeitsplatz?
- | An welchen Stellen und auf welche Weise möchte ich meine persönlichen Verhaltensweisen im Umgang mit schwierigen Gesprächssituationen weiterentwickeln?
- | Welchen Lernbedarf sehe ich mit Blick auf meine Aufgabe und Rolle? Was davon hat unmittelbar mit meinen beruflichen Sozialisationserfahrungen als Frau bzw. als Mann zu tun?

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Interkulturelle Kompetenzen“

Experte: Rudolf Leiprecht

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Berücksichtigung unterschiedlicher Gruppenkonstellationen bei der Thematisierung von Stereotypisierungen
- | Interkulturelle Kompetenzen und Gender-Kompetenzen

3. Curricula für Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

- | Einheit 1: Soziale Zugehörigkeiten
- | Einheit 2: Soziale Kategorien als „Schubladen?“
- | Einheit 3: Kultur und Geschlecht
- | Einheit 4: Interkulturelle Kompetenz und Gender-Kompetenz

4. Literatur

Die Fortbildung zielt auf Angehörige des höheren und des gehobenen Dienstes, die Aufgaben mit internationalem Bezug wahrnehmen oder wahrnehmen sollen. Ziel ist es, einen Lernprozess zu beginnen bzw. weiter zu entwickeln, in dem die Teilnehmerinnen und Teilnehmer lernen sollen, in interkulturellen Begegnungen kompetent, selbstsicher und respektvoll zu handeln.

1. Gender-bezogenes Fachwissen

Bildungsveranstaltungen, die auf die Vermittlung interkultureller Kompetenz zielen, verfolgen die Absicht, mögliche Störungsquellen bei interkultureller Kommunikation zu reflektieren und Mittel bereitzustellen, zur Überwindung solcher Störungen beizutragen und gelingendere Kommunikationssituationen zu ermöglichen (vgl. Auernheimer 2002). Untersucht man nun die Themen und Inhalte, die bei solchen Bildungsveranstaltungen genannt werden, so lässt sich häufig feststellen, dass Bilder und Vorstellungen zu Kultur, Ethnizität und Nationalität auf der einen Seite und Bilder und Vorstellungen zu Gender auf der anderen Seite implizit oder explizit eng miteinander verbunden sind. Dies gilt sowohl für Bildungsveranstaltungen, die auf einen Auslandsaufenthalt vorbereiten sollen, als auch für solche, die Reflexionswissen für den Umgang mit Menschen aus verschiedenen Gruppen innerhalb der Zuwanderungsgesellschaft Deutschland vermitteln wollen. So wird der ausreisende deutsche Verwaltungsfachmann, der einen wichtigen Auftrag in Afghanistan zu erfüllen hat, zum Beispiel damit vertraut gemacht, wie er sich verhalten muss, wenn er afghanische Frauen trifft; genauso wie eine deutsche Verwaltungsfachfrau, die in ihrem Amt in einer deutschen Großstadt Männer mit islamischen Migrationshintergrund als Kunden oder als Kollegen hat, lernen soll, wie sie sich als deutsche Frau Respekt verschaffen kann.

Zweifelloos handelt es sich bei diesen Themensetzungen in der Verbindung von Kultur und Gender jeweils um wichtige und diskussionsrelevante Fragen – und zwar sowohl im Fall von Bildungsveranstaltungen als auch im Fall von öffentlichen Debatten. Bei diesen Themen werden jedoch oft einseitige und stereotypisierende Bilder und Vorstellungen vermittelt und es finden unzulässige Verallgemeinerungen und polarisierende Gegenüberstellungen statt: Häufig entsteht die Vorstellung zweier einheitlicher „Blöcke“, wobei der „fremde Block“ mit negativen Bewertungen und – fast schon wie von selbst – der „eigene Block“ mit positiven Bewertungen versehen ist. Ein selbstreflexiver Blick auf die „eigenen“ Verhältnisse – ein wichtiges Element, um das jeweilige Handeln, aber auch die Funktionsweise von Organisationen zu verbessern – wird so zumindest erheblich erschwert, wenn nicht sogar verunmöglicht. Zudem ist es in einer konkreten Situation als Folge solcher stereotypisierender Vorstellungen eher wahrscheinlich denn unwahrscheinlich, dass sich weder die erwähnten afghanischen Frauen noch die erwähnten Männer mit islamischen Migrationshintergrund in den Beschreibungen der Bildungsveranstaltungen oder der öffentlichen Debatten erkennen können; und es kommt durch diese Beschreibungen zu neuen Störungen interkultureller Kommunikation.

Vor dem Hintergrund dieser Problematik ist es günstig, dass sowohl in den Fachdebatten zu Interkultureller Kompetenz als auch in den Fachdebatten zu Gender-Kompetenz ähnliche Entwicklungen in Theoriebildung und Forschung festzustellen sind, die dazu geführt haben, dass gemeinsame Kriterien formuliert werden können (vgl. Leiprecht/ Lutz 2006, S. 222ff.). Die sieben wichtigsten Kriterien, die bei interkultureller und geschlechtergerechter Kommunikation eine große Bedeutung haben, sollen hier kurz genannt werden:

1. **Gruppenbezogene Stereotypisierungen und Verallgemeinerungen:** Es wird darauf aufmerksam gemacht, dass Beschreibungen, die beispielsweise von *den* Frauen und *den* Männern oder „den Deutschen“ und „den Eingewanderten“ ausgehen, eher „Abstraktionen“ sind. Sie werden den jeweiligen Sichtweisen und Lebenswirklichkeiten von konkreten Menschen nicht gerecht und erschweren die Verständigung in Kommunikations- und Interaktionssituationen.
2. **Soziale Konstruktion:** Für zentrale Kategorien wie Gender, Kultur, Ethnizität wird das Prinzip der sozialen Konstruktion in den Mittelpunkt gestellt, um sich damit gegen Biologisierungen bzw. Naturalisierungen zu wenden. Geschlechterverhältnisse sind genauso wie kulturelle Verhältnisse in historischen und gesellschaftlichen Prozessen von Menschen gemacht geworden. Diese Verhältnisse verändern sich im Laufe der Geschichte. Ihre Formen und Inhalte zwischen und innerhalb von Gesellschaften *vielfältigen* sich und sie können von Menschen auch wieder verändert werden.
3. **Wirkungsweisen:** Nicht nur die Tatsache, dass Geschlecht sozial konstruiert wird, ist von Bedeutung. Mindestens genauso wichtig ist die Frage, wie und mit welchen Folgen sozial konstruiert wird. In Bezug auf die Inhalte und Wirkungsweisen sozialer Konstruktionen lassen sich in den einzelnen Gesellschaften komplizierte und komplexe Konstellationen feststellen, wobei die verschiedenen Konstruktionen mit *unterschiedlichen Machtpositionen* auftreten. Es ist also von zentralen und randständigen, von dominierenden und dominierten Konstruktionen auszugehen.

4. Individuen als Mitgestaltende: Die Mitgestaltung der Verhältnisse wird mit Begriffen wie „Doing Gender“, „Doing Culture“ oder „Doing Ethnicity“ gefasst. Damit wird darauf aufmerksam gemacht, dass es zwischen gesellschaftlichen Verhältnissen und ihren Teilaspekten (also z. B. Geschlechterverhältnisse und kulturelle Verhältnisse) und dem Fühlen, Denken und Handeln von Individuen, die in diesen Verhältnissen leben, keine Eins-zu-Eins-Entsprechung gibt: Die Individuen sind nicht durch die jeweiligen Verhältnisse zu hundert Prozent festgelegt (also keine Determination!), aber sie haben mit ihnen zu tun, sie verhalten sich dazu, sie leben nicht außerhalb dieser Verhältnisse und sie gestalten in ihren alltäglichen Routinen und Handlungen jeweils konkrete Formen dieser Verhältnisse mit.

5. Möglichkeitsräume: Eng an die Mitgestaltung gekoppelt ist das Konzept des Möglichkeitsraums. Für den Zusammenhang zwischen Makro-Ebenen (Ökonomie, Politik, Justiz, etc.), Meso-Ebenen (Organisationen, Institutionen, Gruppen, etc.) und Mikro-Ebenen (individuelle Denk- und Handlungsmuster, Interaktionen zwischen Individuen) wird davon ausgegangen, dass spezifische Möglichkeitsräume entstehen, in denen Individuen denken, fühlen und handeln. Diese Möglichkeitsräume verändern sich im Laufe der individuellen Biographien, wobei sowohl „äußere“ als auch „innere“ Kräfte von Bedeutung sind. Individuen können ihren jeweiligen Möglichkeitsraum auch durch das eigene Handeln einschränken und erweitern. In solchen Prozessen bilden sich individuelle Identitäten heraus, die allerdings keine unveränderbaren Größen darstellen. Dies bedeutet insgesamt, dass auch bei Kommunikations- und Interaktionssituationen, die mit kulturellen Verhältnissen oder Geschlechterverhältnissen zu tun haben, die beteiligten Individuen mit ihren spezifischen Möglichkeitsräumen nicht aus der Wahrnehmung ausgeklammert werden dürfen, sondern im Gegenteil in den Mittelpunkt von Beschreibung und Reflexion rücken müssen.

6. Überschneidungen und Überlagerungen in den verschiedenen Zuschreibungen und Positionierungen: Menschen haben in ihren Möglichkeitsräumen nicht nur mit Geschlechterverhältnissen zu tun und werden als Männer oder Frauen gesehen und sehen sich selbst so. Gleichzeitig werden sie auch eingeordnet und ordnen sich selbst ein als Angehörige sozialer Statusgruppen (Arbeiterinnen, Landwirte, Unternehmerinnen, Erwerbslose, etc.) oder nationaler und ethnischer Gruppen (deutsch, türkisch, kroatisch, serbisch, russisch, polnisch, etc.), als Angehörige von Altersgruppen (Jugendliche, Erwachsene, Rentnerinnen, etc.), von gesunden, kranken oder behinderten Gruppen. Um den Lebenslagen der Menschen gerecht zu werden, muss deshalb auch darauf geachtet werden, wie diese verschiedenen Fremd- und Selbstzuschreibungen ebenso wie die verschiedenen Fremd- und Selbstpositionierungen in ihren Verschränkungen, Überkreuzungen und Überlagerungen wirken. In den Fachdebatten wurde hierfür der Begriff **Intersektionalität** entwickelt (vgl. Crenshaw 1989). Dieses Konzept hat den großen Vorteil, dass soziale Gruppen grundsätzlich nicht mehr als einheitlich betrachtet werden, sondern als markiert von verschiedenen Zuordnungen und Zuschreibungen.

7. Diversitätsbewusste Perspektive: Das Nachdenken über die Effekte von Verschränkungen, Überkreuzungen und Überlagerungen führte in Theorieentwicklung und Forschung zu einer breiteren Herangehensweise, die mit dem Begriff *diversitätsbewusste Perspektive* beschrieben wird (vgl. Appelbaum 2002; Leiprecht 2009). Für die Thematisierung von Interkultureller Kompetenz hat diese Perspektive einen weiteren entscheidenden Vorteil: Es steht eben nicht mehr ein einzelnes und isoliertes Gruppenmerkmal wie *die* andere Kultur im Mittelpunkt, das sich zu einem „Stigma“ entwickeln kann, „sondern es wird zuerst nach den sozialen Kontexten gefragt“ (Böhnisch/Schröer 2007, S. 235): Weshalb, in welcher Weise und mit welchen Folgen spielt ein bestimmtes Ensemble von Unterscheidungen und Merkmalen in einem konkreten sozialen Kontext eine Rolle? Und danach: Weshalb, in welcher Weise und mit welchen Folgen wird in diesem sozialen Kontext beispielsweise die Frage nach der Kultur (oder nach Gender) besonders bedeutsam?

Zusammenfassend lässt sich sagen, dass bei interkulturellen Kontakten, aber auch bei der Thematisierung von Kultur vereinheitlichende Aussagen wie „So sind sie“ oder „So ist das“ meist eher ein Problem als eine Lösung darstellen. Dies ist bei der Gender-Perspektive ebenfalls der Fall. Die wechselseitige Thematisierung von Kultur und Gender kann also dabei helfen, problematischen Vorstellungen zu Kultur und zu Gender entgegenzutreten und zu einer differenzierteren Sichtweise beizutragen, wenn die genannten Kriterien berücksichtigt werden.

Neben diesen Übereinstimmungen von Interkultureller Kompetenz und Gender-Kompetenz auf der Ebene von Theoriebildung und Forschung gibt es noch weitere Übereinstimmungen. Sie beziehen sich auf die Ebene der Handlungsmethoden in der Fortbildung. Es geht darum, Reflexionen zu individuellen Denk- und Handlungsweisen als auch Reflexionen zu Kontexten, Strukturen und Systemen zu unterstützen. Für solche Reflexionen, die auch emotionale und motivationale Bereiche berühren und die mit wertbezogenen und ethischen Fragen zusammenhängen, ist es unverzichtbar, auch Sensibilisierungsübungen in die Fortbildung einzubauen. Die Methoden sollten dabei dialogisch angelegt sein und eine untersuchende Haltung fördern.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

I Akteurinnen und Akteure in der Fortbildung

Bei einer Fortbildung zu interkulturellen Kompetenzen, aber auch bei anderen Fortbildungen, die Zuschreibungen und Erwartungen von gesellschaftlichen Gruppen wie Frauen und Männer, Schwarze, Eingewanderte, Homosexuelle thematisieren, stellen die Akteurinnen und Akteure, d. h. die Teilnehmenden und die Dozenten und Dozentinnen selbst, einen nicht zu unterschätzenden konzeptionellen Aspekt dar.

Die Bedeutung der Gruppe der Teilnehmerinnen und Teilnehmer: Je nach Zusammensetzung der Teilnehmenden in Bezug auf Geschlecht und Migrationshintergrund kann es unterschiedliche Effekte hinsichtlich einzelner Informationen, Übungen und Aufgaben geben. So ist es zum Beispiel in einer Gruppe, in der sich keine Teilnehmerinnen und Teilnehmer mit Migrationshintergrund befinden, zunächst oft einfacher, entsprechende stereotype Zuschreibungen mit negativen Inhalten offen auszusprechen und damit in der Gruppe bearbeitbar zu machen. Es muss hier nicht darauf geachtet werden, dass anwesende Teilnehmerinnen und Teilnehmer unter Umständen durch solche Äußerungen beleidigt

und verletzt werden könnten. Gleichzeitig ist die Thematisierung von stereotypen Zuschreibungen schwieriger, da solche homogenen Gruppenzusammensetzungen oft eine Folge von Ausgrenzungen sind. Die Teilnehmerinnen und Teilnehmer sind nicht selten daran gewöhnt, über „die Leute da draußen“ zu sprechen, ohne berücksichtigen zu müssen, dass auch „drinnen“ Personen sind, auf die diese Zuschreibungen zielen könnten.

Die Bedeutung der Dozenten und Dozentinnen: Bei Themen, die einen reflexiven Selbstbezug erfordern, ist zum einen die Persönlichkeit der Referierenden und ihr sensibilisiertes Auftreten besonders wichtig; zum anderen muss bei der Zusammensetzung der Leitungs- und Referierendengruppe darauf geachtet werden, dass keine stereotypen Zuschreibungen der Teilnehmenden stattfinden.

In der Planungsphase sollte deshalb neben unabdingbaren fachlichen und methodischen Kompetenzen im Profil der Leitungs- und Referierendengruppe auch von einem kultur- und gender-kompetenten Profil ausgegangen werden. Dies kann zum Beispiel bedeuten, dass die Veranstaltung durch eine fachlich und methodisch entsprechend kompetente Frau geleitet wird. Auch die Zusammensetzung der Leitungs- und Referierendengruppe durch eine Person mit und eine Person ohne Migrationshintergrund ist von Bedeutung, da das kooperative Auftreten beider Personen als ein Beispiel für eine gelingende interkulturelle Zusammenarbeit gesehen werden kann. Dabei wird allein schon durch das Auftreten einer weiblichen Veranstaltungsleitung mit Migrationshintergrund gängigen Stereotypen etwas entgegengesetzt.

Allerdings muss auch bezüglich der internen Aufgabenverteilung in der Leitungs- und Referierendengruppe auf die Vermeidung stereotyper Zuschreibungen geachtet werden: Zum Beispiel darf der Referent (oder die Referentin) ohne Migrationshintergrund nicht ausschließlich damit befasst sein, im Vortragsstil mit Hilfe von Power Point und Wandzeigungen, mit deren Hilfe Definitionen, Daten und Analyseergebnisse vermittelt werden, die Seite von Rationalität und Wissenschaft zu repräsentieren, während die Referentin mit Migrationshintergrund ausschließlich für „Geschichten“, Emotionen und Übungen verantwortlich ist.

I Interkulturelle Kompetenzen und Gender-Kompetenzen

Verschiedene sozialwissenschaftliche Disziplinen, die sich lange Zeit entweder auf Gender oder Kultur konzentrierten, haben in den letzten Jahren ihre Zusammenarbeit verstärkt: Dabei stellen Interkulturelle Pädagogik und Gender-Pädagogik für ihre zentralen Kategorien wie Geschlecht (Gender) und Kultur zunehmend das Prinzip der sozialen Konstruktion in den Mittelpunkt. Trotz aller Unterschiede, die sich aus der inhaltlichen Bedeutung, der Geschichte und dem Stellenwert der jeweiligen sozialen Konstruktionen in einer Gesellschaft ergeben, lassen sich Ähnlichkeiten zwischen den Begriffen feststellen: Sowohl Gender als auch Kultur werden in gesellschaftlichen und historischen Prozessen konstruiert. In Sozialisations- und Interaktionsprozessen werden sie von den Individuen unablässig handelnd angeeignet und gelebt. Dabei übernehmen und reproduzieren die Individuen in ihren jeweiligen Möglichkeitsräumen vorgegebene Muster, gestalten und verändern diese jedoch auch und wirken auf diese Weise zurück auf den Gesamtzusammenhang.

Mit dieser allgemeinen Definition wird deutlich, dass es sich jeweils nicht um naturgegebene und unveränderbare Phänomene handelt.

Analysefragen wie folgende ermöglichen Lernprozesse in Richtung Gender- und Interkultureller Kompetenz:

- | Welche Zuschreibungen werden in Organisationen jeweils sozial hervorgebracht, also reproduziert, unterstützt und/oder abgewiesen?
- | Welche Zuschreibungen haben sich die Individuen in ihrer Sozialisation zu Eigen gemacht? Ist ihnen dies jeweils bewusst?
Welche Zuschreibungen unterstützen sie in ihrer alltäglichen Praxis, welche weisen sie ab?
- | Welche Entwicklungs- und Entscheidungsmöglichkeiten haben die Individuen diesbezüglich in ihren jeweiligen Möglichkeitsräumen?
- | Welche Entwicklungs- und Entscheidungsmöglichkeiten bieten die Einrichtungen und Organisationen? Wie beeinflussen sie die Möglichkeitsräume der Individuen?
- | Insgesamt: Wo finden Festlegungen durch Einrichtungen/Organisationen und Gruppen/Individuen statt, die in der Form von „Schubladen“ (Stereotypen, Vorurteilen, Negativ-Bildern) andere Gruppen/Individuen, aber auch Einrichtungen/Organisationen in ihrer Entwicklung behindern?

Mit diesen Fragen ist es möglich, gender- und kulturbezogene Lern-, Reflexions- und Entwicklungsprozesse in der Weiterbildung zu fördern. Von hier aus lässt sich die Parallelität, aber auch die Unterschiedlichkeit zwischen Gender-Kompetenz und Interkultureller Kompetenz diskutieren. Beide Kompetenzformen mit ihren verschiedenen Komponenten können sowohl (langfristige) Ziele von Entwicklungsprozessen darstellen als auch wichtige Fragen in Bezug auf die jeweils eigene Praxis aufwerfen. Allerdings sollte hier beim Begriff Kompetenz stets auch das situative Element mit berücksichtigt werden: Welche Kompetenz wird in dieser Situation nahe gelegt, zugelassen, behindert, verunmöglicht?

3. Curricula für Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

Ein Schwerpunkt der hier präsentierten Einheiten und Übungen liegt im Bereich der Zuschreibungen. Dieser Themenbereich stellt eine unumgängliche Grundlage für weitere sich anschließende Thematisierungen dar.

- | | |
|-------------------|--|
| Einheit 1: | Soziale Zugehörigkeiten (Dauer: 30 Min.) |
| Einheit 2: | Soziale Kategorien (Dauer: 60 Min.) |
| Einheit 3: | Kultur und Geschlecht (Dauer: 90 Min.)
1.) Begriffe Kultur und Geschlecht
2.) Geschlecht in Kultur und umgekehrt |
| Einheit 4: | Interkulturelle Kompetenz und Gender-Kompetenz (Dauer: 60 Min.) |

Thema Einheit 1	Soziale Zugehörigkeiten
Zeitungsumfang	30 Min.
Ziele	<ul style="list-style-type: none"> Bewusste Wahrnehmung von (jeweils eigenen) Gruppenzugehörigkeiten und Gruppenzuschreibungen Sensibilisierung für stereotype Zuschreibungen von Kultur und Geschlecht Wissensvermittlung bezüglich zentraler Begrifflichkeiten
Inhalte	<ul style="list-style-type: none"> Analyse/Reflexion von Gruppenzugehörigkeiten und Gruppenzuschreibungen. Thematisierung von Privilegien (z. B. Weiß-Sein)
Methodisches Vorgehen	Einzelarbeit, Tandem, Plenum
Setting und Materialien	Anleitungsblatt für Seminarleitung und Arbeitsblatt „Zugehörigkeiten“ Tafel, Flipchart oder Wandzeitung

Anleitungsblatt für Dozentinnen und Dozenten

- a) Verteilen Sie das obige Arbeitsblatt an die Teilnehmenden für eine Einzelarbeit (ca. 10 Minuten).
Die ersten beiden dort beschriebenen Aufgaben werden individuell durchgeführt. Die letzten beiden Aufgaben können zu zweit oder zu dritt bearbeitet werden (am einfachsten mit den jeweiligen Sitznachbarn/Sitznachbarinnen).
- b) Danach folgt eine Plenumsphase, in der auf einer abstrakteren Ebene und in allgemeinen Formulierungen die Stichpunkte, die sich die Teilnehmerinnen und Teilnehmer notiert haben, auf einer Tafel oder Wandzeitung gesammelt werden (5 Minuten). Zum Beispiel wird dann nicht konkret Sportclub Oldenburg notiert, sondern „Sportverein“. Eine solche Sammlung sieht beispielsweise so aus:

Familie (Großeltern, Vater, Mutter, Geschwister, etc.), Eltern, ...	Sportverein, Freundeskreis, ...	Schulkameraden, Kolleginnen, ...	Nachbarschaft, Dorfgemeinschaft, ...	Religion, politische Überzeugungen, politische Gruppen, ...
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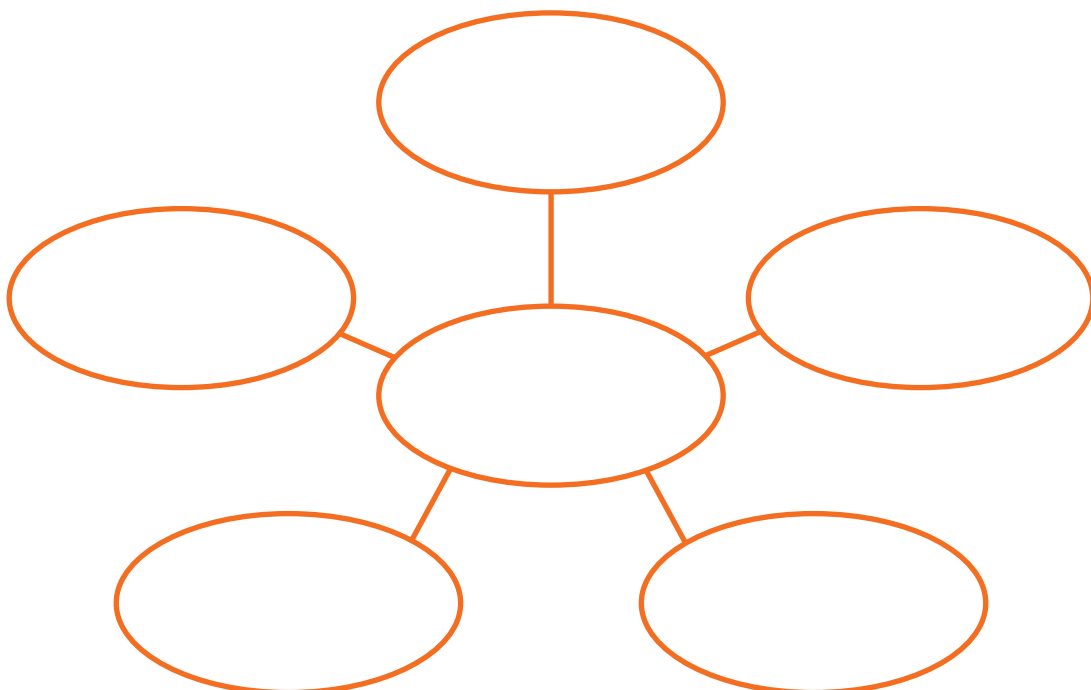
- c) Fragen Sie danach, was möglicherweise vergessen wurde. Notieren Sie entsprechende Stichworte: Geschlecht, Homosexualität/Heterosexualität, Hautfarbe, Nationalität, Ethnizität, Familiensprache, Dialekt etc.. Diskutieren Sie die Bedeutung dieser Zugehörigkeiten und die Bedeutung der ‚Nicht-Nennung‘. Gehen Sie hierbei sensibel und respektvoll vor. Machen Sie deutlich, dass es für jedes Individuum nicht nur eine wichtige Zugehörigkeit gibt, es aber sein kann, dass – je nach Situation und Kontext – eine bestimmte Zugehörigkeit im Vordergrund steht.

- d) Fragen Sie anschließend danach, welche Zugehörigkeiten selbst gewählt und welche nicht selbst gewählt werden und welche Zugehörigkeiten veränderbar und welche unveränderbar oder nur schwer veränderbar sind. Streichen Sie die selbst gewählten und veränderbaren jeweils durch.
- e) Zum Schluss der Übung empfiehlt es sich, auf einer Folie das Ergebnis der Reflexionsübung in Stichworten zusammenzufassen. Dies könnte folgendermaßen aussehen:
- | Hineingeboren, veränderbar?
 - | Es gibt nicht nur eine wichtige Zugehörigkeit.
 - | Nicht immer entscheide ich selbst über Zugehörigkeiten (Zuweisungsprozesse; Fremdzuschreibungen).
 - | Die Zugehörigkeiten überschneiden sich in meiner Person.
 - | Allzu selbstverständliche Zugehörigkeiten nehme ich oft gar nicht wahr.
 - | Zugehörigkeiten sind Faktoren im Sozialisationsprozess/in Biographien.
 - | Ich kann mit Zugehörigkeiten umgehen und bin potentiell in der Lage, darüber zu reflektieren (→ keine deterministische Beziehung).

Es kommt sehr auf den jeweiligen Kontext und die Teilnehmenden an, welche Zugehörigkeiten im Vordergrund stehen.

Arbeitsblatt „Zugehörigkeiten“

- Schreiben Sie Ihren Namen in den mittleren Kreis.
- Schreiben Sie den Namen von fünf sozialen Kategorien/Gruppen, denen Sie sich zugehörig fühlen (Selbstzuschreibung), in die äußeren Kreise.
- Erläutern Sie Ihrem Sitznachbarn/Ihrer Sitznachbarin Ihre Wahl.
- Diskutieren Sie, welche dieser Kategorien/Gruppen Ihrer Meinung nach eine (wichtige?) Rolle bei Ihrer eigenen Geschichte (Sozialisation) gespielt hat.



Thema Einheit 2	Soziale Kategorien als „Schubladen?“
Zeitung- fang	60 Min.
Ziele	<ul style="list-style-type: none"> Sensibilisierung gegenüber einseitigen und stereotypen Zuschreibungen im Bereich von Kultur und Geschlecht Möglichkeiten menschlicher Wahrnehmung erkennen Wissensvermittlung bezüglich zentraler Begrifflichkeiten
Inhalte	<ul style="list-style-type: none"> Die Entstehung sozialer Kategorien und menschliche Wahrnehmung Thematisierung und Problematisierung von „Schubladen-Denken“
Methodi- sches Vorgehen	Übung, Plenum und geschlechtshomogene Kleingruppen
Setting und Mate- rialien	<ul style="list-style-type: none"> siehe Anleitungsblatt „Zitronenübung“ viele Zitronen, Tafel, Flipchart oder Wandzeitung

Anleitungsblatt „Zitronenübung“

1. Schritt (30 Min.)

1. Eine Zitrone (sollte möglichst gelb sein und eine ovale Form haben) wird in die Mitte gelegt. Die Teilnehmenden werden gebeten, die Zitrone zu beschreiben. An der Tafel werden unter der Überschrift „Zitronen sind ...“ die genannten Merkmale für alle sichtbar notiert. Die Teilnehmenden nennen meist Merkmale wie gelb, oval, sauer, gesund, vitaminreich etc.
2. Dann werden Kleingruppen gebildet. Jede Kleingruppe bekommt eine Zitrone (diese Zitronen sollten möglichst unterschiedlich aussehen). Die Teilnehmenden werden gebeten, die Merkmale ihrer individuellen Zitrone zu beschreiben. Es wird darauf hingewiesen, dass sie nur das nennen sollen, was sie von außen wahrnehmen (die Zitrone darf nicht aufgeschnitten werden). Auf einer Wandzeitung werden wieder die genannten Merkmale für alle sichtbar notiert. Die Teilnehmenden nennen jetzt meist zusätzliche Merkmale; neben gelb, oval u. ä. werden jetzt meist genannt: rund, grün, braun, fleckig, zwei Spitzen, usw.
3. Zwischenauswertung: Die beiden Listen an der Tafel/auf der Wandzeitung unterscheiden sich in vielen (nicht unbedingt in allen) Punkten. Was ist passiert?
 - | Alle Zitronen sind unterschiedlich. Keine Zitrone erfüllt (vollständig) die allgemeinen Beschreibungen. Trotzdem sind es alles Zitronen.
 - | Die Überschrift der ersten Tabelle wird geändert: „Nicht alle Zitronen sind ...“
4. Jetzt geben alle Teilnehmenden ihre Zitronen in einen Behälter. Es wird geschüttelt. Die Teilnehmenden sollen danach ihre individuelle Zitrone aus dem Behälter herausuchen. In aller Regel erkennen sie ‚ihre‘ Zitrone wieder. Die Teilnehmenden werden gefragt, woran sie ‚ihre‘ Zitrone erkannt haben. Jetzt kommen meist noch genauere Angaben (z. B. der braune Punkt an der einen Spitze, die eingekerbte Stelle in der Mitte, usw.). Auch diese Angaben können (je nach zur Verfügung stehender Zeit und den Bedürfnissen der Gruppe) an der Tafel/auf einer Wandzeitung festgehalten werden. Es wird deutlich, dass auch die zweite Liste (siehe 2) noch relativ allgemein war und unsere Wahrnehmung eigentlich viel präziser sein kann: Wir können sehr präzise wahrnehmen und dies auch artikulieren, wir müssen es aber nicht!

5. Gesamtauswertung:

- Die Übung bietet einen guten Ansatzpunkt zum Nachdenken über Stereotype/verallgemeinernde Aussagen („Schubladen“) über Menschengruppen.
- Offenbar sieht jeder und jede an einer Zitrone noch viel mehr, wenn er/sie aufmerksam ist. Die zweite Liste war zwar nicht mehr so allgemein wie die erste, aber sie war immer noch relativ allgemein. Es wird deutlich, dass die menschliche Wahrnehmung viel genauer sein kann, wenn wir dies zulassen – oder wenn ein eigenes Interesse besteht (bspw. die eigene Zitrone wiederfinden).
- Beim Einstieg (1) (den allgemeinen Aussagen über Zitronen) wurde nicht nur das beschrieben, was wirklich zu sehen ist, sondern das soziale (gelernte) Wissen bzw. die sozialen Vorstellungen über Zitronen wurden herangezogen. Wir sehen nicht, dass eine Zitrone „sauer“ oder „vitaminreich“ ist, aber wir haben uns dieses Wissen angeeignet. In der Auswertung muss dieser Hinweis auf das soziale Wissen deutlich gemacht werden.

2. Schritt: Selbstreflexion zu „Schubladen“ (30 Minuten)

In Kleingruppen (getrennt nach Männern und Frauen) überlegen die Teilnehmenden gemeinsam, in welchen Situationen sie von anderen in „Schubladen“ gepackt wurden und wie sich das angefühlt hat.

Danach diskutieren sie: Was kann ich dagegen tun?

Thema	Kultur und Geschlecht (Gender)
Einheit 3	1. Die Begriffe Kultur und Geschlecht 2. Geschlecht <i>in</i> Kultur und umgekehrt
Zeitungsfang	90 Min. (Begriffe 30 Min.; Geschlecht in Kultur 60 Min.)
Ziele	<ul style="list-style-type: none">Sensibilisierung gegenüber stereotypen Zuschreibungen im Bereich von Kultur und GeschlechtWissensvermittlung bezüglich zentraler BegrifflichkeitenReflexionsfähigkeit erhöhen
Inhalte	<ul style="list-style-type: none">Begriffe Kultur und Geschlecht (Gender) und damit verbundene ZuschreibungenVeränderbarkeit von Zuschreibungen zu Kultur und Geschlecht und dessen Bedeutung für die Verwaltung
Methodisches Vorgehen	1. Input in Vortragsform (mit Folien/Power Point unterstützt) oder Mischung aus Plenum und geschlechtshomogenen Kleingruppen 2. Arbeit mit einem Text Arbeit im Plenum (mit Folien/Power Point unterstützt) und in geschlechtshomogenen Kleingruppen
Setting und Materialien	1. Anleitungsblatt zu den Begriffen Geschlecht und Kultur Arbeitsblatt zu den Begriffen Geschlecht (Gender) und Kultur 2. Anleitungsblatt zum Thema Geschlecht in Kultur und umgekehrt Arbeitsblatt „Zeitungsartikel“

Anleitungsblatt zu den Begriffen Kultur und Geschlecht²⁶

Das Thema „soziale Kategorien“ sollte vor einer solchen Einheit behandelt worden sein. Zunächst werden die Begriffe Gender und Kultur vorgestellt und es wird mit der Gruppe diskutiert, welche Fragen und Konsequenzen sich aus diesen Bedeutungen ergeben. Der Input kann in Form eines kurzen Vortrages erfolgen. Anschließend kann zur Veranschaulichung die Gegenüberstellung eines eher „geschlossenen“ Kulturbegriffs (etwa von Alexander Thomas 1988; 1996) und eines eher „offenen“ Kulturbegriffs (etwa von Leiprecht 2008, 142ff.) erfolgen.

Der Kulturbegriff nach Alexander Thomas

In „jeder Kultur (sind) spezifische Kulturstandards wirksam. Das Konzept der Kulturstandards besagt, dass zentrale Kulturstandards den Mitgliedern der jeweiligen Kultur eine Orientierung für ihr eigenes Verhalten liefern und ihnen ermöglichen zu entscheiden, welches Verhalten als normal, typisch und noch akzeptabel anzusehen bzw. welches Verhalten abzulehnen ist“ (Thomas 1988, 153).

„Wenn die einander begegnenden Partner über die Art der Handlungswirksamkeit zentraler Kulturstandards in der anderen Kultur informiert und sich ihrer eigenen Kulturstandards bewusst sind, dann steigen die Chancen zur Reduktion kulturbedingter Missverständnisse, (...) dann steigt die Fähigkeit zum interkulturellen Verstehen, und es wächst die interkulturelle Handlungskompetenz“ (Thomas 1996, 133).

Der Kulturbegriff nach Rudolf Leiprecht, u. a. in Anlehnung an Stuart Hall

„Kultur ist ein bestimmtes Repertoire von Bedeutungsmustern und Zeichensystemen (Werte, Normen, Bräuche und andere Verhaltensregeln, allgemeine Wissensbestände und ‚Selbstverständlichkeiten‘, Traditionen, Rituale, Routinen, Glaubensvorstellungen, Mythen usw.), über das Gruppen oder Gesellschaften verfügen. Dieses Repertoire hat Orientierungsfunktion. Es macht das gesellschaftliche Leben verstehbar und verleiht ihm zugleich eine besondere Bedeutung. Da dies so ist, können Kulturen auch als *besondere Lebensweisen* unterschieden werden.

Kultur ist nicht auf Nationalkultur zu reduzieren. Innerhalb einer nationalen Gesellschaft existieren stets sehr verschiedene kulturelle Bedeutungsmuster und Lebensweisen (verschiedene Subkulturen, Jugendkulturen, Klassenkulturen, Regionalkulturen, Einwandererkulturen, städtische und bäuerliche Kulturen usw.).

Trotz dieser unverzichtbaren Differenzierungen können in Gruppen und/oder Gesellschaften *dominierende* Formen festgestellt werden. Die Frage, was genau in einer Gruppe und/oder Gesellschaft als ‚normal‘ zu gelten hat und was nicht, kann mit Macht, Unterwerfung und Normalisierungszwang verbunden sein.

Die bestehenden kulturellen Bedeutungsmuster und Zeichensysteme bilden eine Art historisches Reservoir, das Menschen aufgreifen, transformieren und weiterentwickeln, aber auch verdrängen oder uminterpretieren können. Menschen werden also nicht nur beeinflusst durch kulturelle Bedeutungsmuster, sie *beeinflussen* diese auch selbst und tragen zu ihrer Veränderung und Erneuerung bei“ (Leiprecht 2008, 144).

²⁶ Der Begriff „Geschlecht (Gender)“ wird im Kap. 4.2, Dimension Inhalte von Fortbildungen erläutert.

Arbeitsblatt zu den Begriffen Geschlecht (Gender) und Kultur

Sowohl Gender als auch Kultur werden in gesellschaftlichen und historischen Prozessen konstruiert. In Sozialisations- und Interaktionsprozessen werden sie von den Individuen unablässig handelnd angeeignet und gelebt. Dabei übernehmen und reproduzieren die Individuen in ihren jeweiligen Möglichkeitsräumen vorgegebene Muster, sie gestalten und verändern diese jedoch auch.

Fragen

Dieser Begriff von Geschlecht (Gender) und Kultur betont Selbst- und Fremdzuschreibungen.

- I Was meinen Sie: Gibt es Verbindungen zwischen diesem Verständnis von Gender und den Ergebnissen, die Sie für sich aus den Übungen zu sozialen Kategorisierungen und „Schubladen“ gewonnen haben? In welcher Weise?
- I Was meinen Sie: Welche Fragen ergeben sich aus einem solchen Begriff von Gender und/oder Kultur für eine Einrichtung der Verwaltung?
- I Was meinen Sie: Welche Fragen ergeben sich aus einem solchen Begriff von Gender und/oder Kultur für ein Individuum/eine Gruppe?

Anleitungsblatt zum Thema „Geschlecht in Kultur und umgekehrt“

Das folgende Material ist ein Artikel aus der Zeitschrift „DIE ZEIT“, dessen Überschrift im Arbeitsblatt verändert wurde. Die falsche Überschrift im Arbeitsblatt kulturalisiert bewusst das Geschilderte in Richtung „deutsche Kultur“. Der Artikel erschien am 18. Mai 2006 unter dem Titel „Alle schauten weg. Der Täter ein Mann, das Opfer eine Frau – In Deutschland heißt so etwas ‚Familiendrama‘. Ein Fall aus Sachsen-Anhalt.“ Autor ist Florian Klenk. Der Text ist unter „ZEIT ONLINE 2006“ abrufbar.

Ohne dies offen zu legen, wird zunächst in Kleingruppen mit dem Material gearbeitet, und zwar in geschlechterhomogenen Kleingruppen.

Danach werden im Plenum die Arbeitsergebnisse der Kleingruppen vorgestellt und diskutiert. Fragen Sie danach, ob das im Text Geschilderte etwas mit deutscher Kultur zu tun hat.

Anschließend wird deutlich gemacht, dass es sich bei der Überschrift um eine Fälschung handelt. Die richtige Überschrift wird gezeigt. Es soll jetzt darüber diskutiert werden, wo solche kulturellen Zuschreibungen stattfinden, und wie allein mit dem Wort Kultur verallgemeinert werden kann. Wichtig dabei ist, dass das im Artikel thematisierte Problem – Gewalt und Mobbing gegen Frauen – nicht verharmlost wird, aber zugleich die kulturbezogene Verallgemeinerung zurückgewiesen wird. Zudem soll verdeutlicht werden, wie eng die Themen Kultur und Geschlecht in der Öffentlichkeit oft miteinander verbunden werden.

Arbeitsblatt: Zeitungsartikel

Lesen Sie den Zeitungsartikel für sich alleine und notieren Sie sich die wichtigsten Aussagen. Versuchen Sie sich danach in der Kleingruppe auf die wichtigsten Aussagen zu einigen. Gibt es innerhalb der Gruppe Unterschiede in der Wahrnehmung? Notieren Sie diese ebenfalls.

Vergleichen Sie anschließend die Aussagen des Zeitungsartikels mit der Überschrift. Sind Sie mit der Schlagzeile einverstanden? Wie verhält sich diese Schlagzeile zu den Aussagen des Artikels?

800 000 Opfer **Wenn deutsche Männer ihre Frauen töten ...** Wurzeln im alten Testament

Ein Fall aus Sachsen-Anhalt, Magdeburg

Am Nachmittag des 17. November hatte er ihr zum letzten Mal aufgelauert. Diesmal vor dem Kindergarten in Schönebeck. Er nahm ihr das Handy weg und kontrollierte, wen sie angerufen hatte. Dann hörten Passanten Hilfeschreie. Er kniete auf ihr und stach ihr mit einem Messer sechsmal ins Gesicht. Die Kosmetikerin Nicole K. richtete sich auf, presste die Hand an ihre Wunden. Doch das Blut, so erinnert sich eine Zeugin, spritzte so schnell heraus, dass sie keine Chance hatte.

Der Täter, so die Staatsanwältin, tötete, weil er sich in seiner Ehre verletzt sah. Er habe nicht akzeptieren wollen, dass sie nicht sein Eigentum war, sondern selbstständige Entscheidungen traf.

So ein Pädoyer klingt vertraut dieser Tage. Doch die Medien berichteten nur in Randspalten über den Prozess, der vergangene Woche am Landgericht Magdeburg begann. Es war ja auch kein archaisches Familiengericht, das die Hinrichtung einer selbstbewussten Frau zur Ehrenrettung beschloss. Und der Mann, der die Mutter seines Sohnes tötete, war kein Mitglied der Parallelgesellschaft, sondern der deutsche Fensterputzer Joachim B. Die Anwältin der als Nebenklägerin auftretenden Hinterbliebenen sagt: Nach außen hin war das eine normale deutsche Familie, so wie hunderttausend andere auch.

Stalking, permanente Nachstellung, wie Nicole K. sie bis zum Tag ihres Todes erdulden musste, ist Teil der deutschen Normalität. 800.000 Opfer traf es im Lauf der letzten fünf Jahre. Vergangenen Donnerstag, während in Magdeburg eine Staatsanwältin die Anklage verlas, brachte in Berlin Bundesjustizministerin Brigitte Zypries (SPD) endlich ihr Anti-Stalking-Gesetz im Bundestag ein. Bis zu zehn Jahre Haft drohen künftig in Fällen extremer Belästigung oder bei Gefahr für Leib und Leben der Opfer. Solche Extremfälle sind nicht selten. Jedes fünfte Stalking-Opfer, ergab eine Studie der TU Darmstadt, erleidet massive Gewalttaten. Gewöhnlich ist in den Medien dann von Ehedramen die Rede.

Auch das Ehedrama gehört zur deutschen Normalität. Einige Meldungen aus den vergangenen Tagen:

Erftstadt: Arzt erschießt Frau, Kind und sich selbst.

Saarbrücken: Eine Rentnerin springt vom Balkon, weil ihr Mann auf sie schießt.

Erlangen: Ein Mann lauert seiner Exfrau auf, schießt auf sie.

Kempten: Er stach sie tot.

Der Täter war harmlos sagt ein Zeuge. Nur einmal griff sie ihm ins Messer

Ein Nachbar des Angeklagten tritt in den Zeugenstand, ehemaliger Hausmeister, Beruf: Hartz-IV-Empfänger, wie er sagt. Ein richtiger Kumpel sei der Joachim gewesen, vielleicht ein wenig eifersüchtig, das schon. Aber gewalttätig? Nee, der nicht. Ja, einmal hat sie ihm ins Messer gegriffen. Ein anderes Mal, so berichtet eine Freundin der Ermordeten, hat sie mir erzählt, dass er sie im Auto in der Elbe versenken wollte. Sie versuchte aus dem Wagen zu springen. Und die Möbel hatte er immer wieder zertrümmert – aber nur wenn er eins über den Durst trank. Haben sie das angezeigt? Nee, sagt die Zeugin, das nicht. Man saß lieber abends gemütlich zusammen, in der Straße der Jugend. Und nächstens, so erzählt es der Hausmeister, nahm sie den Kleinen zu sich ins Bett, damit er sie in Ruhe lässt.

Joachim B. war in der Nachbarschaft als notorischer Stalker bekannt. Zugleich galt er als unbescholtener Mann, obwohl er auch seine vorherigen Freundinnen mit dem Tod bedroht hatte. Als eine von ihnen sich an die Polizei wandte, fiel die Geldstrafe für den Täter so niedrig aus, dass sie in keinem Strafregister aufschien.

Jetzt sitzt Joachim B. als Mörder auf der Anklagebank, und drei Beamtinnen der Magdeburger Polizei schreiben im Zuschauerraum mit. Werden solche Opfer von der Polizei zu wenig ernst genommen?, fragt die Kriminalistin Dorit Rothmann. Es scheint so. Nach diesem und einem weiteren Frauenmord in Schönebeck reifte im Magdeburger Innenministerium der Plan für ein Modellvorhaben. In Zukunft müssen die örtlichen Kommissariate alle Fälle von Belästigung einer zentralen Stalking-Stelle melden – auch wenn noch keine Straftat vorliegt. Dann müssen sich die Täter eine Gefährdungsansprache anhören, während den Opfern psychosoziale Beratung zuteil wird, damit sie sich im Gestrüpp des Gewaltschutzgesetzes zurechtfinden und vor Gericht nicht länger aus Angst schweigen.

Stundenlang könnten die Magdeburger Polizeibeamtinnen vom Wüten eifersüchtiger Männern erzählen. Immer wieder stoßen wir auf dieses Besitzdenken, das seine Wurzeln wohl irgendwo im Alten Testament hat, sagt die Polizeijuristin Marita Kieler, die eine Dissertation über Sexualdelikte geschrieben hat. So mancher Psychoterror klingt zunächst harmlos. Da legt einer ständig Rosen aufs Autodach der Verfloßenen und treibt sie damit in Panikattacken. Ein anderer terrorisiert mit Schweigeanrufen – und die Polizei schickt das Opfer fort, weil das nicht strafbar ist. Zurzeit betreuen die Polizistinnen eine Frau, die nach Sachsen-Anhalt fliehen musste, wie die Polizeipsychologin Ursula Mürke erzählt. Wir haben alle ihre Spuren verwischt, sogar ihre Konten aufgelöst. Es ist, als ob sie im Zeugenschutzprogramm leben müsste.

Verfolgte Ehefrauen müssen die Haft ihrer Männer bezahlen

Auch Mürke sieht strukturelle Probleme. Noch können sich Stalking-Opfer gegen die Täter fast nur zivilrechtlich wehren, auf eigenes finanzielles Risiko.

Widersetzen sich Stalker den Anordnungen der Polizei, ist es Sache der Opfer, Sanktionen einzufordern. Wenn die Täter die Ordnungsstrafen nicht bezahlen und ins Gefängnis wandern, sagt Kriminalistin Rothmann, müssen die Ehefrauen sogar die Kosten für Haft übernehmen.

Zwei Drittel der Stalking-Opfer, ergab die Darmstädter Studie, fühlen sich von der Polizei nicht ernst genommen. Sie kommen zehnmal zu uns, und zehnmal kriegen die Täter keine Sanktion. Irgendwann warten die Frauen dann nur noch darauf, abgestochen zu werden, sagt Mürke. In Zukunft soll die Polizei wachsamer sein. Der Gesetzentwurf aus dem Bundesjustizministerium sieht eine Deeskalationshaft für Stalker vor. Außerdem sollen Polizisten besser geschult werden, damit sie Belästigungen richtig einzuschätzen lernen, anstatt hilfeschuchende Opfer abzuwimmeln.

Der Prozess gegen Joachim B. wurde vertagt. Vielleicht, sagt Mürke, hätten wir auch ihm helfen können.

Thema Einheit 4	Interkulturelle Kompetenz und Gender-Kompetenz
Zeitung- fang	ca. 60 Min.
Ziele	<ul style="list-style-type: none"> Wissensvermittlung bezüglich der Inhalte von Interkultureller Kompetenz und von Gender-Kompetenz diesbezügliche Reflexionsfähigkeit erhöhen diesbezügliche Handlungsfähigkeit unterstützen Bedeutung von Interkultureller Kompetenz und Gender-Kompetenz für den eigenen Arbeitsbereich/die eigene Organisation feststellen
Inhalte	Die Begriffe von Gender-Kompetenz und interkultureller Kompetenz werden inhaltlich gefüllt, Unterschiede und Gemeinsamkeiten thematisiert und auf die Arbeit in der Verwaltung bezogen.
Methodi- sches Vorgehen	<p>Arbeit mit zwei Abbildungen, Plenum und geschlechtshomogene Kleingruppen</p> <p>Die Begriffsdefinitionen zu Interkultureller Kompetenz und Gender-Kompetenz sollten mit dem Thema „Geschlecht und Kultur“ verbunden werden. Eine Möglichkeit ist es, die Aufgaben zunächst in geschlechtergetrennten Kleingruppen zu bearbeiten und danach die Arbeitsergebnisse im Plenum vorzustellen und zu diskutieren.</p>
Setting und Mate- rialien	<ul style="list-style-type: none"> Arbeitsblatt Interkulturelle Kompetenz und Gender-Kompetenz Abbildung 1 „Komponenten Interkultureller Kompetenz“ Abbildung 2 „Komponenten von Gender-Kompetenz“

Arbeitsblatt Interkulturelle Kompetenz und Gender-Kompetenz

Lesen Sie die beiden folgenden Übersichten zu Gender-Kompetenz und Interkultureller Kompetenz aufmerksam durch. Es handelt sich jeweils um eine Sammlung von Komponenten, die in der Fachliteratur diskutiert werden (vgl. hierzu Leiprecht 2001/2006II, S. 41). Eine solche Sammlung stellt zwar eine Überforderung dar, wenn all dies von einer Person erfüllt werden soll. Trotzdem ist es hilfreich, bei den vorgestellten Komponenten auszufragen, welche für besonders bedeutsam gehalten werden. Es ist außerdem zu diskutieren, inwiefern Verwaltungseinrichtungen in der Lage sein sollten, zur Förderung der verschiedenen Komponenten beizutragen.

Fragen

- | Achten Sie zunächst auf die jeweilige Basiskomponente. Offenbar ist diese Komponente besonders bedeutsam und wird für unverzichtbar gehalten. Was denken Sie, weshalb dies so ist? In welcher Weise passt diese Basiskomponente zu den bisherigen Diskussionen und Übungen?
- | Stellen Sie Gemeinsamkeiten zwischen Interkultureller Kompetenz und Gender-Kompetenz fest? Um welche handelt es sich?
- | Stellen Sie Unterschiede zwischen Interkultureller Kompetenz und Gender-Kompetenz fest? Um welche handelt es sich?
- | Wie würden Sie – hinsichtlich Ihres eigenen Arbeitsbereiches und der Organisation, in der Sie arbeiten – die Komponenten formulieren, die in engerem Sinne fachbezogen sind?

Abbildung 1: Komponenten Interkultureller Kompetenz (Rudolf Leiprecht)

<ul style="list-style-type: none"> Empathie gegenüber erfahrener Diskriminierung und Ausgrenzung bei Angehörigen anderer sozialer Gruppen Multiperspektivität in Bezug auf verschiedene kulturelle Positionierungen Selbstreflexivität in Bezug auf unhinterfragte und selbstverständlich erscheinende Handlungs- und Deutungsmuster der eigenen Gruppe 	<ul style="list-style-type: none"> Handlungsfähigkeit bei asymmetrischen Konstellationen in Bezug auf Wohlstand, Macht ... Handlungsfähigkeit in kulturellen Überschneidungssituationen Strategien, um mit unbekannten Situationen umgehen zu können 	<ul style="list-style-type: none"> Kenntnisse über die Heterogenität von kulturellen Gruppen Wissen über die soziale Konstruiertheit von Rassen=, Kulturen, Ethnien, Nationen Wissen über die Entstehungsgeschichte solcher Konstruktionen und ihre Auswirkungen in Vergangenheit und Gegenwart Wissen über Bedeutung und Funktion von Vorurteilen und Stereotypen (Images, Fremdbilder, Feindbilder) Language Awareness Wissen über die Auswirkungen sprachlicher Hierarchien Wissen über die Bedeutung von Mehrsprachigkeit landeskundliches und kulturelles Wissen 	<ul style="list-style-type: none"> Achtung von Menschenrechten Achtung demokratischer Grundregeln „Minderheitenschutz“ Soziale Gerechtigkeit Respekt für die fremde Kultur 	<p><i>Bitte aus den jeweiligen Bereichen ergänzen</i></p> <ul style="list-style-type: none">

Abbildung 2: Komponenten von Gender-Kompetenz (Rudolf Leiprecht)

<ul style="list-style-type: none"> Empathie gegenüber Menschen, die im Geschlechterverhältnis und im Verhältnis von Heterosexualität und Homosexualität Diskriminierung, Benachteiligung und Ausgrenzung erfahren haben Multiperspektivität in Bezug auf verschiedene Positionierungen im Geschlechterverhältnis und im Verhältnis von Heterosexualität und Homosexualität Selbstreflexivität in Bezug auf unhinterfragte und selbstverständlich erscheinende Handlungs- und Deutungsmuster der eigenen Geschlechterpositionierung 	<ul style="list-style-type: none"> Fähigkeit, mit den Auswirkungen aktueller Geschlechterverhältnisse und den Verhältnissen von Heterosexualität und Homosexualität auf Kommunikation, Interaktion und Strukturen in Organisationen so umgehen zu können, dass Benachteiligungen vermieden bzw. abgebaut werden Fähigkeit, geschlechtersensible Methoden einzusetzen Fähigkeit zu einer geschlechtergerechten Sprache Fähigkeit, Gender-Mainstreaming-Instrumente in der täglichen Arbeit anwenden zu können 	<ul style="list-style-type: none"> Wissen über die soziale Konstruktion von Geschlecht und Zweigeschlechtlichkeit Wissen über dominierende Anforderungen, Zuschreibungen und Bewertungen in Bezug auf Geschlechterrollen und im Verhältnis von Heterosexualität und Homosexualität Wissen über typische Hierarchien im Verhältnis zwischen verschiedenen Männlichkeiten, zwischen verschiedenen Weiblichkeiten und zwischen Männlichkeiten und Weiblichkeiten Wissen über Bedeutung und Funktion von Vorurteilen und Stereotypen (Images, Fremdbilder, Feindbilder) 	<ul style="list-style-type: none"> Achtung von Menschenrechten Achtung demokratischer Grundregeln Minderheitenschutz Soziale Gerechtigkeit Respekt für homosexuelle Lebensweisen 	<p><i>Bitte aus den jeweiligen Bereichen ergänzen</i></p> <ul style="list-style-type: none">

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Aktivierendes Führen“

Expertin und Experte: Gerrit Kaschuba und Michael Gümbel

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Rolle und Aufgaben von Führungskräften im Gender-Mainstreaming-Prozess
- | Die Rolle der Führungskraft in Bezug auf die Organisation der modernen Verwaltung
- | Grundlagen von Führung
- | Führungsstile
- | Führungsinstrumente
- | Leistungsbewertung

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

- | Männlichkeit und Weiblichkeit – Vergeschlechtlichung von Führungspersonen
- | Gender-Kompetenzen für Führungskräfte

4. Literatur

Die Fortbildung richtet sich in erster Linie an Nachwuchskräfte kurz vor der Übernahme von Führungsverantwortung und an Führungskräfte kurz danach. Sie sollen die Grundlagen der Führungslehre kennen lernen und in die Praxis umsetzen können. Ein wichtiges Ziel ist die Sensibilität für unterschiedliche Lebenslagen der Mitarbeitenden und die Selbstreflexivität in Bezug auf die geschlechterbezogene Wahrnehmung in ihrer Bedeutung für die Aufgabe des Führens.

1. Gender-bezogenes Fachwissen

Sätze aus der Literatur zu Führen und Leiten wie „Total Management Quality bedeutet richtiges und gutes Management“ oder „Richtiges und gutes Management ist wirksam!“ suggerieren Objektivität und Allgemeingültigkeit für alle – unabhängig vom Geschlecht. Unter der Gender-Perspektive jedoch geht es um eine notwendige Differenzierung der Vorstellungen von Führen und Leiten aufgrund unterschiedlicher gesellschaftlicher Ausgangsbedingungen von Frauen und von Männern und geschlechterbezogener Zuschreibungen.

„Für die Möglichkeit der Entwicklung eines gendersensiblen Blicks auf das Handeln und die Praxen in/von Organisationen stellt der Glaube an Objektivität als die Bedingung für Gerechtigkeit und Geschlechter-Gerechtigkeit keinen guten Nährboden dar. Eine gendersensible Perspektive hätte danach zu fragen, inwiefern es neben offenen Formen der Geschlechterdiskriminierung gerade auch die hegemonialen Praxen der Objektivierung in Organisationen sind, die Ungerechtigkeiten für Frauen und Männer produzieren, weil sie von unterschiedlichen Ausgangsbedingungen, unbewussten Zuschreibungen, Differenzie-

rungen und Hierarchisierungen entlang der Unterscheidung in männlich/weiblich abstrahieren“ (vgl. Andresen 2003, S. 195).

In der Führungsliteratur zur Modernisierung der Verwaltung finden sich seit den 1990er Jahren Forderungen nach Veränderungen im Führungsstil und nach neuen Kompetenzen, die dafür erforderlich sind. Mit „alten Kompetenzen“ sind dabei etwa Durchsetzungsvermögen und Entschlussfähigkeit gemeint, zu den „neuen Kompetenzen“ zählen Teamfähigkeit und soziale Kompetenzen. Interessant in Bezug auf die Geschlechterperspektive ist dabei die immer wieder geäußerte Annahme, Frauen seien dabei im Vorteil, da sie über die verlangten „neuen“ Kompetenzen mehr verfügten als Männer. Tatsächlich lässt sich hingegen zeigen, dass es zwar eine Erweiterung des „Kanons“ der erforderlichen Fähigkeiten und Verhaltensweisen gegeben hat, die neu hinzugekommenen Kompetenzen aber die alten lediglich ergänzt haben, wobei sich an der Hierarchisierung zwischen den „alten“ und „neuen“ Kompetenzbereichen nicht grundsätzlich etwas verändert hat. Teamfähigkeit tritt also als wünschenswerte Ergänzung neben das Durchsetzungsvermögen, ersetzt es aber keineswegs bzw. tritt auch nicht an seine Stelle in der Bewertung (vgl. Krell 2008⁵, S. 321). In verschiedenen Studien wurde erhoben, welche Kompetenzen im Kreise von Expertinnen und Experten und Führungskräften als wesentlich für das Erlangen von Führungspositionen und die Praxis guter Führung angesehen werden. Dabei finden sich Eigenschaften wie „Durchsetzungsvermögen“, „Entscheidungskraft“ und „Leistungsorientierung“ durchweg unter den als am wichtigsten angesehenen Eigenschaften, „Teamfähigkeit“ und kommunikative Kompetenzen werden dagegen unterschiedlich hoch bewertet (vgl. Krell 2008⁵, S. 321).

Zugleich gibt es – bewusste und unbewusste – stereotype Zuordnungen von Kompetenzen zu „Männlichkeit“ und „Weiblichkeit“. Demnach könnten sich z. B. Männer besser durchsetzen oder Entscheidungen treffen, während Frauen teamfähiger seien und über mehr kommunikative Kompetenzen verfügten. Diese stereotypen Zuordnungen wirken zunächst über die Wahrnehmung ihrer Geschlechtszugehörigkeit, unabhängig von den realen Fähigkeiten der Personen (vgl. Tondorf 2006). Und diese Zuordnung zu einem Geschlecht bleibt auch prägend, wenn vielfältige andere Wahrnehmungen hinzugefügt werden. Sowohl Frauen als auch Männer werden dementsprechend immer auch als Vertreterinnen und Vertreter ihres jeweiligen Geschlechtes gesehen und niemals „nur“ als Individuen.

In Bezug auf Führung kann die stereotype Zuordnung von Kompetenzen eine Benachteiligung von Frauen bedeuten, da ihnen Kompetenzen, die als wesentlich für Führungsaufgaben angesehen werden, weniger zugeschrieben werden als Männern. Die Stereotypen erschweren aber zugleich Männern, von den engen Zuschreibungen an „Männlichkeit“ abzuweichen und z. B. in der Führung andere Wege zu beschreiten als erwartet wird. Diese Abweichungen können bei Männern einerseits als „schwach“ und „inkompetent“ wahrgenommen und zugleich auch als „unmännlich“ angesehen werden. Frauen, die die mit Führung assoziierten Fähigkeiten und Verhaltensweisen zeigen (z. B. Durchsetzungsvermögen), wird dies möglicherweise als „unweiblich“ bewertet.

Tatsächlich zeigt sich, dass Geschlechterstereotype auch im Bereich der Führung Frauen und Männer beeinflussen. Dementsprechend hat eine weibliche Führungskraft immer damit zu tun, dass sie von anderen Mitarbeiterinnen und Mitarbeitern, Kolleginnen und Kollegen als Frau, als „weibliche“ Führungskraft angesehen und behandelt wird, während eine männliche Führungskraft als „männlich“ angesehen und behandelt wird. Hinzu kommen die Selbstbilder von der eigenen Geschlechterrolle und davon, was als „männlicher“ bzw. „weiblicher“ Führungsstil gewünscht und akzeptiert wird.

Diese Erwartungen wirken bei Frauen möglicherweise stärker, weil sie in vielen Fällen tatsächlich zahlenmäßig in der Minderheit sind bzw. weil Führung traditionell eher mit „Männlichkeit“ verknüpft wird. Tatsächlich ist aber auch die Führungsposition bei Männern zutiefst vergeschlechtlicht: Abweichungen vom Ideal der „starken Führung“ werden dabei stets zugleich als Abweichungen von einem männlichen Ideal angesehen und als Krise der Männlichkeit wahrgenommen.

Eine solche Fokussierung der geschlechterbezogenen „Unterscheidungen“ – wohlgerne nicht Unterschiede – im Zusammenhang mit der Führungsthematik läuft grundsätzlich Gefahr, erneut festzuschreiben und den Blick auf die Defizite zu verstärken, anstatt die Potentiale zu sehen und zu nutzen. Es sollte deshalb in Fortbildungen vermittelt werden, dass sich die Ausmaße und Formen der Ungleichheit in beruflichen und organisationsbezogenen Situationen durchaus verändert haben. Dies findet seinen Ausdruck etwa darin, dass Gleichstellungsorientierung in der Personalentwicklung der Verwaltung ein Thema ist. Und doch sollte nicht übersehen werden, dass die grundlegende Substanz der Ungleichheit noch vorhanden ist. Diese zeigt sich gegenwärtig in der immer noch stärkeren sozialen Verantwortungsübernahme vieler weiblicher Führungskräfte z. B. gegenüber Kindern, Eltern, Patenkindern und der immer noch stärkeren Repräsentanz von Männern in den oberen Führungspositionen (vgl. Kommission der Europäischen Gemeinschaften 2009), aber ebenso in einer Organisationskultur, die etwa für Top-Führungskräfte – auch in der Verwaltung – Leistungen und Überstunden vorsieht, die nicht mit familiären, sozialen Anforderungen oder veränderten Lebensentwürfen von Frauen wie Männern kompatibel sind. Die Wahrnehmung von strukturellen Differenzen und Diskriminierungen ist von daher ein wichtiger Lernschritt für männliche wie weibliche Führungspersonen neben dem Wissen um geschlechterbezogene Konstruktionsprozesse in der Interaktion und Kommunikation²⁷. Als darauf aufbauende Herausforderung stellt sich das sogenannte „undoing gender“ im Sinne der „Entdramatisierung“ von Geschlechterdifferenzen. Andere soziale Kategorien und Zugehörigkeiten kommen mit ins Spiel wie Ethnizität, Alter etc., aber auch die Berücksichtigung des spezifischen sozialen Kontextes und der jeweiligen Situation ist von zentraler Bedeutung.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Themen der Fortbildung, in die mühelos Gender-Aspekte integriert werden können, sind: die Rolle der Führungskraft in der modernen Verwaltung und in Gender-Mainstreaming-Prozessen, Grundlagen von Führung, Führungsstile, Führungsinstrumente und Leistungsbewertung.

²⁷ Siehe die Definitionen von „doing gender“ und „gendered institutions“ in Kapitel 4.2, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

I Die Rolle der Führungskraft in Bezug auf die Organisation der modernen Verwaltung

Ein gender-bezogener Ansatz zum Thema Führung muss auch die strukturellen, organisationalen Bedingungen und die Konstruktionsprozesse von Geschlecht berücksichtigen. Ein ausschließlich persönlichkeitsorientierter Ansatz läuft Gefahr, die Mitgestaltung von (auch gleichstellungsorientierten) Organisationszielen generell durch Führungskräfte auszuklammern. Deshalb sollte in Führungsfortbildungen die Frage kritisch diskutiert und reflektiert werden: Wie und inwieweit können Führungskräfte durch ihr Handeln Ziele der Organisation verändern und beeinflussen? Wenn auch ein vertieftes Eingehen auf Organisationsstrukturen in der Fortbildung zu Führung nicht möglich ist, so sollte zumindest der organisationale Rahmen und seine möglichen unterschiedlichen Auswirkungen auf weibliche und männliche Führungskräfte benannt sein bzw. Beispiele von Teilnehmenden aufgegriffen werden, die das Organisationssystem tangieren.

I Rolle und Aufgaben von Führungskräften im Gender-Mainstreaming-Prozess

Wenn Gleichstellung eine Querschnittsaufgabe von Verwaltungen ist (§ 2 GGO), geht es darum, wie die Führungskräfte in ihrer Zuständigkeit dazu beitragen können.

Für die Umsetzung von Gender-Mainstreaming in der Verwaltung benötigen alle Führungskräfte Gender-Kompetenz²⁸. Das bedeutet:

- I Führungskräfte haben vor dem Hintergrund der Reflektion der eigenen Geschlechterrolle ein Interesse an der Veränderung und Demokratisierung der Geschlechterverhältnisse entwickelt (**Wollen**).
- I Sie verstehen, wie die nach wie vor bestehenden Ungleichheiten zwischen den Geschlechtern entstehen und wie sie sich auswirken (**Wissen**).
- I Sie kennen die Ansätze und Instrumente des Gender-Mainstreaming und können sie anwenden (**Können**).

Als Ziel für die Aufgabe von Führungskräften im Gender-Mainstreaming-Prozess kann formuliert werden: Gender-kompetente Führung weiß um die eigenen und gesellschaftlichen stereotypen Bilder und Zuschreibungen und kann sie hinterfragen und verändern. Eine gender-kompetente Führungskraft verfügt über die Fähigkeit, die eigenen Handlungsspielräume und die der Mitarbeiterinnen und Mitarbeiter in Bezug auf die Geschlechterrollen so zu erweitern, dass niemand benachteiligt wird.

Aufgaben und Rollen von Führungskräften in Gender-Mainstreaming-Prozessen

I Vorbild sein

Eine Führungskraft muss das Ziel der Gleichstellung zuerst im eigenen Handeln umsetzen. Dabei ist der erste Schritt die Auseinandersetzung mit der eigenen Geschlechterrolle und die fortlaufende Weiterentwicklung der eigenen Gender-Kompetenz.

I Verantwortung übernehmen

Die tatsächliche Umsetzung von Gleichstellung als Querschnittsaufgabe erfordert eine klare Zuständigkeit und eine aktive Verantwortungsübernahme. Entscheidungen über gleichstellungspolitische Ziele und Maßnahmen sind von den Führungskräften besonders voranzutreiben und zu unterstützen. Die Mitarbeiterinnen und Mitarbeiter müssen darauf vertrauen können, dass sie in ihren eigenen fachlichen Gender-Mainstreaming-Aktivitäten in jedem Fall von ihrer Führungskraft unterstützt werden.

²⁸ Siehe auch Kap. 4.1, Dimension „Gender-sensible Verfahren der Gewinnung von Dozentinnen und Dozenten“ sowie das Arbeitsblatt in dieser Arbeitshilfe in Abschnitt 3.

Aufgaben und Rollen von Führungskräften in Gender-Mainstreaming-Prozessen

Fortsetzung

I Die Rahmenbedingungen sicherstellen

Die Umsetzung von Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) benötigt zeitliche, finanzielle und personelle Ressourcen. Aufgabe der Führungskräfte ist es hier, die notwendigen Ressourcen zur Verfügung zu stellen und sich ggf. bei den ihnen übergeordneten Führungs- und Leitungskräften für zusätzliche Ressourcen einzusetzen.

I Die Mitarbeiterinnen und Mitarbeiter coachen

Wie in ihren anderen Aufgaben auch brauchen die Mitarbeiterinnen und Mitarbeiter in ihren Gender-Mainstreaming-Aufgaben Feedback und beratende Unterstützung. Je nach eigener Kompetenz und Verhältnis zu den Beschäftigten kann es sinnvoll sein, ihnen weitere Beratung bzw. Coaching von internen oder externen Personen zur Verfügung zu stellen.

I Die Qualität sichern

Führungskräfte als Qualitätsverantwortliche haben die Weiterentwicklung der fachlichen Arbeit unter Gender-Mainstreaming-Gesichtspunkten zu unterstützen. Sie haben auch die Aufgabe, die Qualität der (Gender-)Kompetenz des Personals in ihrem Bereich dadurch zu fördern, dass sie entsprechende Personalentwicklungsmaßnahmen in ihrem Bereich einwerben, umsetzen und eine verbindliche Mitwirkung der Einzelnen daran fordern und unterstützen.

Mit diesem Thema verbunden sind auch immer mögliche Widerstände von einzelnen – weiblichen wie männlichen – Teilnehmenden in der Fortbildung. Wichtig ist es, die darin zum Ausdruck kommenden Emotionen ernst zu nehmen²⁹. Des Weiteren kann eine Verbindung zum Konzept des Managing Diversity hergestellt werden im Sinne des Ansetzens bei der Entscheidungsebene, den Führungskräften, und der positiven Bewertung von Vielfalt von Lebensweisen (vgl. Koall/Bruchhagen/Höher 2002). Bei Gender-Mainstreaming und bei Managing Diversity geht es um das Ansetzen an Potenzialen von Personen und Menschen, um ihren unterschiedlichen Bedürfnissen möglichst gerecht zu werden. Denn alle Individuen gehören nicht nur „den Frauen“ oder „den Männern“ an, sondern immer zugleich auch Altersgruppen etc. Der Nutzen für die Verwaltung bei der Berücksichtigung der Vielfalt kann beispielsweise darin liegen, wenn Mitarbeitende motiviert sind und sich mit der Organisation besser identifizieren können, weil ihre unterschiedlichen Arbeits- und Lebensbedingungen berücksichtigt werden. So lohnen sich etwa die Investitionen in gute Rahmenbedingungen der Vereinbarkeit von Familie und Beruf.

I Grundlagen von Führung

Motivation bei den Mitarbeitenden zu fördern ist eine wesentliche Anforderung an Führungskräfte. Dabei ist es wichtig, dem Gegenüber Raum zu geben und zuzuhören, sich einzulassen. Hier kann es hilfreich sein, sich verschiedene Gesprächs- und Kommunikationstechniken anzueignen.³⁰

²⁹ Siehe ausführlicher zum Thema Widerstand Kap. 4.2, Dimension „Teilnehmerinnen und Teilnehmer von Fortbildungen“.

³⁰ siehe Kap. 5.2, Arbeitshilfe „Kommunikation und Kooperation“.

Wenn Modelle wie die Zwei-Faktoren-Theorie nach Herzberg (1968) eingeführt werden, die besagt, dass es zwei unabhängige Klassen von Kategorien (Kontext- bzw. Hygienefaktoren wie Gehalt, die Beziehung zu Mitarbeitenden und Vorgesetzten, Arbeitsbedingungen etc. und Kontentfaktoren bzw. Motivatoren wie Leistungserlebnisse, Arbeitsinhalte, Übertragung von Verantwortung, Anerkennung der Arbeit) gibt, die unterschiedliche Auswirkungen auf die Zufriedenheit mit der Arbeit haben, ist danach zu fragen, was dies für Frauen und Männer in unterschiedlichen Lebenslagen bedeuten kann. Gerade die Motivation hängt eng mit der jeweiligen Lebenslage zusammen: So macht es beispielsweise einen Unterschied, ob ich als Mann bzw. Frau allein zuständig bin für die Erziehung und Versorgung meiner Kinder, oder ob ich mit Partnerin bzw. Partner lebe, die mindestens ebenso zuständig sind. Dementsprechend viel oder wenig Spielraum habe ich, mich bei der Arbeit einzubringen, und dementsprechend geringer kann möglicherweise die Anerkennung der Leistung ausfallen, wenn nicht auch die Vereinbarkeitsthematik anerkannt wird. Oder wenn ich eine Frau bin, die eine Führungsposition anstrebt, schwanger wird, deshalb – wenn auch nicht offen formuliert – nicht befördert wird, aber eine Prämie bekommt. Diese Prämie wirkt dann unter Umständen nicht motivierend.

„Grundsätze wirksamer Führung“ werden in der Führungskräfte-literatur von Autoren wie Malik behandelt (Malik 2001). Eine umfassende Gender-Perspektive aus der aktuellen Geschlechterforschung wird hier meist nicht berücksichtigt. Von daher ist es wichtig, dass die Dozentinnen und Dozenten von vornherein in die Aufgabenstellung mitaufnehmen, „Grundsätze“ wie etwa „Stärken nutzen“ oder „Resultatorientierung“ zu diskutieren und unter Gender-Gesichtspunkten zu reflektieren. Dazu gehört auch das Hinterfragen von scheinbar objektiv vorgegebenen Grundsätzen: Denn unterschiedliche Ausgangsbedingungen und Zuschreibungen zum Geschlecht haben Auswirkungen auf Führungsstile und Fremd- und Selbstbilder von Frauen und Männern. Dabei kann es auch wichtig sein, wenn von den Lehrenden der Fortbildung direkt als Aufgabe angesprochen wird, explizit gendersensible Grundsätze für Führung zu entwickeln.

Beispiel: Gender-sensible Grundsätze des Führens

In einer Fortbildung wurden die Teilnehmenden aufgefordert, sich wichtige Grundsätze zu überlegen, die bei dem Autor Malik nicht vorkommen. Dieser Schritt eröffnet die Möglichkeit, sich auf eigene Spielräume zu besinnen. Daraufhin hat eine kleine Arbeitsgruppe den Grundsatz entwickelt „Flexibel mit außerberuflichen Umständen umgehen“, worunter auch das Ansetzen an informell erworbenen Kompetenzen etwa in Erziehung, Pflege oder Ehrenamt und Raum zum Erwerb derselben in der Kleingruppe diskutiert wurde. Die Teilnehmerinnen vermieden explizit Begriffe wie „Gender-Kompetenzen“ bei ihrer Ergebnispräsentation. Sie brachten als Beispiel im Plenum auch nicht die in Sorgetätigkeit erworbenen Kompetenzen ein, sondern die aus einem entwicklungspolitischen Engagement entstandenen. Dies erfolgte aus dem Grund, um nicht in die Gefahr der Abwertung als „Gender-Gedöns“ zu kommen.

Beispiel: Verschiedene Ebenen im gender-sensiblen Coachen

Eine Anregung durch die Seminarleitung, durchgängig die Grundsätze auch unter Gender-Aspekten – in ihrer Bedeutung für sie als Frauen und Männer in unterschiedlichen Lebenslagen – zu diskutieren, eröffnet dagegen für alle Teilnehmenden die Möglichkeit, an ihren biografischen Erfahrungen anzusetzen und die Berücksichtigung der Gender-Perspektive wie auch weitere Faktoren wie das Alter etc. als fachliche Anforderung zu verstehen.

| Führungsstile

Verschiedene Führungsstile wie „dirigieren“, „trainieren“, „coachen“, „delegieren“ sind nicht unabhängig vom Mann- und Frausein zu behandeln. Damit ist nicht ein unterschiedlicher Führungsstil von Frauen und Männern gemeint, sondern mögliche verschiedene Erfahrungen von Frauen und Männern mit diesen Führungsstilen wie auch mögliche unterschiedliche Reaktionen von Mitarbeitenden und anderen Führungskräften. So können z. B. Frauen häufiger einen unterstützenden Führungsstil von Vorgesetzten und Männer eher einen fordernden Stil erfahren. Die Führungskräfte folgen damit häufig unbewusst ihren Geschlechterstereotypen, wonach Frauen eher Unterstützung benötigten, während Männer selbstständiger arbeiteten. Oder es kann ein eher dirigierender Führungsstil bei weiblichen Führungskräften als „streng“ oder „zickig“ negativ bewertet werden, während er bei männlichen Führungskräften als „normal“ angesehen wird.

| Führungsinstrumente

Teilnehmende ziehen einen großen Lerngewinn aus dem Einsatz von Instrumenten, wenn diese in Rollenspielen eingesetzt werden. Wenn Coachen als Führungsstil mit einem Leitfaden für ein Mitarbeitendengespräch geübt werden soll, ist es wichtig, dass der Coaching-Leitfaden auch gender-sensible Fragen – etwa nach der Vereinbarkeit von Privat- und Erwerbsleben, Familie bzw. Sorgetätigkeit und Beruf – einschließt, etwa:

- | Würde es einer Frau bzw. einem Mann in Ihrer Situation genauso gehen? Was würde er bzw. sie tun? (Dabei kann als wichtige Erfahrung in der Übung ein Perspektivenwechsel vorgenommen werden, d. h., die Teilnehmenden sollten sich jeweils in das andere Geschlecht hineinversetzen.)
- | Was würde ein unsichtbarer männlicher Beobachter oder eine unsichtbare weibliche Beobachterin zu Ihrer Situation sagen?
- | Wie sehen die Kolleginnen bzw. Kollegen oder Mitarbeiterinnen bzw. Mitarbeiter die Situation?

Es ist möglich, den Leitfaden in Triaden im Sinne eines kollegialen Coaching zu erproben, indem eine Person als weibliche/männliche Führungskraft eine andere als Mitarbeiter/in coacht, während eine Dritte beobachtet und anschließend Rückmeldung gibt.

Auch in Bezug auf das Setting können somit die Geschlechterkonstellationen (Mann-Mann, Frau-Frau, Frau-Mann, Mann-Frau) in die Reflexion nach einem Coaching-Durchgang einbezogen werden, ebenso die gestellten Fragen und die behandelten Inhalte unter der Gender-Perspektive.

I Leistungsbewertung

Eine wesentliche Aufgabe von Führungskräften ist die Beurteilung und Bewertung der Leistung ihrer Mitarbeiterinnen und Mitarbeiter. Das geschieht in vielen Fällen in formalisierter Form, z. B. bei der Regelbeurteilung, bei Beurteilungen und Bewertung im Zusammenhang mit leistungsorientierten Entgeltbestandteilen oder bei der Erstellung von Zeugnissen oder ähnlichem. Viel häufiger und oftmals unbemerkt erfolgen Beurteilungen und Bewertungen im Rahmen der alltäglichen Führungsaufgaben:

- I** Welche Mitarbeiterin, welcher Mitarbeiter bekommt welche Aufgaben? Wem traue ich was zu, beim wem bin ich unsicher, ob das gewünschte Ergebnis erzielt wird?
- I** Welche Mitarbeiterin, welchen Mitarbeiter unterstütze ich auf welche Weise in der beruflichen Entwicklung? Wem empfehle und/oder ermögliche ich welche Fortbildung? Wen ermutige ich, neue Herausforderungen anzunehmen, bei wem bin ich eher zurückhaltend?
- I** Welche Mitarbeiterin, welchen Mitarbeiter unterstütze ich bei welchen Aufgaben – bei wem gehe ich davon aus oder erwarte ich, dass sie bzw. er die Aufgabe allein erledigen kann?
- I** Welcher Mitarbeiterin, welchem Mitarbeiter gebe ich wofür welches Feedback? Welche Leistung erscheint mir erwähnenswert, welche nicht? Wo übe ich Kritik, was lasse ich auf sich beruhen?

Diese vielfältigen Bewertungs- und Beurteilungsprozesse sind fast immer auch geprägt von bewussten und unbewussten Einflüssen, die nicht eigentlich einer wirklich „objektiven“ und gerechten Beurteilung entsprechen (vgl. etwa Fried/Wetzel/Baitsch 2000; Baer/Engstler 2006)³¹. Bereits die Wahrnehmung einer bestimmten Situation ist nur möglich, indem bestimmte Elemente aus der Vielfalt der Eindrücke ausgewählt und andere ausgeblendet werden. Dieses – in der Regel unbewusste – Auswählen geschieht unter Rückgriff auf Erwartungen und Schemata, die wir in vorangegangenen Situationen im Laufe unseres (Berufs-) Lebens herausgebildet haben. Wir haben gelernt, „worauf es ankommt“ bei der Beurteilung und haben damit eine wesentliche Kompetenz erworben, in komplexen Situationen schnell die Entscheidungen zu treffen, die sich voraussichtlich bewähren werden.

Bei der Einordnung und Bewertung der ausgewählten Informationen greifen wir in der Regel automatisch zurück auf vorherige Annahmen, Einschätzungen und Urteile. Der meist unbewusste Rückgriff auf diese Vorannahmen gibt Stabilität und Sicherheit für die konkret zu treffende Beurteilung – sie ist das individuelle Beurteilungsraster, an dem wir die konkrete Situation überhaupt bemessen können.

Bei der Beurteilung und Bewertung von Personal geht es immer um die Bewertung der Leistung von Frauen und Männern. Die Wahrnehmung und ihre Einordnung kann nicht getrennt werden von der Information darüber, ob ich es im konkreten Fall mit einem Mann oder mit einer Frau (einer bestimmten Generation, mit und ohne Zuwanderungsgeschichte etc.) zu tun habe. Die Erwartungen, Schemata, Annahmen, Einschätzungen und Urteile, die die Beurteilung prägen, haben immer zugleich eine Geschlechterdimension: Bewusst oder unbewusst existieren bei jedem bestimmte Bilder davon, was von einer Frau oder einem Mann zu erwarten ist usw. Diese Bilder erhalten zusätzliche Brisanz dadurch, dass die zugrunde liegenden Urteile über Männer und Frauen häufig als biologisch begründet angesehen werden – den Vorstellungen von „männlich“ und „weiblich“ wird also eine

³¹ Siehe Kap. 5.2, Arbeitshilfen „Personalauswahlverfahren durchführen“, „Auszubildende am Arbeitsplatz“.

naturgegebene Realität zugeschrieben, die es umso schwerer macht, dahinterstehende Stereotype, unangebrachte Verallgemeinerungen und Fehlannahmen aufzudecken und zu verändern.

Je nachdem, ob den Erwartungen an „geschlechtsspezifisches“ Verhalten entsprochen wird, finden unterschiedliche Bewertungen statt:

- „Erwartete“ Verhaltensweisen werden oft kaum wahrgenommen und oft nicht als besondere Leistung anerkannt (z. B. die freundliche Dame am Empfang, der Mann, der kräftig anpackt).
- Fehlen „erwartete“ Verhaltensweisen, wird häufig als Defizit gewertet (z. B. die unfreundliche Frau, der schwächliche Mann).
- Werden Verhaltensweisen gezeigt, die nicht den Erwartungen entsprechen, wird das z. T. als Grenzüberschreitung negativ gewertet (z. B. der sich einschmeichelnde Mann, die Frau, die keinen anderen etwas tun lässt), kann aber auch positiv gewertet werden (z. B. der Mann mit dem guten Gefühl für den richtigen Ton, die agile Frau).

Weit verbreitete Stereotype, die Beurteilungsprozesse in Organisationen (häufig unbewusst) beeinflussen (Fried/Wetzel/Baitsch 2000, S. 32):

- Männer werden als karriereorientierter angesehen, von Frauen wird eher angenommen, dass ihre berufliche Laufbahn durch Zeiten, in denen Kinder u. a. versorgt werden, unterbrochen wird.
- Von Frauen wird angenommen, dass sie sich zurückhalten, wenn es um die Übernahme von Verantwortung geht, Männern wird zugeschrieben, dass sie sehr an Verantwortung interessiert sind.
- Es existiert die Vorstellung, Männer seien konfliktbereiter, während Frauen Konflikte vermieden und konsensorientierter seien.
- Männern wird höhere Rationalität zugeschrieben, Frauen höhere Emotionalität.

Viele dieser Annahmen werden dadurch bestärkt, dass Menschen sich häufig eher erwartungskonform verhalten (weil angenommen wird, dass dieses Verhalten eher belohnt wird). Dennoch entstehen durch diese Zuschreibungen und Pauschalisierungen alltäglich Fehlbeurteilungen sowie Fehlbewertungen und damit letztlich mittelbare Diskriminierungen. Es gilt also vielmehr, die vorhandenen Erwartungen, Stereotype und Geschlechterrollenbilder bewusst zu machen, zu hinterfragen und zu verändern. Nur auf Grundlage eines solchen ständigen Prozesses können Personalbeurteilungen und -bewertungen einerseits gerecht und andererseits entsprechend den tatsächlichen fachlichen und sachlichen Anforderungen erfolgen.

Beispiel: Reflexion geschlechterbezogener Stereotypen

In – möglichst geschlechtshomogenen – Kleingruppen oder im Tandem-Interview erinnern sich die Teilnehmenden an Eigenschaften von Mitarbeitenden, die sie als besonders positiv oder besonders negativ erlebt haben (natürlich ohne die Mitarbeitenden zu benennen). Im zweiten Schritt reflektiert die Gruppe bzw. reflektieren die Partner bzw. Partnerinnen über die hinter dem Erleben stehenden geschlechterbezogenen Stereotype und Rollenbilder.

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

Zeitungsfang	70 Min.
Ziele	<ul style="list-style-type: none"> ■ Führungskräfte wissen um die Bedeutung von unterschiedlichen organisationalen und biografischen Ausgangsbedingungen von Frauen und Männern auf ihr Führungshandeln ■ Führungskräfte kennen eigene und gesellschaftliche Geschlechterstereotype und Zuschreibungen
Inhalte	<p>Eine zentrale Anforderung an die Qualifizierung von Führungskräften zum Themenbereich „Führen“ stellt die gender-bezogene Selbstreflexion dar. Die Erfüllung von Führungsaufgaben in einer modernen, der Geschlechtergerechtigkeit verpflichteten Verwaltung kann nur gelingen, wenn vorhandene Geschlechterstereotype reflektiert werden.</p> <ul style="list-style-type: none"> ■ Vorstellungen von Männlichkeit und Weiblichkeit ■ Gender-Aspekte in Führungspositionen ■ Bewertung von Frauen und Männern
Methodisches Vorgehen	<p>1. Schritt: Bildung von geschlechtshomogenen Kleingruppen „Mit welchen Erwartungen bin ich als (angehende) weibliche, bin ich als (angehende) männliche Führungskraft konfrontiert worden?“</p> <p>2. Schritt: Austausch im Plenum</p> <p>3. Schritt: Reflexion im Plenum</p> <p>■ siehe Anleitungsblatt</p>
Setting und Materialien	Kleingruppenräume, 1 Bogen vorbereitetes Flipchartpapier pro Gruppe mit der Überschrift „Erlebte Erwartungen an mich als (angehende) Führungskraft“

Anleitungsblatt für Dozentinnen und Dozenten

1. Schritt: Arbeitsgruppen (45 Min.)

Bildung von geschlechtshomogenen Kleingruppen mit ca. 4 Personen

Fragestellung: Mit welchen Erwartungen bin ich als weibliche, bin ich als männliche Führungskraft konfrontiert worden?

Vorgehen:

1. Abwechselndes nonverbales Brainstorming mit einem Stift auf dem Flipchart (ca. 10 Min.)
2. Alle haben anschließend Gelegenheit, die eigenen Erfahrungen auszuführen; die anderen fragen nur nach, bewerten nicht.
3. Drei wichtige Erfahrungen auswählen und auf dem Plakat farbig markieren, um sie im Plenum einzubringen

2. Schritt: Im Plenum Präsentation der Ergebnisse aus den geschlechts-homogenen Kleingruppen (10 Min.)

3. Schritt: Reflexion (15 Min.)

Abschließende Reflexionsfragen (auf Flipchartpapier schreiben)

1. Was lässt sich im Blick auf die Erfahrungen von Frauen und Männern feststellen?
 - | Welche geschlechterbezogenen Stereotype, Zuschreibungen tauchen in welchen Situationen auf?
 - | Wie schlägt sich das in meinem Führungsverhalten nieder?
 - | Welche Bewertungen werden sichtbar?
2. Wo gibt es innerhalb der Gruppe von Frauen und innerhalb der Gruppe von Männern Übereinstimmungen, wo Unterschiede?
 - | Welche Übereinstimmungen und Unterschiede gibt es zwischen Frauen und Männern?
 - | Welche Rolle spielt z. B. das Alter?
3. Was ist mein wichtigstes persönliches Lernergebnis aus dieser Einheit in Bezug auf weibliche und männliche Führungspersonen?

Thema Gender-Kompetenz für Führungskräfte	
Einheit 2	
Zeitungfang	45 Min.
Ziele	<ul style="list-style-type: none"> Die teilnehmenden (angehenden) Führungskräfte kennen die verschiedenen Ebenen von Gender-Kompetenz. Die Teilnehmenden wissen, über welche Kompetenzen sie unter Gender-Aspekten verfügen und welche sie weiterentwickeln wollen.
Inhalte	Personale, fachliche, methodische, soziale Gender-Kompetenzen
Methodi-sches Vorge-hen	Tandem (wenn möglich Mann und Frau): <ol style="list-style-type: none">1. Gegenseitiges Interview mit den Fragen des Arbeitsblatts und der Definition zu Gender-Kompetenz2. Erweiterung der Unterpunkte auf der Liste zu Gender-Kompetenz auf Moderationskarten3. Im Plenum Aufhängen und Kommentieren der Erweiterung der Gender-Kompetenzliste
Setting und Materialien	Arbeitsblatt mit Handout „Gender-Kompetenz“

Arbeitsblatt "Gender-Kompetenz für Führungskräfte"

Fragestellungen

1. Was fällt mir als (männliche bzw. als weibliche) Führungskraft schwer?
2. Was fällt mir als (männliche bzw. weibliche) Führungskraft leicht?
3. Was passt zu den Erwartungen an männliche bzw. weibliche Führungskräfte und was nicht?
4. Welche Kompetenzen will ich vertiefen, ausbauen? Über welche Ressourcen verfüge ich?

Bitte Unterpunkte auf der Liste zu Gender-Kompetenz ergänzen während des Tandem-Interviews.

Handout „Gender-Kompetenz für Führungskräfte“

1) Personale Kompetenz:

- Geschlechterbezogene Selbstreflexivität in Bezug auf die (berufliche und private) Biografie als Frau/Mann
- Geschlechterbezogene Selbstreflexivität in Bezug auf die eigene Beteiligung an Zuschreibungsprozessen und Normierungen
- ...

2) Fach- und Sachkompetenz:

- Wissen um die Konstruktion von Geschlecht (doing gender)
- Kenntnis über Lebenslagen von weiblichen und männlichen Mitarbeitenden
- Wissen über geschlechterhierarchische Strukturen in Gesellschaft und Verwaltung
- Kenntnis gender-bezogener Fachliteratur
- Gender-sensible Leitungskompetenz (Einsetzen von Führungsinstrumenten, Rollenverständnis, Führungsstil, Leistungsbewertung etc.)
- Wissen um Gleichstellungspolitik und Gender-Mainstreaming
- ...

3) Methodenkompetenz:

- Situative Reflexionsfähigkeit bezogen auf Stereotype und Geschlechtsrollenverhalten
- Aktive Unterstützung und Beratung von weiblichen wie männlichen Mitarbeitenden – vor allem auch bei der Umsetzung geschlechterpolitischer Strategien
- Prozesskompetenz
- ...

4) Sozialkompetenz:

- Kenntnis geschlechterbezogener Interaktions- und Kommunikationsprozesse
- gender-sensible Kommunikations- und Konfliktfähigkeit
- Sorge für respektvolle Zusammenarbeit von Frauen und Männern
- ...

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Personalauswahlverfahren durchführen“

Experte: Michael Kasten

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierter Gender-Perspektive

- | Einführung von Gleichstellung als Querschnittsaufgabe und der Gender-Perspektive
- | Sensibilisierung für verzerrte Wahrnehmung und die Diskussion ihrer Gründe
- | Beurteilungskriterien und falsche Konsensannahme
- | Auswahlverfahren

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Geschlechterrollen bei der Personalauswahl

4. Literatur

Die Fortbildung richtet sich an Angehörige des höheren und gehobenen Dienstes, die an der Planung und Durchführung von Personalauswahlverfahren beteiligt sind. Sie lernen die wesentlichen Anforderungen an Personalauswahlverfahren kennen, können den Ablauf eines Personalauswahlprozesses strukturieren und sind in der Lage, das Auswahlgespräch aufgrund einer erhöhten gender-sensiblen Wahrnehmungsfähigkeit diskriminierungsfrei durchzuführen.

1. Gender-bezogenes Fachwissen

Die Versachlichung von Personalauswahlverfahren bedeutet auch die Realisierung gleicher Chancen für Frauen und Männer bei der Personalauswahl. Ein Schlüssel dafür ist insbesondere die Schärfung der Wahrnehmungsfähigkeit derjenigen, die an Personalauswahlverfahren beteiligt werden. Ziel eines diskriminierungsfreien Auswahlverfahrens ist es, das Auftreten und die Verhaltensweisen von Bewerbern und Bewerberinnen anforderungsbezogen und ohne geschlechterbezogene Vorlieben und Vorurteile zu bewerten.

Den Interaktionsformen zwischen beurteilenden und beurteilten Personen kommt eine zentrale Bedeutung zu, da sie subjektiven, geschlechtlich konnotierten Interpretationen unterliegen. Emotionale Nähe oder Distanz zu den sich Bewerbenden oder „geschlechterbezogene Solidaritäten“ (Höying/Puchert 1998) sollen keinen Einfluss auf die Entscheidung haben. Gewährleistet werden kann das, indem die komplexen Wahrnehmungs- und Urteilsbildungsprozesse in Bezug auf gender-bezogene Konstruktionen und Zuschreibungen in der Fortbildung thematisiert werden.

Persönlichkeitsmerkmale wie etwa Leistungsmotivation, intellektuelle Leistungsfähigkeit oder Sprachgefühl werden geschlechterbezogen zugeschrieben. Dies äußert sich z. B. in stereotypen Allgemeinplätzen wie „Männer schneiden bei Intelligenztests schlechter ab als Frauen“.

Während Personalauswahlverfahren bei der Besetzung gut bezahlter Stellen mit Aufstiegschancen und einem hohen Anerkennungspotential Männer anscheinend begünstigen (ein Indiz dafür ist der hohe Anteil von Männern in Führungspositionen), werden Frauen bei der Besetzung von schlechter bezahlten Stellen im Humandienstleistungsbereich bevorzugt. So beträgt der Anteil weiblicher Beschäftigter in Kindergärten und -tagesstätten 97% und in Grundschulen 86,3% (vgl. Konferenz der Gleichstellungsministerien Oktober 2008). Aber auch hier gilt, dass die leitenden Funktionen eher von Männern bekleidet werden.

Unter dem Gesichtspunkt der Chancengleichheit ist demzufolge zu beachten, dass sich Personalauswahlverfahren für Bewerberinnen öffnen, wenn es um die Besetzung von Stellen geht, bei denen Frauen unterrepräsentiert sind. Ebenso soll sich das Verfahren für Männer öffnen, die Interessen am Humandienstleistungsbereich haben.

Geschlechterbezogene Benachteiligungen bei der Personalauswahl in öffentlichen Verwaltungen – wie auch in anderen Organisationen – verlaufen in der Regel nicht bewusst, sondern sind bedingt durch gesellschaftliche Wahrnehmungsverzerrungen. Wahrnehmungen und Beurteilungen sind Prozesse, die sowohl bei beurteilenden wie bei beurteilten Personen ablaufen. Fried u. a. (2000) weisen auf folgende sechs Fehlerquellen hin, die Chancenungleichheiten zur Folge haben:

- I Verzerrung durch Unkenntnis** – in Unkenntnis eines bestimmten Kontextes werden Ursachen einer Person zugeschrieben, z. B. wenn eine Wiedereinsteigerin ihre Schwierigkeiten beschreibt, ihren beruflichen Wiedereinstieg zu organisieren und ihr Gegenüber diese Schwierigkeiten einem mangelhaften Engagement zurechnet, weil die tatsächlichen Schwierigkeiten nicht nachvollzogen werden können.
- I Falsche Konsensannahme** – die besonders kritische Bewertung von Verhaltensweisen, die den eigenen Erwartungen in Bezug auf die zu besetzende Stelle nicht gerecht werden, selbst wenn die Verhaltensweise für die zu besetzende Stelle adäquat ist.
- I Erwartungsbedingte Attributionsverzerrungen** – der Erfolg, die besondere Leistung von Frauen wird häufig mit günstigen Umgebungsbedingungen begründet, Misserfolge werden eher den persönlichen Kompetenzen der Frauen zugeordnet. Gegenüber Männern gilt diese Interpretationsfalle eher umgekehrt.
- I Hedonistische Verzerrungen** – die Selektion von Verhaltensweisen nach nützlich und wenig hilfreich in Bezug auf die persönliche Erwartung der entscheidenden Person. Verknüpft mit tradierten Stereotypen von Männlichkeit und Weiblichkeit richten sich Erwartungen bezüglich der Anpassungsbereitschaft an Kandidatinnen und Erwartungen bezüglich Autonomie und Kreativität an männliche Bewerber.

■ **Auffälligkeitsverzerrungen** – offensichtliche Verhaltensweisen oder Ergebnisse dominieren gegenüber verdeckten.

■ **Verzerrungen durch Sympathie und Antipathie** – Bewertungen, Sympathie und Antipathie korrelieren in hohem Maße mit der Geschlechterzugehörigkeit.

Berufliche Zugänge und berufliche Karriereverläufe sind herausragende Themen bei der Konstatierung faktischer Ungleichheiten. Dies gilt auch für die Verwaltung als Organisation (vgl. Höying 2000). Daher können Personalauswahlverfahren als besonders ergiebige Handlungsfelder zur Umsetzung von Chancengleichheit bezeichnet werden. Gender-sensible Personalauswahl ist dadurch gekennzeichnet, die Potentiale von Frauen und Männern unabhängig von ihrer Geschlechtszugehörigkeit zu erfassen, sie mit den sachlichen Erfordernissen der zu besetzenden Stelle abzugleichen und Wahrnehmungsverzerrungen durch alltägliche Attribuierungen zu vermeiden.

Mit einer gender-sensiblen Personalauswahl können besondere betriebliche Ressourcen erschlossen werden. Die sich stark wandelnden Aufgaben und deren Bedingungen zur Durchführung in den Abläufen von Betrieben und Verwaltungen legen es auch ökonomisch nahe, solche Ressourcen zu erschließen. Dies erfordert aber, grundsätzlich die Einteilung in Frauen- und Männerberufe und die entsprechende Zuordnung von Bewerbungen zu überdenken und zu überwinden.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

In einer Fortbildung zur Professionalisierung der Personalauswahl bietet es sich an, die Gender-Perspektive als Querschnittsthema anzulegen. Das betrifft Themen wie:

- Qualitätsstandards für Personalauswahlprozesse,
- unterschiedliche Verfahren zur Personalauswahl,
- Anforderungsanalysen und Erstellen von Anforderungsprofilen von zu besetzenden Stellen,
- Phasen des strukturierten Personalauswahlgesprächs,
- Analyse der Bewerbungssituation,
- Interviewstrategien und -durchführung sowie
- Prozesse der Urteilsbildung.

Im folgenden wird exemplarisch verdeutlicht, was es bedeutet, wenn die Gender-Perspektive in Fortbildungen zur Personalauswahl integriert ist. Sinnvoll scheint es, wenn die Grundlagen der Gleichstellungsorientierung (Gender-Mainstreaming) und des AGG explizit in einer Lernsequenz behandelt werden, um die Querschnittsbedeutung des Themas für alle Aspekte der Personalauswahl deutlich zu machen. Weitere wichtige Themen sind die Wahrnehmung von Verzerrungen bei der Personalauswahl, Beurteilungskriterien sowie die Erprobung des Auswahlverfahrens unter Gender-Gesichtspunkten. Im Curriculumbeispiel wird auf die Bedeutung der Geschlechterrollen bei der Personalauswahl eingegangen.

I Handlungsleitende Grundlagen der Personalauswahlverfahren:

Gleichstellung als Querschnittsaufgabe (Gender-Mainstreaming) und das AGG

Die Vermittlung aktueller gleichstellungspolitischer Strategien wie Gender-Mainstreaming schafft eine gemeinsame Wissensgrundlage. Es empfiehlt sich nicht nur, den Begriff und seine rechtlichen Grundlagen zu klären, sondern auch seine Querschnittsbedeutung und seine allgemeine Relevanz zu erläutern³². Hier kann beispielhaft auf Gehaltsdifferenzen und Bildungsdifferenzen verwiesen werden (vgl. Aktionsrat Bildung 2009). Auch kann auf die Formulierung von Anforderungen der Verwaltung an eine zu besetzende Stelle eingegangen werden: Wer definiert diese Anforderungen? Inwieweit sind sie so formuliert, dass Frauen und Männer gleiche Chancen haben?

An dieser Stelle bietet das Allgemeine Gleichbehandlungsgesetz (AGG) eine weitere zentrale Grundlage für Fortbildungen zum Thema Personalauswahlverfahren. Ziel des 2006 in Kraft getretenen Gesetzes ist es, Benachteiligungen aufgrund von Rasse bzw. ethnischer Herkunft, Geschlecht, Behinderung, Alter, Religion bzw. Weltanschauung, sexueller Identität zu verhindern oder zu beseitigen³³. Dies beginnt mit der Anforderungsanalyse, betrifft die Stellenausschreibung, die Kriterien und Regeln der Personalauswahl, die Vorauswahl von Bewerbenden aufgrund von Bewerbungsunterlagen sowie den Einsatz eignungsdiagnostischer Verfahren (vgl. Gourmelon 2007).

I Sensibilisierung für verzerrte Wahrnehmung und die Diskussion ihrer Gründe

Eine verzerrte Wahrnehmung aufgrund des Geschlechts („gender bias“) sowie aufgrund anderer Merkmale bei der Personalauswahl kann zu sachlich falschen Entscheidungen führen und damit unmittelbare Auswirkungen auf die zukünftigen Arbeitsabläufe haben. Vermeintlich objektive Daten können zu Verzerrungen bei Beurteilungen führen, z. B. schneiden Teilzeitbeschäftigte bei Beurteilungen vielfach schlechter ab als Vollzeitbeschäftigte. Darüber hinaus erhalten Personen in niedrigeren Hierarchiestufen von Behörden in der Regel schlechtere Noten als die in höheren Hierarchiestufen. Da Frauen in beiden Gruppen überrepräsentiert sind, trifft sie diese Beurteilungsfehler in besonderer Weise. Im Kontext der Fortbildung bieten sich deshalb gender-orientierte Sensibilisierungsübungen an, wie sie z. B. Frank Dulisch in „Psychologie der Personalbeurteilung“ vorschlägt (vgl. Dulisch o. J.)³⁴. Dabei werden Assoziationen überprüft, die im Zusammenhang mit Geschlechterrollen entstehen.

Die Gründe für Wahrnehmungsverzerrungen werden im Seminar besprochen. Bei der Frage nach Auslösern geschlechterbezogener Wahrnehmungsverzerrungen spielen zwei Variablen eine Rolle: die eigenen wahrnehmungsprägenden Vorstellungen der Auswählenden und die unterschiedlichen Selbstdarstellungsweisen der Bewerberinnen und Bewerber. Insbesondere unterschiedliche Erfolgs- bzw. Misserfolgsorientierungen sind zu berücksichtigen: eine Kandidatin, die ihre Leistung eher abwertet und ein Kandidat, der seine Leistungen eher überbewertet, können das Ergebnis einer Personalentscheidung in unsachgemäßer Weise beeinflussen (vgl. Brommer/Hofmann/Wilhelm 2004).

I Beurteilungskriterien und falsche Konsensannahme

Für eine zu besetzende Führungsposition mit Entscheidungsverantwortung wird oft eine „durchsetzungsfähige“ Person gesucht. Wie kann vermieden werden, dass eine vorschnelle

32 Siehe auch Kap. 4.1, Inhalte von Fortbildungen mit integrierter Gender-Perspektive.

33 Siehe auch Kap. 4.1, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

34 Siehe auch Kap. 5.3, Arbeitshilfe „Auszubildende am Arbeitsplatz“ und Kap. 5.2, Arbeitshilfe „Aktivierendes Führen“.

Konsensannahme einem männlichen Bewerber mit platzgreifendem Gestus vorschnell Durchsetzungsfähigkeit attestiert? Oder umgekehrt: Wie kann bei einer im Bewerbungsgespräch vorsichtig auftretenden Bewerberin Durchsetzungsfähigkeit erkannt werden? Dies kann geschehen, indem die individuelle, fachliche Kompetenz des Bewerbers bzw. der Bewerberin in den Vordergrund gestellt wird und nicht vorschnell Geschlechtern zugeschriebene Attribute mit den Bewerbenden verknüpft werden.

1. Beispiel: Beurteilungskriterien

Als Beurteilungskriterium wird „Durchsetzungsfähigkeit“ angegeben. Die Teilnehmenden entwickeln in Kleingruppen Fragen bzw. Assessment-Aufgaben, mit denen die Durchsetzungsfähigkeit der Bewerberinnen und Bewerber nachvollziehbar geprüft werden kann. Erfahrungsgemäß werden in zahlreichen Kleingruppen kreative Lösungen entwickelt. Vorgeschlagene Lösungen können je nach Setting auch gespielt werden, indem die einbringende Gruppe die Auswahlkommission spielt, während andere Teilnehmende Rollen von Bewerbenden und Beobachtenden einnehmen.

Als Kriterium bei Führungskompetenz wird „strahlt eine natürliche Autorität aus“ angegeben. In geschlechtshomogenen Kleingruppen wird überlegt, welche geschlechterbezogenen Konnotationen in dieser Formulierung stecken, und wie sie so umformuliert werden kann, dass sie keine stereotypen Annahmen hervorruft.

Erprobung des Auswahlverfahrens

Der gesamte Prozess von der Ausschreibung über die Einladung geeigneter Personen, die Entwicklung der Kriterien für die Auswahl bis hin zur Entscheidung unter geschlechtergerechten Gesichtspunkten hängt mit der Art der Gestaltung des Verfahrens zusammen. Am Ende eines Seminars kann ein Rollenspiel stattfinden, das dazu dient, die Seminarergebnisse unter Gleichstellungsgesichtspunkten zusammenzufassen. Dazu kann ein Bewerbungsverfahren für eine zuvor definierte Stelle durchgespielt werden.

Im Plenum bildet sich ein drei- bis fünfköpfiges Bewerbungsgremium, das sich in einer Vorbereitungszeit auf ein möglichst gleichstellungsorientiertes, diskriminierungsfreies Auswahlverfahren einigt. Dann werden drei bis fünf Bewerberinnen und Bewerber von diesem Gremium befragt. Wichtig bei dieser Übung ist, dass es zu keiner Urteilsbildung bzw. Auswahl kommt, sondern dass nach der Befragung im Plenum über die Auswahlsituation wie etwa die Strukturierung des Interviews sowie die zugrundeliegenden Bedingungen wie bspw. die Zusammensetzung der Auswahlkommission nach Statusposition etc., Regeln des Abstimmungsprozesses, Anforderungsprofil unter Gender-Gesichtspunkten etc. reflektiert wird.

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitung- fang	90 Min.
Ziele	Sensibilisierung bezüglich der Selbstattribution der Beurteilenden
Inhalte	<ul style="list-style-type: none"> ■ Assoziation von Geschlechterrollen ■ Personalentscheidung und verzerrende Selbst- und Fremdwahrnehmung von Frauen und Männern
Meth- odisches Vorgehen	<p>1. Sensibilisierungsübung: Assoziation von Geschlechterrollen – Kleingruppenarbeit (40 Min.)</p> <p>Zur Sensibilisierungsübung werden Männer und Frauen in separate Gruppen getrennt. Je nach Gesamtgruppengröße können auch zwei Frauengruppen und zwei Männergruppen gebildet werden oder bei ungleicher Verteilung von Frauen und Männern auch dementsprechend nur eine Gruppe des zahlenmäßig geringer vertretenen Geschlechts.</p> <p>In geschlechtshomogenen Gruppen werden in Form eines Brainstorming die Erwartungen an das eigene Geschlecht und an das andere Geschlecht auf jeweils zwei Flipcharts schriftlich zusammengetragen. Jede Erwartung hat ihre Berechtigung, es bedarf keines Konsenses. Dies gelingt am besten, indem nonverbal mit einem Filzstift abwechselnd assoziiert wird, und erst im Anschluss an diese max. zehnminütige Phase pro Plakat über die Inhalte gesprochen wird. Jede Kleingruppe einigt sich für jedes Plakat auf drei wichtige Aspekte (wichtig im Sinne von Gemeinsamkeit, aber auch im Sinne von angeregter Diskussion aufgrund unterschiedlicher Sichtweisen) und markiert diese farbig.</p> <p>2. Plenum (ca. 30 Min.)</p> <p>Im Plenum bespricht die Männergruppe die von der Frauengruppe auf den Plakaten festgehaltenen Assoziationen zu Frauen und zu Männern, die Frauengruppe bespricht die von der Männergruppe auf Plakaten festgehaltenen Assoziationen zu Männern und zu Frauen. Dieses Vorgehen schärft die Aufmerksamkeit für die Ergebnisse der anderen Gruppe(n). Nachfragen und Ergänzungen sind jeweils möglich.</p> <p>Daran schließt ein Gespräch über Beobachtungen zu Gemeinsamkeiten und Unterschieden an. Dabei können folgende gender-bezogenen Reflexionsfragen hilfreich sein:</p> <ul style="list-style-type: none"> ■ Wo zeigen sich Unterschiede und Gemeinsamkeiten unter den Frauen, unter den Männern? Welche Faktoren spielen dabei eine Rolle? ■ Welche Vorstellungen haben Frauen von ihrer Geschlechterrolle und welche haben sie von der Geschlechterrolle der Männer? ■ Welche Vorstellungen haben Männer von ihrer Geschlechterrolle und welche haben sie von der Geschlechterrolle der Frauen? ■ Wie bestimmen diese Vorstellungen Entscheidungsprozesse zur Personalauswahl?

Thema	Geschlechterrollen bei der Personalauswahl
Fortsetzung	
	3. Input mit Gespräch (20 Min.) Verzerrende Selbst- und Fremdwahrnehmungen von Frauen und Männern Nach dem Input werden in einer gemeinsamen Erörterung die Thesen des Inputs und die Ergebnisse der Übung abgeglichen (vgl. Fried u. a. 2000; siehe den Abschnitt 1 „Gender-bezogenes Fachwissen“).
Setting und Materialien	Vier vorbereitete Flipchartpapiere, davon zwei überschrieben mit „Erwartungen an das eigene Geschlecht“ und zwei mit „Erwartungen an das andere Geschlecht“ Der Input als Skript Kleingruppenräume

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Konfliktmanagement als Führungsaufgabe“

Experte: Ralf Lange

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Gender-bezogene Ebenen von Konflikten: Person – Interaktion – Organisation
- | Die Selbstdiagnose
- | Die Beschreibung und Analyse unterschiedlicher Konfliktarten
- | Die Erprobung und Reflexion verschiedener Interventionstechniken

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Das eigene Konfliktpotenzial als Frau und als Mann reflektieren

4. Literatur

Das Seminar „Konfliktmanagement als Führungsaufgabe“ wendet sich an Führungskräfte des höheren und gehobenen Dienstes, die bereits Kenntnisse im Bereich „Kommunikation“ erworben haben. Den Teilnehmenden wird mit dieser Fortbildung die Möglichkeit eröffnet, ihr Führungsverhalten in Konfliktsituationen zu analysieren und ihr Gesprächsverhalten zu optimieren. Es sollen wirkungsvolle Strategien bei Konflikten mit Einzelnen oder in Gruppen erlernt und erprobt werden. Die methodisch-didaktische Vorgehensweise konzentriert sich auf eine Mischung aus Lehrgespräch, Rollenspiel, Gruppenarbeit, Diskussion und Feedback-Methoden.

1. Gender-bezogenes Fachwissen

Die Interaktionen zur Konfliktenstehung, -bearbeitung und -lösung werden durch die bewussten und die unbewussten Vorstellungen von Geschlechterverhältnissen beeinflusst. Da diese Vorstellungen nicht starr sind, sondern gesellschaftlich oder individuell variieren, wird in der neueren Forschung auch von „Inszenierungen“ von Geschlecht oder von einem „doing gender“ gesprochen³⁵. Dies bedeutet, dass durch sowohl sprachliche als auch körper-sprachliche Selbstdarstellungs- und Kommunikationsweisen Menschen ihr Geschlecht als soziale und symbolische Konstruktion alltäglich herstellen (vgl. West/Zimmermann 1987; Mühlen-Achs 2003; Kotthoff 1993; Gildemeister/Wetterer 1992). Diese Herstellung von Männlichkeiten und Weiblichkeiten findet auf allen Ebenen der alltäglichen Kommunikation statt (vgl. Goffman 1994). Selbst wenn wir ein geschlechtsneutrales Verhalten zeigen wollten, werden wir doch von unseren Mitmenschen im jeweiligen Kontext oft als Frauen oder als Männer wahrgenommen. Diese Wahrnehmung ist verbunden mit vorurteilsgesättigten Kompetenzvermutungen und Kompetenzzuschreibungen (z. B. „Männer sind stark,

³⁵ Siehe Kap. 4.2, Dimension „Inhalte von Fortbildungen mit integrierter Gender-Perspektive“.

aktiv, wettbewerbsorientiert, beruflich ambitioniert und mutig“; „Frauen sind schwach, passiv, emotional, beziehungsorientiert, wenig ambitioniert und ängstlich“). Die hierarchisierende Unterscheidung der Geschlechter im System der Zweigeschlechtlichkeit ist trotz mancher geschlechterpolitischer Erfolge der vergangenen Jahre eine alltägliche Realität und nimmt Einfluss auf die Entstehung und den Umgang mit Konflikten, da die jeweiligen Kontexte i. d. R. noch immer durch traditionell geschlechtshierarchisch geordnete Verhältnisse gekennzeichnet sind (vgl. Mühlen-Achs 2003; Knapp 1995).

Grundsätzlich kann davon ausgegangen werden, dass eskalierende Handlungssituationen bei den handelnden Personen zu starken psychischen Beeinträchtigungen im Wahrnehmen, Denken, Fühlen, Wollen und Verhalten führen können. Gleichzeitig können diese Beeinträchtigungen zu einer Reproduktion stereotyper Verhaltensweisen beitragen (vgl. Ballreich/Glasl 2007). Das Ausmaß dieses partiellen Kontrollverlustes hängt stark davon ab, welche individuellen Reaktionsmuster die betroffenen Personen in ihren beruflichen und privaten Kontexten entwickelt haben und auf welche Ressourcen sie zurückgreifen können.

In Stresssituationen dominieren häufig stereotype Verhaltensmuster, die z. T. bereits aus der Kindheit herrühren. Biographische Erfahrungen und Kompetenzen werden im Konfliktfall mobilisiert und führen häufig zu fixierten Verhaltensmustern. In einem Seminar zum Konfliktmanagement ist es von großer Bedeutung zu vermitteln, dass es darum geht, die betroffenen Konfliktparteien darin zu unterstützen, die Ursachen dieser seelischen Beeinträchtigungen zu sehen: dass wesentliche menschliche Grundbedürfnisse nicht erfüllt werden. Neben sozialen Bedürfnissen wie Kontakt, Zuwendung, Zugehörigkeit oder Wertschätzung sind dies in unterschiedlichem Ausmaß Sicherheitsbedürfnisse (Geborgenheit, Vertrauen, Angstfreiheit) und Autonomiebedürfnisse (Selbstentfaltung, Selbstwert, Stärke, Unabhängigkeit, Distanz). Wenn Grundbedürfnisse missachtet werden, entwickeln Personen Gefühle wie Misstrauen, Wut, Angst (vgl. Rosenberg 1994). Zur Stärkung der Handlungsfähigkeit von Führungskräften in Konfliktsituationen ist es daher wichtig, die eigenen, biographisch verwurzelten Reaktionsweisen in schwierigen Situationen zu reflektieren. So können die bislang erlernten Routinen im Umgang mit Konflikten im beruflichen Alltag zugunsten eines erweiterten Verhaltensspektrums abgelöst werden.

Neben diesen biographischen Reflexionen und der damit verbundenen Arbeit an Fragen der professionellen Haltung gibt es eine Reihe von Verfahren, Instrumenten und Gesprächstechniken zur Bearbeitung von Konflikten unter Gender-Aspekten.

Die Stärkung der Wahrnehmungs- und Handlungsfähigkeit, die Reflexion des eigenen Rollenverständnisses inkl. der eigenen Erfahrungen und Kompetenzen im Umgang mit eskalierten Gesprächssituationen und die Entwicklung von sog. „Frühwarnsystemen“ im organisationalen Kontext sind geeignete Themen, um Gender-Perspektiven in den Seminarverlauf zu integrieren. Da es neben dem notwendigen Wissenszuwachs in erster Linie um die praktische Erprobung neuer Handlungsstrategien geht, ist dem Lernen über Rollenspiele, Feedback und kollegiale Beratung ein entsprechend großer Raum zu geben.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Das inhaltliche Spektrum des Themas ist weit gefächert und bietet eine Vielzahl von möglichen Ansatzpunkten für gender-bezogene Anreicherungen. Im Mittelpunkt dieses Seminars steht die Rolle und Aufgabe der Führungskraft als Konfliktmanager bzw. Konfliktmanagerin in unterschiedlichen Kontexten. Verschiedene Konfliktarten und -ursachen sowie der persönliche Umgang mit der Bearbeitung von Konflikten werden reflektiert. Darüber hinaus werden die spezifischen Kontextbedingungen thematisiert (Organisations- und Konfliktkultur; Konfliktpotenziale einer Organisationseinheit usw.) und die Frage der Steuerbarkeit von Konflikten, z. B. durch den Einsatz angepasster Instrumente zur Konfliktregulierung erörtert. Konkret geht es im Seminar darum, anhand praktischer Beispiele das Führen und Moderieren von Konfliktgesprächen zu üben. Gender-bezogene Besonderheiten beim Umgang mit Konflikten können in diesem Seminar systematisch analysiert und als querliegende Perspektive integriert werden.

Das Methodenspektrum in diesem Seminar sollte den Teilnehmenden verschiedene Lernwege eröffnen, die vorhandene Lerngewohnheiten und -vorlieben respektieren und zugleich erweitern. Neben Lehr-/Lerngesprächen (Vortrag, Diskussion) sind aktivierende Methoden wie Gruppenarbeit, Rollenspiel und Feedback-Methoden, wie z. B. die Kollegiale Beratung sinnvoll. Unterschiedliche Sozialformen bieten den Teilnehmenden die Chance, dialogische Formen der Wissensaneignung zu erproben, um auch mit Blick auf Gender-Dimensionen des jeweiligen Themas neue Einsichten zu gewinnen. Empfehlenswert ist darüber hinaus die gelegentliche Reflexion in geschlechtshomogenen Arbeitsgruppen, um Gender-Aspekte z. B. nach dem Durchlaufen von Übungen und Rollenspielen aus der Perspektive von Frauen und Männern explizit analysieren zu können.

I Gender-bezogene Ebenen von Konflikten: Person – Interaktion – Organisation

Grundsätzlich gilt es, in der Fortbildung das produktive Potential gelingender Konfliktbearbeitung zur Entfaltung von Lern- und Entwicklungschancen für alle Beteiligten in den Mittelpunkt zu rücken und „Konflikt als Chance“ verstehen zu lernen. Dabei kann ein Raster hilfreich sein, das für eine Berücksichtigung von Gender-Aspekten bei Konflikten Ansatzpunkte auf drei Ebenen gegeben sieht: auf individueller Ebene, auf Interaktions- und auf Organisationsebene.

Individuelle Ebene

- I Persönlichkeit als Führungskraft: Biographische Reflexion; Rollenverständnis, „mein“ Führungsstil als Mann/Frau, Konfliktmuster aus Elternhaus, Peer Group, beruflichem Kontext usw.
- I Vorlieben und Gewohnheiten als Frau bzw. Mann in „schwierigen Situationen“ und in Konflikten: Wahrnehmung und Bewusstsein, Handlungsrouinen, eigene Tabus oder Leerstellen, Verhaltensmuster usw.
- I Persönlicher Umgang als Mann bzw. Frau mit Regeln, Instrumenten und Prinzipien in der Verwaltung: Führungsprinzipien, Leitbild, Konfliktmanagement als Führungsaufgabe, Rolle und Aufgabe von Moderation und Mediation

Interaktionsebene

- Regeln, Rituale und Handlungsmuster im Arbeitsalltag
- Explizite und implizite Botschaften an Männer und Frauen: Erweiterung des eigenen Spektrums möglicher Verhaltensweisen in Konflikten, Kompetenzvermutungen und –zuschreibungen an Frauen und Männer, sprachliche und körpersprachliche Dimensionen
- Umgang mit schwierigen Situationen bzw. Konflikten unter Berücksichtigung der Gender-Perspektive, Reflexion anhand von ausgewählten Fällen aus der eigenen beruflichen Praxis und Optimierung vor dem Hintergrund des jeweiligen beruflichen Kontextes

Organisationale Ebene

- Analyse der Konfliktkultur einer Organisation bzw. einer Organisationseinheit, Wahrnehmung als soziales System mit männlich und weiblich konnotierten Handlungslogiken und -prinzipien
- Kritische Überprüfung der Wirkungsmacht von Leitbildern, Ritualen, Regeln und Instrumenten unter Gender-Gesichtspunkten
- Reflexion der Bedeutung von sog. „Frühwarnsystemen“ unter Gender-Aspekten und Überprüfung der vorhandenen Instrumente der Konfliktbearbeitung (z. B. Machteingriff, Mediation, Moderation, Supervision, Kollegiale Beratung)

Die Selbstdiagnose

Bei der Reflexion der eigenen Erfahrungen mit Konflikten und den individuellen Reaktionsmustern kommen sowohl dialogische Verfahren wie Partner- oder Kleingruppenarbeit in Frage als auch standardisierte Testverfahren, die mit Hilfe vorformulierter Antworten persönliche Reaktionstendenzen und -vorlieben sichtbar machen. Etablierte eigene Verhaltensmuster zeigen sich vor allem in schwierigen, spannungsgeladenen Situationen (z. B. Überkompensation, Idealisierung, Projektion, Sensibilisierung, Verdrängung, Resignation). Ansatzpunkte und Fragen zur Integration von Gender-Dimensionen in die Selbstdiagnostik können folgendermaßen lauten:

- Welche Tendenzen, Vorlieben und Verhaltensmuster stehen bei den beteiligten männlichen und weiblichen Führungskräften im Vordergrund? Welche auffälligen Häufungen sind feststellbar?
- Welche möglichen Ursachen könnte dies haben (Biographie, Sozialisation, Dispositionen)?
- Wie wirkt sich dies konkret auf das bisherige Führungshandeln aus?
- Welche offenen und welche heimlichen „Aufträge“ kennen Führungskräfte als Frauen und Männer, wenn es um die Selbstdarstellung in schwierigen Situationen geht?
- Was davon kommt bei den Einzelnen an und wie ist der Umgang mit diesen geschlechterbezogenen Erwartungen?
- Was kann unternommen werden, wenn die eigene Sicht auf Kolleginnen und Kollegen und auf den Konflikt stereotypisierende Tendenzen erkennbar werden lässt?

Die Beschreibung und Analyse unterschiedlicher Konfliktarten

In der aktuellen Literatur wird eine Reihe von Konfliktarten unterschieden (vgl. z. B. Glasl 2002, S. 53–92). Diese können in unterschiedlichen Kontexten gender-relevante Auffälligkeiten aufweisen. Beispielhaft seien hier folgende Konfliktarten benannt:

- Konflikte zwischen Führungskraft, Mitarbeitenden und Gesamtorganisation:** z. B. Stress, Langeweile, Ermüdung, Benachteiligung, Diskriminierung durch die Regeln, Prinzipien und Rituale einer Organisation. Was sind gender-bezogene Ursachen und Erscheinungsformen in der Organisation? Wie können diese analysiert und benannt werden?
- Konflikte zwischen Personen in einer Statusgruppe:** Was ändert sich, wenn Männer und Frauen in unterschiedlichen Konstellationen eine Konfliktsituation erleben? Welche stereotypen Wahrnehmungs- und Handlungsmuster sind zwischen den Geschlechtern wirksam? Was ist anders, wenn Konflikte zwischen Männern bzw. zwischen Frauen eskalieren? Wie wirkt sich dies auf die Konfliktdynamik aus?
- Konflikte innerhalb einer Person:** Dabei kann es sich z. B. um Zielkonflikte, Entscheidungsprobleme, Dissonanzen durch widersprüchliche Erwartungen handeln. Welche Hinweise lassen sich bezogen auf biographisch entstandene Muster, Vorlieben, Deutungsweisen bei Frauen und Männern formulieren, die auch durch geschlechterbezogene Zuschreibungen und damit verbundene Identitätskonstrukte bedingt sind?
- Konflikte zwischen Gruppen:** Welche Teamkulturen treffen aufeinander? Welche Rolle spielt die Geschlechtszugehörigkeit bzw. spielen geschlechterbezogene Zuschreibungen bei Machtkämpfen, Rollenkonflikten, Verteilungsproblemen und Kommunikationsschwierigkeiten? Wie lassen sich (informelle) Muster der Vergemeinschaftung und ihre Auswirkungen auf Frauen und Männer reflektieren (z. B. Pausengespräche, abfällige Bemerkungen über andere Teammitglieder, männerbündische Mechanismen)?
- Konflikte innerhalb einer Gruppe:** Welche Subkulturen, informelle Netzwerke, Zielkonflikte, Machtdifferenzen, Führungsdefizite gibt es, und welche Rolle spielt dabei das Geschlecht? Wie lassen sich Führungsstile und Interventionsmuster unter Berücksichtigung von Gender-Aspekten bezeichnen? Welche Frustrationen und Umgangsweisen mit Frustrationen können bei den beteiligten Frauen und Männern festgestellt werden?

Die Erprobung und Reflexion verschiedener Interventionstechniken

Zu den wichtigsten Instrumenten und Gesprächstechniken, die im Rahmen von Moderation und Mediation eingesetzt werden, gehören die Techniken des Zusammenfassens (Paraphrasieren), das Aktive (empathische) Zuhören, das Verbalisieren von Gefühlen und Bedürfnissen, das Doppeln bzw. Umdeuten (Reframing) sowie eine Reihe von Frage- und Feedback-techniken (vgl. z. B. Diez 2005, S. 158–209). Diese Instrumente und Techniken werden den teilnehmenden Frauen und Männern in unterschiedlichem Maße vertraut sein. Sozialisationsbedingte und berufsbiographische Vorlieben und Stärken sowie die wahrscheinlich vorhandenen Lern- und Entwicklungsbedarfe können vor diesem Hintergrund geschlechterbezogen reflektiert werden, um stereotype Verhaltensmuster zu überprüfen.

Bei der praktischen Erprobung von Interventionstechniken kommt es darauf an, den Kontext und das Setting möglichst oft zu modifizieren, damit die Handlungssituationen auch mit Blick auf Gender-Aspekte stets neue Herausforderungen darstellen und zugleich über die Reflexion neue Einblicke für alternative Verhaltensweisen eröffnen.

Lehr-/Lerngespräche und praktische Übungen zu möglichen Interventionstechniken in schwierigen Gesprächssituationen gehören zum Kernbestandteil eines Seminars zum Thema Konfliktmanagement. Der Fokus ist dabei auf das Verhältnis von Sachebene zu Beziehungsebene (Emotionen, Gefühle und die mit ihnen verbundenen Bedürfnisse und Interessen) gerichtet. Die aktive Ansprache von wahrgenommenen Gefühlen kann und soll Druck

und Spannung lösen. Empathie, Akzeptanz und Wertschätzung sind essentiell für Deeskalationsstrategien: Bestätigung, Selbsteröffnung, aktives Zuhören, Umformulierung, Paraphrase, Präzisierung, Umdeutung und ggf. Doppeln sind Basistechniken der Kommunikation und der Gesprächsführung, die bei der Bearbeitung von Konflikten im Mittelpunkt stehen. Bei der Vermittlung und Erprobung dieser Techniken sind folgende ergänzende Reflexionsfragen hilfreich:

- | Wie leicht bzw. schwer fällt mir als Mann/Frau diese Form der Gesprächsführung? Woran könnte das liegen?
- | Welche Art der Gesprächsführung wird von mir erwartet? Wer trägt diese Erwartungen an mich heran und wie verhalte ich mich dazu?
- | Woher kommen diese Erwartungen (Kontext, Tradition, Erwartungen, Führungsleitbild und Führungsstil)?
- | Welche Gesprächstechniken passen zu mir als Führungskraft bzw. zu meinem Führungsverständnis? Wie stark sind diese Kompetenzvermutungen und -zuschreibungen an meine Geschlechtsidentität gekoppelt und was bedeutet dies für meine Handlungsfähigkeit als Person, die zur Klärung beiträgt?
- | Wie vermeide ich Stereotype von Frauen und Männern durch mein eigenes Vorbild? Welche produktiven Irritationen möchte ich als Führungskraft hervorrufen, damit sich das Verhaltensspektrum auch in schwierigen Situationen erweitern lässt?

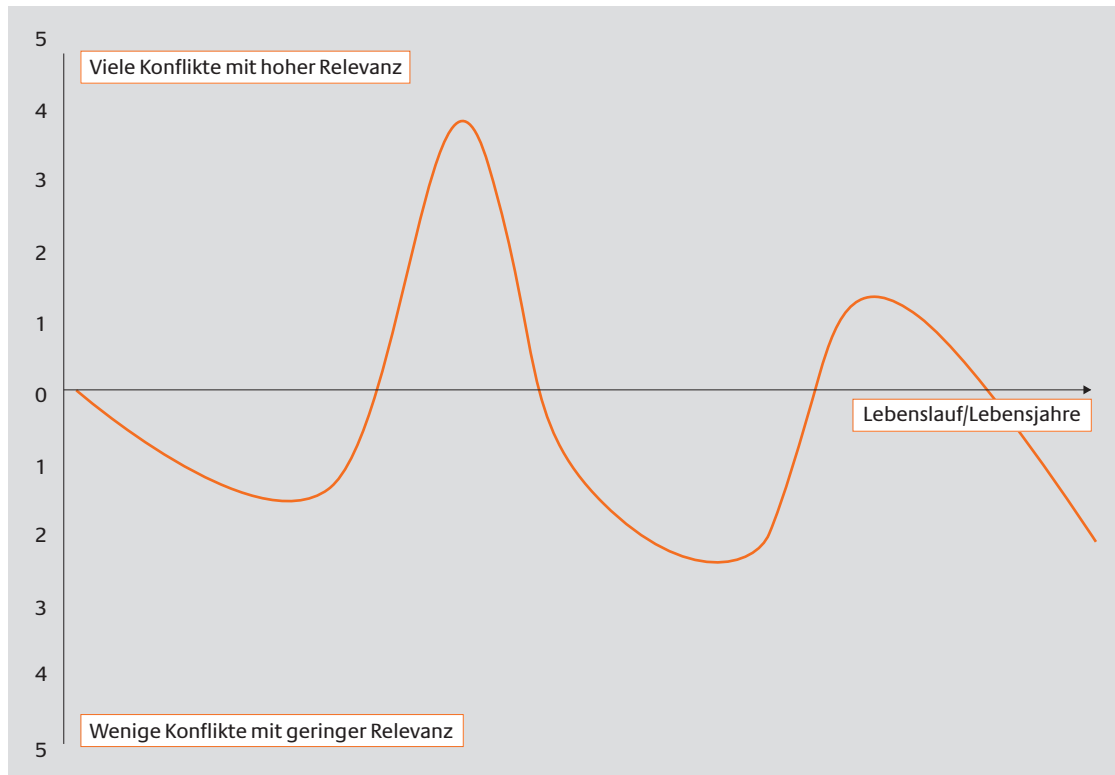
3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitung-fang	Gesamter Zeitbedarf: 3 Stunden 1. Schritt: 30 Minuten 2. Schritt: 90 Minuten 3. Schritt: 60 Minuten
Ziele	Analyse der mentalen Kapazitäten zum Umgang mit Konflikten vor dem Hintergrund biographischer Erfahrungen (Lebenslaufforschung; Identität und Haltung, männliche und weibliche Sozialisationserfahrungen) Reflexion der erlernten professionellen Verhaltensmuster und Reaktionsweisen insbesondere unter Gender-Aspekten (Stärken – Schwächen, Vorlieben – Abneigungen usw.) Erweiterung des Spektrums möglicher Verhaltensweisen der weiblichen und männlichen Führungskräfte im Umgang mit Konflikten inkl. Erprobung neuer Interventionstechniken
Inhalte	<ul style="list-style-type: none"> Weibliche und männliche Sozialisationserfahrungen und die damit zusammenhängenden persönlichen Handlungstendenzen in schwierigen Situationen Biographische Schlüsselerlebnisse von Männern und Frauen im Umgang mit Konflikten (z. B. im Elternhaus, in der Peer Group, im Studium, in der beruflichen Praxis) Der eigene Umgang mit ausgewählten Führungs- und Interventionstechniken als geschlechtlich konnotierte Form von Praxis (Führungsstile und ihre Auswirkungen auf das persönliche Führungshandeln)

Thema	Das eigene Konfliktpotenzial als Frau und als Mann reflektieren
Fortsetzung	
Methodisches Vorgehen	<p>Zur Analyse eigener Konfliktpotenziale in einem Führungskräfte-seminar sind methodische Vorgehensweisen geeignet, die den Teilnehmenden in einem geschützten Rahmen Möglichkeiten zur biographischen Reflexion eröffnen. Als methodische Vorgehensweise empfiehlt sich ein Dreischritt aus Einzelarbeit, Gruppenarbeit und Plenumsdiskussion.</p> <p>Grundsätzlich ist es wichtig, dass die Dozentin bzw. der Dozent bei dieser biographischen Übung auf die Vertraulichkeit und den sorgsamsten Umgang mit den persönlichen Konfliktgeschichten hinweist.</p>
Methodisches Vorgehen	<p>1. Einzelarbeit</p> <p>Die Ermittlung quantitativer und qualitativer Dimensionen von konfliktträchtigen Situationen im Lebenslauf erfolgt in Einzelarbeit mit Hilfe eines Arbeitsblattes.</p> <p>Dabei kann je nach Zusammensetzung der Teilnehmenden angesagt werden, ob der Fokus der biographischen Reflexion auf dem privaten und/oder auf dem beruflichen Bereich liegen soll. Auch kann entschieden werden, ob der Aspekt der Relevanz mehr im Sinne von Wichtigkeit (hohe/niedrige Relevanz) oder mehr im Sinne von Quantität (wenige/viele Konflikte) erläutert wird.</p> <p>■ siehe Arbeitsblatt Einzelarbeit „Biographische Selbstdiagnostik“</p> <p>2. Geschlechtshomogene Kleingruppen</p> <p>Austausch der Erfahrungen in geschlechtshomogen zusammengesetzten Kleingruppen (max. 4 Personen) inkl. Zusammenfassung wesentlicher Einsichten und Ergebnisse für die Gesamtgruppe</p> <p>■ siehe Anleitungsblatt 1: Kleingruppenarbeit</p> <p>3. Plenum</p> <p>Präsentation und Vergleich der Ergebnisse der Gruppe der Frauen und der Männer; Zusammenfassung relevanter Einsichten im Plenum und ggf. ergänzender Input der Seminarleitung</p> <p>■ siehe Anleitungsblatt 2: Plenum</p> <p>4. Auswertung</p> <p>Beim Feedback zu dieser Arbeitseinheit ist explizit auf die Gender-Dimensionen des Themas einzugehen. Anregungen für Auswertungsfragen sind im Anleitungsblatt Auswertung festgehalten.</p> <p>■ siehe Anleitungsblatt 3: Auswertung</p>
Setting und Materialien	<p>Kleingruppenräume</p> <p>Hilfreich für den 1. Schritt ist eine vorbereitete Grafik zur biographischen Selbstdiagnostik, die von den Teilnehmenden eigenständig auszufüllen ist:</p> <p>■ siehe Arbeitsblatt: Einzelarbeit</p> <p>Für die Präsentation von Ergebnissen und Einschätzungen aus den Kleingruppen können vorbereitete Visualisierungshilfen wie Flipchart oder MetaPlan-Wände genutzt werden, wobei die Herkunft der Ergebnisse aus den Frauen- bzw. Männergruppen erkennbar werden sollte (z. B. durch unterschiedlich farbige Kärtchen).</p>

Arbeitsblatt für die Einzelarbeit „Biographische Selbstdiagnostik“

Sie können auf der vorbereiteten Grafik zur biographischen Selbstdiagnostik ihre Erfahrungen mit konfliktträchtigen Situationen im Lebenslauf eintragen.



Folgende gender-bezogene Reflexionsfragen sind als Anregung für die Bearbeitung gedacht:

- Welche konfliktträchtigen Situationen spielten in meinem Lebenslauf eine zentrale Rolle? Welche Themen und Gegenstände waren Auslöser für diese Konflikte und welche Interessen und Bedürfnisse wurden berührt?
- Welche Personen waren beteiligt (z. B. Familienangehörige, aus dem Freundeskreis, Kolleginnen und Kollegen, Vorgesetzte)? Welche Rolle spielte dabei die Geschlechtsidentität dieser Menschen? Wie wurde dies auf der sprachlichen und der körpersprachlichen Ebene im Interaktionsgeschehen für mich spürbar?
- Welche Verhaltensmuster und Reaktionsweisen stehen bei mir im Vordergrund, wenn es um die Bearbeitung und Klärung von Konflikten geht? Welche Haltungen und Prinzipien sind für mich als Frau/Mann dabei besonders wichtig? Woran erkenne ich den Erfolg meiner Interventionen?
- Wie stark beeinflussen stereotype Erwartungen an Männer und Frauen meine Wahrnehmungsfähigkeit, wenn es um die Analyse und den Umgang mit Konflikten geht? Welche stereotypen Verhaltensmuster nehme ich auch bei mir wahr?
- Welche Gesprächstechniken bewähren sich gut, wenn ich als Klärungshelferin bzw. -helfer für Konfliktparteien aktiv werde? Wie stark beeinflussen mich dabei die Kompetenzvermutungen und -zuschreibungen der beteiligten Frauen und Männer? Welche Unterscheidungen mache ich im Umgang mit Frauen und Männern? Was davon ist nützlich – was ist ggf. problematisch?

Anleitungsblatt 1: Gruppenarbeit

Regen Sie den Austausch in Kleingruppen in folgender Schrittfolge an:

- Persönlicher Bericht aller Teilnehmenden anhand des Zeitstrahls und weiterer Aufzeichnungen
- Verständnisfragen aus der Kleingruppe
- Vergleich der persönlichen Berichte mit Blick auf Gemeinsamkeiten und Unterschiede
- Wenn möglich: Formulierung verallgemeinerbarer Aussagen zum Umgang mit konfliktträchtigen Situationen im männlichen bzw. weiblichen Lebenslauf (Verhaltensmuster, Denkweisen, Vorlieben, Rituale usw.)
- Zusammenfassung wesentlicher Einsichten und Ergebnisse für die Gesamtgruppe

Anleitungsblatt 2: Plenum

Für die Berichte im Plenum aus den Arbeitsgruppen sind folgende Fragestellungen möglich:

- Wie habe ich/haben wir den Erfahrungs- und Gedankenaustausch in den Kleingruppen erlebt?
- Was war hilfreich und bereichernd, was war schwierig?
- Welche Gemeinsamkeiten und Unterschiede konnten wir beim Vergleich der Lebensläufe feststellen, wenn es um den Umgang mit konfliktträchtigen Situationen geht?
- Wie stark beeinflussen stereotype Erwartungen an Männer und Frauen unsere Wahrnehmungs- und Handlungsfähigkeit, wenn es um den Umgang mit Konflikten geht?

Verallgemeinerbare Einschätzungen und Einsichten aus der Plenumsdiskussion sind von der Dozentin bzw. dem Dozenten festzuhalten und mit Erkenntnissen aus der relevanten Literatur abzugleichen. Gender-bezogenes Fachwissen sollte durch die Lehrenden ergänzend präsentiert werden. Dabei ist darauf zu achten, einer voreiligen Stereotypisierung männlicher und weiblicher Umgangsformen vorzubeugen. Es ist auf Unterschiede und Gemeinsamkeiten innerhalb der jeweiligen Geschlechtergruppe zu achten.

Anleitungsblatt 3: Auswertung

Auswertungsfragen können zum Beispiel sein:

- Welche Wahrnehmungs- und Zuschreibungsmuster der beteiligten Frauen und Männer haben mich überrascht – worin fühle ich mich bestätigt?
- Welches Gewicht haben aus meiner persönlichen Sicht geschlechtsbezogene Dimensionen im Umgang mit Konflikten?
- An welchen Stellen und auf welche Weise möchte ich meine persönlichen Verhaltensweisen im Umgang mit Konflikten weiterentwickeln?
- Welchen Lernbedarf sehe ich mit Blick auf meine Aufgabe und Rolle als Führungskraft?
- Was davon hat unmittelbar mit meinen beruflichen Sozialisationserfahrungen zu tun?

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5.3 Fortbildungen im Bereich Didaktik und Öffentlichkeitsarbeit

Fachbezogene Konzepte für Fortbildungen am Beispiel „Auszubildende am Arbeitsplatz“

Expertin: Karin Derichs-Kunstmann

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Erwartungen an die Auszubildenden
- | Rolle der Ausbilderinnen und Ausbilder, Ausbilder/innen als Vorbilder
- | Beurteilung von Auszubildenden

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Geschlechterbezogene Erwartungen an Auszubildende

4. Literatur

Diese Fortbildung richtet sich an Beschäftigte des öffentlichen Dienstes, die innerhalb ihrer Tätigkeit nebenamtlich mit der Ausbildung von Auszubildenden befasst sind oder demnächst damit befasst werden sollen. Ziel ist es, dass sie die notwendigen Grundkenntnisse für eine sachgerechte Durchführung der Ausbildung kennen lernen.

1. Gender-bezogenes Fachwissen

Frauen wie Männern stehen in unserer Gesellschaft alle Ausbildungsberufe offen, soweit sie die entsprechenden schulischen Voraussetzungen mitbringen. Das bedeutet allerdings nicht, dass es nicht – häufig verdeckte – Ungleichheiten und immer noch vorhandene geschlechterbezogene Stereotype und Zuweisungsprozesse gibt. Von den knapp 4,7 Millionen Beschäftigten des öffentlichen Dienstes sind zwar etwas mehr als die Hälfte Frauen, jedoch: „Im höheren Dienst und in Leitungsfunktionen sind Frauen allerdings noch immer unterrepräsentiert“ (Bundesministerium des Inneren 2009).

In der öffentlichen Verwaltung werden junge Menschen für sehr unterschiedliche und vielfältige Berufe ausgebildet, sei es in gewerblich-technischen Berufen wie z. B. Feinwerkmechaniker/in im Bundesamt für Kartographie und Geodäsie, in den sog. MINT-Berufen wie z. B. Fachinformatiker/in im Bundesverwaltungsamt, vor allem aber in den originären Verwaltungsberufen wie Fachangestellte für Bürokommunikation und vielen anderen Berufsbildern je nach Aufgabenstellung der Behörde.

Es schlägt sich auch im öffentlichen Dienst nieder, was der Berufsbildungsbericht der Bundesregierung für das gesamte System der dualen Berufsausbildung feststellt: „Insgesamt zeigt sich eine langfristig stabile geschlechtsspezifische berufliche Segregation in der Berufsausbildung“ (BMBF 2008, S. 115). Die Präferenzen von weiblichen und männlichen

Auszubildenden klaffen nach wie vor erheblich auseinander und diese Tendenz ist erstaunlich stabil. „2007 begannen 85,5 Prozent aller weiblichen Ausbildungsanfänger ihre Ausbildung in einem Dienstleistungsberuf, während nur 9,5 Prozent einen Fertigungsberuf erlernten. Die Verteilung bei den männlichen Ausbildungsanfängern war ausgeglichener: Von ihnen erlernten 61,0 Prozent einen Fertigungs- und 32,2 Prozent einen Dienstleistungsberuf“ (ebenda).

Auch bei den Auszubildenden in der Bundesverwaltung und in den nachgeordneten Behörden bildet sich dieses ab. In den Berufen des öffentlichen Dienstes – d. h. in denjenigen Berufen, für die in anderen Branchen nicht ausgebildet wird, wie beispielsweise Verwaltungsfachangestellte – „liegt der Frauenanteil seit mehreren Jahren bei 63 bis 65 Prozent an allen Auszubildenden“ (ebenda). Diese Berufe sind bis auf einige Ausnahmen – beispielsweise Straßenwärter bzw. Straßenwärterin – Dienstleistungsberufe und münden in Laufbahnen des mittleren Dienstes.

In den Behörden des Geschäftsbereichs des Bundesministeriums des Inneren (BMI) werden ca. 1.200 Ausbildungsplätze angeboten. Die häufigsten Ausbildungsberufe sind Fachangestellte/r für Bürokommunikation, Verwaltungsfachangestellte/r und Fachangestellte/r für Medien- und Informationsdienste (BMI 2009). Insbesondere Fachangestellte für Bürokommunikation und Verwaltungsfachangestellte werden in fast allen Behörden im Bereich des BMI ausgebildet – mit Ausnahme des Bundesamtes für Kartographie und Geodäsie und des Bundesamtes für Sicherheit in der Informationstechnik. Leider ist aus den zur Verfügung stehenden Zahlen nicht erkennbar, wie hoch der Frauenanteil in den einzelnen Ausbildungsberufen ist, aber nach Erfahrungswerten kann davon ausgegangen werden, dass insbesondere beim meist gewählten Ausbildungsberuf, Fachangestellte für Bürokommunikation, ein Anteil von 80 bis 90 % weiblichen Auszubildenden anzutreffen ist.

In der öffentlichen Verwaltung spiegeln sich in diesem Zusammenhang Prozesse wider, die sich im gesamten Erwerbsarbeits- und Berufsausbildungssystem in Deutschland finden und die in der fachlichen Diskussion mit dem Begriff der „geschlechtsspezifischen Segmentation des Arbeitsmarktes“ bzw. als „berufliche und sektorale Segregation“ (vgl. WSI 2005) bezeichnet werden. Dabei wird zwischen der horizontalen Segmentierung, der vertikalen Segmentierung und der qualitativen Segmentierung unterschieden, alle drei Arten der Segmentierung lassen sich im öffentlichen Dienst auffinden:

- I Bei der **horizontalen Segmentierung** verläuft die Trennungslinie zwischen den in erster Linie mit Frauen besetzten, schlechter bezahlten Berufen bzw. Beschäftigungsverhältnissen wie bspw. Fachkraft für Bürokommunikation, und den in überwiegend mit Männern besetzten, häufig besser bezahlten Berufen wie bspw. Fachinformatiker/in. Untersuchungen belegen, dass die häufig von jungen Frauen gewählten Ausbildungsberufe nicht nur nach der Ausbildung schlechter bezahlt werden als die überwiegend von jungen Männern gewählten Ausbildungsberufe, sondern dass diese auch selten Perspektiven für eine lebenslange Berufstätigkeit mit einem existenzsichernden Einkommen bieten.
- I Auch die **vertikale Segmentierung** ist im öffentlichen Dienst anzutreffen. Sie bezeichnet die Trennung zwischen mit Frauen besetzten Dienstposten in den unteren Besoldungsgruppen und den überwiegend mit Männern besetzten Positionen im höheren Dienst. Wenngleich in der öffentlichen Verwaltung der Anteil von Frauen im gehobenen Dienst in den letzten Jahren zugenommen hat, sind in mittleren und oberen Führungspositionen Frauen nach wie vor unterrepräsentiert.

■ Mit **qualitativer Segmentierung** ist die Tatsache gemeint, dass ein nicht unbeträchtlicher Teil von Frauen in sog. „ungeschützten“ Beschäftigungsverhältnissen tätig ist, d. h. in Teilzeitarbeit, mit befristeten Verträgen, in nicht sozialversicherten Beschäftigungen oder als freiberufliche Honorarkraft. Zwar nehmen derartige Beschäftigungsverhältnisse bei Männern inzwischen auch zu, aber Frauen sind dort nach wie vor überrepräsentiert.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Zentrale Inhalte eines Grundseminars für Beschäftigte des öffentlichen Dienstes, die nebenamtlich mit der Ausbildung von Auszubildenden befasst sind, sind die „Unterweisung am Arbeitsplatz“ und die Beurteilung von Auszubildenden. Darüber hinaus sollen die Rahmenbedingungen der Ausbildung und jugendpsychologische sowie didaktisch-methodische Grundkenntnisse vermittelt werden. Unter einer Gender-Perspektive ergeben sich vor allem bei folgenden Themen Ansatzpunkte: Rolle der Ausbilderinnen und Ausbilder, Erwartungen an die Auszubildenden, Verhalten der Auszubildenden im Betrieb und Beurteilung der Auszubildenden.

■ Erwartungen an die Auszubildenden

An Auszubildende werden Anforderungen und Erwartungen vom gesamten sozialen Umfeld gerichtet. Das ist zum einen der Ausbildungsbetrieb, repräsentiert durch die Ausbilderinnen und Ausbilder, zum anderen sind es die Familie und ebenso die gleichaltrigen Freundinnen und Freunde. Hinzu kommen noch die selbst gesetzten Erwartungen der Auszubildenden an sich. Diese Erwartungen richten sich nicht nur auf die möglichst erfolgreiche Erfüllung des Ausbildungsziels, sondern sie haben gleichzeitig – eher selten thematisiert – soziale und Beziehungsaspekte. Bereits in der Ausbildungsordnung sind diese Aspekte enthalten. Zu den festgeschriebenen Pflichten der Auszubildenden gehört es, dass sie sich bemühen müssen, „die Fertigkeiten und Kenntnisse zu erwerben, die zur Erreichung des Ausbildungsziels erforderlich sind“ und dass sie „die ihnen übertragenen Aufgaben (...) im Rahmen der Ausbildung sorgfältig auszuführen“ haben (vgl. BMI 2009). Dazu gehört auch, dass sie den „Weisungen des Ausbilders (...) Folge zu leisten“ haben und die „für die Ausbildungsstätte geltende Ordnung (...) beachten“ müssen (ebenda).

Insbesondere der Begriff der „geltenden Ordnung“ spielt im alltäglichen Umgang im Betrieb eine nicht unbedeutende Rolle. Es gibt in allen Betrieben kulturelle Praxen und ungeschriebene Regeln, deren Beachtung Auszubildende lernen müssen, wenn sie sich erfolgreich in das soziale System der Verwaltung eingliedern wollen. Unter einer gendersensiblen Perspektive ist zu fragen, inwieweit diese Regeln unbewusste Zuschreibungen, Differenzierungen und Hierarchisierungen entlang der Unterscheidung Mann – Frau enthalten. In der alltäglichen Wahrnehmung werden geschlechterbezogene Unterscheidungen vorgenommen und damit sind unterschiedliche Erwartungen an die jungen Frauen und jungen Männer verbunden (vgl. Kothhoff 2002). Diese Zuordnungen nach Geschlecht sind relativ stabil und führen dazu, dass Frauen und Männer immer auch als Repräsentantinnen bzw. Repräsentanten ihres Geschlechts wahrgenommen werden.

Da diese Wahrnehmungen nicht neutral sind, sondern mit ihnen gleichzeitig Wertungen und Hierarchisierungen verbunden sind, konstituieren sich unterschiedliche Ausgangsbedingungen für männliche und weibliche Auszubildende. Diese geschlechterdifferenten

Erwartungen an die Auszubildenden sind mit – in der Regel nicht bewussten – stereotypen Zuordnungen von Kompetenzen verbunden, unabhängig von den tatsächlichen Fähigkeiten einer Person. Weiblichen Auszubildenden wird bspw. eher Teamfähigkeit unterstellt und männlichen Auszubildenden eher Durchsetzungsfähigkeit. Das bedeutet nicht, dass Auszubildende des Mehrheitsgeschlechts in ihrem Beruf automatisch einen Vorteil haben, die Prozesse sind ungleich komplizierter und hängen nicht nur von Standardvorstellungen über Auszubildende im jeweiligen Beruf ab. Sie sind zum einen erfahrungsgeleitet („Wir hatten schon mal einen männlichen Auszubildenden für den Beruf des Verwaltungsfachangestellten, der hat alle ausgestochen.“), zum anderen spielt ebenso das Geschlecht der Ausbilderin bzw. des Ausbilders dabei eine Rolle³⁶.

Ausbilderinnen und Ausbilder sind eingebunden in dieses System der geschlechterbezogenen Zuordnungen innerhalb des sozialen Systems ihrer Behörde, auch wenn sie meinen, ihre jeweiligen Auszubildenden – seien sie weiblich oder männlich – neutral zu beurteilen. Auf diesem Hintergrund ist es wichtig, die Ausbilderinnen und Ausbilder im Seminar für diesen Gender-Aspekt der Erwartungen an die Auszubildenden zu sensibilisieren. Das bedeutet auch, dass Personen, die mit Auszubildenden arbeiten, angeregt werden sollten, ihre eigene Rolle gegenüber den Auszubildenden zu reflektieren.

Wie oben bereits dargestellt, müssen Auszubildende die „für die Ausbildungsstätte geltende Ordnung beachten“, so ist es im § 13 des Berufsbildungsgesetzes festgehalten (vgl. BBiG § 13 Abs. 4, BMBF 2005, S. 6.). Zu dieser „geltenden Ordnung“ gehören viele ungeschriebene Regeln, die Geschlechterdimensionen enthalten, z. B. sogenannte „Kleiderordnungen“. Noch vor wenigen Jahrzehnten war es undenkbar, dass eine weibliche Auszubildende im Betrieb keinen Rock oder kein Kleid trug. Gelegentlich hört man die Auffassung, dass sich die Jugendmode inzwischen weitgehend angeglichen habe. Bei genauerem Hinsehen ist das jedoch nur begrenzt der Fall. Zwar tragen junge Frauen heute ebenso selbstverständlich wie junge Männer Jeanshosen und T-Shirts, aber ein junger Mann im Rock oder Kleid ist in einer Dienststelle nach wie vor nicht vorstellbar. Insbesondere Formen der Selbstinszenierung durch Kleidung, Haartracht, Schmuck, Körperbemalung (z. B. Tätowierungen), aber auch Körperhaltung, Bewegungen und Sprache beeinflussen die eigene Wahrnehmung und die Wahrnehmung Anderer. Treffen sie doch in der Regel auf unhinterfragte kulturelle Konventionen von Männlichkeit und Weiblichkeit, die vielfach mit unbewussten Wertungen einhergehen. Dieses trifft auch auf Erwartungen an das Verhalten der Auszubildenden innerhalb der Behörde gegenüber Kolleginnen und Kollegen zu, ebenso wie gegenüber Vorgesetzten und Bürgerinnen und Bürgern. Auch in diese Verhaltenserwartungen fließen vielfach unbewusste Vorstellungen davon ein, wie sich männliche und weibliche Personen in der Öffentlichkeit zu verhalten haben.

Auch wenn es nicht zu einem Konflikt im Sinne der „geltenden Ordnung“ der Organisation kommen muss, kann es zu Zuschreibungen und Bewertungen kommen, die den weiteren beruflichen Erfolg der Auszubildenden beeinflussen.

Ein weiteres Thema für die Fortbildung im Zusammenhang mit Geschlechternormen und Selbstinszenierungen ist die sexuelle Belästigung, die gerade unter der Gender-Perspektive ein wichtiges Thema für Auszubildende und ihre Ausbilder- und Ausbilderinnen darstellt, um Handlungsstrategien zu entwickeln (vgl. Bundesorganisationsstelle behinderte Frauen 2003; Holzbecher u. a. 1990; IG Metall Vorstand 2008).

³⁶ Siehe dazu im Folgenden den Abschnitt zur Beurteilung von Auszubildenden.

I Rolle und Vorbildfunktion der Ausbilderinnen und Ausbilder

Ausbilderinnen und Ausbilder haben den Auszubildenden gegenüber mehrere Funktionen. In erster Linie sind sie Vorbilder in fachlichen Fragen und sind für die Umsetzung des Ausbildungskonzeptes zuständig (vgl. Berufsförderungszentrum 2009). Damit zusammenhängend sind sie für die Auszubildenden Ansprechpersonen bei der Lösung von fachlichen Problemen. Sie sollen die Auszubildenden unterstützen, begleiten und ermutigen und ihnen in kritisch-konstruktiver Weise Rat und Orientierung geben. Ihre Funktion geht aber auch darüber hinaus. Sie sind ebenso Vorbilder in sozialer Hinsicht. Ausbilder und Ausbilderinnen sind Vorbilder, die im Umgang miteinander durch ihre Einstellungen und Haltungen wirken. Sie leben den Auszubildenden vor, wie sie sich im behördlichen Kontext gegenüber Kolleginnen und Kollegen, gegenüber Vorgesetzten, Untergebenen und ggf. gegenüber Kundinnen und Kunden zu verhalten haben. Sie wirken als Vermittlerinnen und Vermittler von sog. Sekundärtugenden wie bspw. Höflichkeit, Pünktlichkeit und Zuverlässigkeit. Diese Funktion wird auch durch das Berufsbildungsgesetz unterstrichen: „Der Auszubildende hat dafür zu sorgen, dass der Auszubildende charakterlich gefördert sowie sittlich und körperlich nicht gefährdet wird“ (BBiG § 14 Abs. 1 Nr. 5, BMBF 2005, S. 6).

Für diese Vorbildfunktion ist es wichtig, dass die Ausbilderinnen und Ausbilder sich mit den Gender-Aspekten ihrer Rolle auseinander gesetzt haben. Sie sollten sich mit ihren eigenen Vorstellungen von männlichen und weiblichen Auszubildenden ebenso auseinander setzen wie mit ihrem eigenen Beitrag bei der sozialen Konstruktion von Geschlecht³⁷.

Aber auch in inhaltlicher Hinsicht fungieren die ausbildenden Personen selbstverständlich als Vorbilder. Dieses gilt nicht nur für den unmittelbaren fachlichen Inhalt der Ausbildung, sondern auch für – im Dienste der Bundesrepublik Deutschland – grundgesetzlich verankerte Werthaltungen, Zielvorstellungen und Politikkonzepte. Die Verpflichtung auf das Grundgesetz gehört zu den Einstellungsvoraussetzungen im öffentlichen Dienst. Geschlechtergerechtigkeit und Gleichstellung sind ebenso grundgesetzlich verbriefte Ziele. Daher sind sie implizite Bestandteile der Ausbildung im öffentlichen Dienst. Auch in dieser Hinsicht ist die Vorbildfunktion von Ausbilderinnen und Ausbildern von Bedeutung. Sie geben durch ihr Verhalten expliziten und impliziten Regeln der Zusammenarbeit im Betrieb ein Gesicht. Das bedeutet auch, dass es wichtig ist, dass sie sich ihrer eigenen Klischees und Stereotypisierungen bewusst sind und Auszubildende bei Verstößen entsprechend korrigieren.

Und nicht zuletzt gehört dazu auch die Anwendung einer geschlechtergerechten Sprache, auch in dieser Hinsicht haben Auszubildende eine Vorbildfunktion. Bundestag und Bundesrat haben bereits 1991 Empfehlungen für eine geschlechtergerechte Verwaltungssprache verabschiedet. Viele dieser Empfehlungen wurden umgesetzt, wie bspw. 1993 die geschlechtsneutrale Benennung von Ministerien: nicht mehr „der Bundesminister für Justiz“ o. ä., sondern „Bundesministerium der Justiz“ steht auf Briefbögen und Publikationen. Auch in vielen Bundesländern gibt es entsprechende Erlasse, z. B. in Nordrhein-Westfalen seit 1993 den Runderlass „Gleichstellung von Frau und Mann in der Rechts- und Amtssprache“ (NRW 1993). Auch in vielen Gleichstellungsgesetzen wurde eine gleichstellungsgerechte Rechtssprache gesetzlich verankert³⁸.

³⁷ Siehe dazu auch Kap. II.

³⁸ Eine Übung, um für eine geschlechtergerechte Sprache in der Fortbildung zu sensibilisieren, befindet sich in Kap. 5.3, Arbeitshilfe „Lehren in der Aus- und Fortbildung“.

I Beurteilung von Auszubildenden

Ein wichtiger Teil des Seminars für Ausbilderinnen und Ausbilder am Arbeitsplatz ist die Beurteilung von Auszubildenden. Dieses Thema ist von großer Bedeutung und wird daher ausführlich behandelt. Schwerpunkte bilden Beurteilungskriterien, Beurteilungsfehler und Beurteilungsgespräch. Zur Vorbereitung dieser Sequenz wird auf die Grundlagen der Kommunikation eingegangen³⁹.

Eine gute Hilfestellung für das Selbststudium zum Thema Personalbeurteilung bietet das von Frank Dulisch entwickelte Lernprogramm „Psychologie der Personalbeurteilung“ (vgl. Dulisch 2008). Er führt die Nutzerinnen und Nutzer seines Programms durch die verschiedenen Aspekte der Personalbeurteilung und macht anschaulich, wie welche Fehler in der Personalbeurteilung entstehen können. Ziel dieses Lernprogramms ist es, dass sich Beurteilende die möglichen Verzerrungen und Fehler, die sich in ihre Personalbeurteilung einschleichen können, bewusst machen. Dabei stellt Dulisch fest, dass vieles dafür spricht, „dass Geschlechtszugehörigkeit und Geschlechtsstereotypen zentrale Schubladen in der Personenwahrnehmung und in der Personenbeurteilung – auch im Arbeitsbereich – sind“ (vgl. Dulisch 2008). Wenn der Satz richtig ist, dass in „Personalbeurteilungen nicht Leistungen beurteilt werden, sondern Beziehungen“, dann spielen immer auch Gender-Aspekte dabei eine Rolle – ob in negativer oder positiver Hinsicht, ist damit noch nicht festgelegt. Auf jeden Fall sind Sympathie und Antipathie, Nähe, Überordnung und Unterordnung Aspekte, die stets bei Beurteilungen unterschwellig vorhanden sind. Diese beeinflussen die Wahrnehmung von Personen. Daher sollte jeder Beurteilende kritisch den eigenen Standpunkt in der Beziehung zu dem zu Beurteilenden hinterfragen.

„Im beruflichen Alltag überlagern sich unmerklich die Wahrnehmung der Arbeitsleistung und das Geschlecht der Person, die diese Leistung erbringt. Diese Überlagerung ist nicht zu vermeiden. Im Bemühen um eine möglichst objektive und gerechte Beurteilung ist es unerlässlich, sich die eigene geschlechtsgeprägte Sicht bewusst zu machen. Männern zugeordnete Verhaltensweisen sind in fast allen gesellschaftlichen Bereichen höher bewertet als weibliche Verhaltensmuster“ (Gleichstellungsstelle 1999, S. 3).

Beim Thema Beurteilung ist es unerlässlich, mögliche Beurteilungsfehler und Beurteilungsverzerrungen zu thematisieren. Auf dem Hintergrund der bisherigen Erkenntnisse ist davon auszugehen, dass Sympathiefehler oder Hierarchie-Effekte immer auch eine Gender-Komponente haben. Bisherige Untersuchungen stellen fest, dass darin versteckte Frauendiskriminierungen verborgen sein können (vgl. Dulisch 2008). Beurteilungsfehler und Beurteilungsverzerrungen können aber durchaus in beide Richtungen auftreten, sie können auch zu einer Diskriminierung von männlichen Auszubildenden beitragen. Eine wichtige Zielsetzung in Fortbildungen für Ausbilderinnen und Ausbilder besteht daher darin, diese möglichen Effekte zu thematisieren und die Teilnehmenden für ihre eigenen Anteile an diesen Beurteilungsfehlern zu sensibilisieren⁴⁰.

39 Siehe auch Kap. 5.2, Arbeitshilfen „Kommunikation und Kooperation“ und „Personalauswahl“.

40 Siehe auch Kap. 5.2, Arbeitshilfe „Personalauswahl“.

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Thema	Gender-bezogene Erwartungen an Auszubildende
Zeitungfang	1½ Stunden
Ziele	Die Teilnehmenden sollen ihre eigenen geschlechterbezogenen Anteile an den Erwartungen an die Auszubildenden erkennen.
Inhalte	Erwartungen an Auszubildende liegen auf sehr unterschiedlichen Ebenen und werden von kulturellen Praxen und ungeschriebenen Regeln beeinflusst, die in der Gesellschaft und innerhalb von Betrieben und Verwaltungen zur Alltagspraxis gehören. Eine der Erwartungen an Auszubildende besteht darin, dass sie diese – selten ausgesprochenen, aber dennoch wirksamen Regeln – beachten. Unter einer gender-sensiblen Perspektive soll danach gefragt werden, welches diese Regeln sind und inwieweit sie unbewusste Zuschreibungen, Differenzierungen und Hierarchisierungen entlang der Unterscheidung Mann-Frau enthalten.
Methodisches Vorgehen	<p>1. Brainstorming im Plenum mit der Frage: Welches sind die wichtigsten Erwartungen, die Auszubildende ihrer Meinung nach erfüllen müssen? Methodischer Hinweis: Keine Bewertung der Aussagen der Teilnehmenden, weder durch den Dozenten bzw. die Dozentin, noch durch die anderen Teilnehmenden. (15 Min.)</p> <p>2. Clusterung der Antworten: Der Dozent bzw. die Dozentin sortiert mithilfe der Teilnehmenden die genannten Eigenschaften nach den Kriterien: fachliche Kompetenzen, persönliche Kompetenzen, soziale Kompetenzen. (15 Min.)</p> <p>3. Drei Kleingruppen: Priorisierung der Antworten durch Vergabe von Punkten Methodischer Hinweis: Die Bearbeitung der Aufgabe erfolgt in drei verschiedenen zusammengesetzten Gruppen – eine Frauengruppe, eine Männergruppe, eine gemischte Gruppe. (20 Minuten) In allen drei Gruppen erhalten die Teilnehmenden jeweils drei Klebepunkte, mit denen sie die drei Erwartungen markieren sollen, die für sie am wichtigsten sind. Allerdings sollen die Gruppen unterschiedliche Fragen bearbeiten:</p> <ul style="list-style-type: none"> ■ Frage für die Frauengruppe: Welches sind die wichtigsten Erwartungen, die sie an einen männlichen Auszubildenden haben? ■ Frage für die Männergruppe: Welches sind die wichtigsten Erwartungen, die sie an eine weibliche Auszubildende haben? ■ Frage für die gemischte Gruppe: Welches sind die wichtigsten Erwartungen, die sie an einen Auszubildenden haben – unabhängig davon ob es sich um eine junge Frau oder einen jungen Mann handelt? <p>4. Vorstellung der Gruppenergebnisse im Plenum: Den Schwerpunkt der anschließenden Diskussion bildet die Frage, ob es Unterschiede in den Erwartungen gibt je nach Geschlecht des/der Auszubildenden. (40 Minuten)</p>

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Lehren in der Aus- und Fortbildung“

Expertin: Karin Derichs-Kunstmann

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Lernen Erwachsener
- | Selbstverständnis der künftigen Dozentinnen und Dozenten
- | Methodische Gestaltung von Seminaren
- | Geschlechtergerechte Sprache im Seminar

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

- | Thema: Lernen Frauen und Männer wirklich anders?

4. Literatur

Das Seminar richtet sich an Beschäftigte aller Laufbahngruppen, die als Dozentin bzw. Dozent oder als Multiplikatorin bzw. Multiplikator in ihrer Behörde oder einer Fortbildungseinrichtung tätig sind. Das Ziel des Seminars besteht darin, die Teilnehmenden zu befähigen, Seminare zu planen, zu gestalten und auszuwerten und dabei Lehrmethoden und Medien gezielt einzusetzen.

1. Gender-bezogenes Fachwissen

Unsere gesellschaftliche Realität ist nicht geschlechtsneutral. Auch Aus- und Fortbildungen sind Teil dieser Realität. Das bedeutet, dass sich die Menschen – Teilnehmende wie Lehrende in Seminaren – in ihrer geschlechterbezogenen Identität als Frau, als Mann mit ihren Vorstellungen von Männlichkeit und Weiblichkeit in das Geschehen einbringen und diese Vorstellungen auch häufig – meist unbewusst – auf die anderen Beteiligten beziehen. Selbstverständlich verhalten sich alle als Individuen, die aufgrund ihrer je eigenen Geschichte ihr Frau- bzw. Mannsein vielfältig ausgestalten, aber niemand ist frei von den gesellschaftlichen Rollenerwartungen.

Umgekehrt gehen wir in private wie in berufliche Kontexte mit Bildern und Erwartungen hinein, in denen unsere Vorstellungen von den Anderen als Frauen und Männer eine strukturierende Funktion haben. Dazu gehören auch geschlechterbezogene Stereotypisierungen. Diese helfen zwar dabei, Komplexität zu reduzieren, auf der anderen Seite können sie aber in Vorurteile umschlagen und uns daran hindern, Menschen in ihrer Wirklichkeit differenziert wahrzunehmen. Teilnehmende werden so nicht in ihrer je besonderen Individualität wahrgenommen, sondern es erfolgen so genannte „Zuschreibungsprozesse“, die – in der Regel unbewusst – ablaufen und in denen Frauen oder Männern Eigenschaften und Fähigkeiten zugeschrieben (oder unterstellt) werden. Damit verbunden sind Erwartungen und Wertungen, die die Interaktion und Kommunikation im weiteren Fortbildungsgeschehen beeinflussen können.

Für Beschäftigte im öffentlichen Dienst, die als Dozentinnen bzw. Dozenten tätig werden wollen, gehört es daher zu ihrer Vorbereitung, dass sie sich mit den Gender-Aspekten ihres professionellen Handelns als Lehrende befassen. Es ist notwendig, dass sie sich mit gesellschaftlichen Rollenerwartungen und Zuschreibungen an (junge) Frauen und (junge) Männer auseinander setzen. Gerade bezogen auf Ausbildungen ist es wichtig, in die Reflexion das Generationenverhältnis miteinzubeziehen. Leitungshandeln in Seminaren erfordert Sensibilität gegenüber den eigenen geschlechterbezogenen Verhaltensweisen, deren Reflexion sowie das Ausprobieren und Weiterentwickeln eines gender-sensiblen Seminarverhaltens.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

In Seminaren für künftige Dozentinnen und Dozenten werden in der Regel folgende Themen behandelt: Lernen Erwachsener, Lern- und Vermittlungsprinzipien, Zielsetzung und Inhaltsauswahl, Aufbau einer Unterrichtseinheit, Strukturierung und Visualisierung, Selbstverständnis als Dozentinnen und Dozenten, Vortragstechnik und Gesprächsführung, Methodenrepertoire, Medieneinsatz und Seminarauswertung. An folgenden vier Themen werden die Gender-Aspekte verdeutlicht und Hinweise für deren Bearbeitung im Seminar gegeben: Lernen Erwachsener, Selbstverständnis als Dozentinnen und Dozenten, Methodische Gestaltung von Seminaren und geschlechtergerechte Sprache im Seminar.

I Lernen Erwachsener

Um überhaupt in der Lage zu sein, eine Seminareinheit zu planen und zu strukturieren, müssen Dozentinnen und Dozenten eine Vorstellung davon haben, wie Menschen lernen. Die Auseinandersetzung mit dem Ablauf von Lernprozessen ist die Grundlage, um Unterrichtssequenzen zu entwickeln und sich für den Methodeneinsatz zu entscheiden.

Wenn in diese Seminareinheit Gender-Aspekte eingeführt werden, dann vor allem mit dem Ziel, an Geschlechterdifferenzen orientierte Alltagstheorien über Frauen und Männer, die in den Vorstellungen der Teilnehmenden vorhanden sein können, zur Diskussion zu stellen und sich mit ihnen kritisch zu befassen. Es ist davon auszugehen, dass ein durch Medien unterfütterter Alltagsdiskurs über Männlichkeit und Weiblichkeit in den Köpfen der Teilnehmenden durchaus präsent ist. Die alltagsweltlichen Stereotypen münden oft in weit verbreitete Vorstellungen einer universellen Geschlechterdifferenz, die angeblich seit Jahrtausenden auf die Eigenschaften und das Verhalten der Frauen und Männer eine prägende Wirkung ausübt. Diese Vorstellungen klammern den Einfluss historischer, sozialer und kultureller Differenzen aus.

Deshalb gehen aktuelle Theorien der sozialen Konstruktion von Geschlecht davon aus, dass Eigenschaften und Verhalten von Menschen, Frauen wie Männern, Alten wie Jungen von ihrer Zugehörigkeit zu einer bestimmten Ethnie, vom historischen, sozialen und kulturellen Kontext ihres Aufwachsens, Lebens und Arbeitens beeinflusst werden (vgl. Bilden/Dausien 2006). Die Einzelnen sind auf diesem Hintergrund an der Konstruktion der eigenen Präsentation in privaten, wie in öffentlichen und beruflichen Zusammenhängen beteiligt. Diese ist durchaus unterschiedlich, weil kontextabhängig. Auf diesem theoretischen Hintergrund ergibt sich ein Bild von Menschen als Handelnden und selbstständig Agierenden.⁴¹

⁴¹ Wir gehen hier nicht auf die aktuelle Diskussion um die Hirnforschung ein. Wichtig erscheint uns dabei unter pädagogischen Aspekten die Feststellung der Form- und Veränderbarkeit des Gehirns bis ins hohe Alter – eine der Voraussetzungen für Lernen und Verhaltensänderungen.

Im pädagogischen Zusammenhang ist es deshalb wichtig, sich mit diesen Alltagstheorien auseinander zu setzen, weil sie auch pädagogische Implikationen haben. Die Vorstellungen von einer universellen und Jahrtausende überdauernden Geschlechterdifferenz sind weitgehend statisch, die Vorstellungen von der Konstruktion von sozialen Rollen eher dynamisch und differenziert. Wenn Frauen und Männer seit Jahrtausenden in den immer gleichen Rollen – mit geringen Variationen – agieren würden, dann wären sie weitgehend veränderungsresistent und nicht lernfähig. Pädagogische Interventionen machen aber nur dann Sinn, wenn Lernfähigkeit und Lernbereitschaft sowie Möglichkeiten der Veränderung und Weiterentwicklung vorhanden sind. Insofern ist es wichtig, spätestens wenn Teilnehmende solche alltagsweltlichen Haltungen einbringen, diese zu thematisieren.

Es gibt noch eine weitere Facette der Thematisierung von Geschlecht. In der pädagogischen Fachdiskussion existierten – vor allem in den 1980er und 1990er Jahren – Positionen, die von einem „anderen“ Lernen von Frauen und Männern ausgingen (vgl. Derichs-Kunstmann,/ Müthing 1993). Diese Positionen sind von den oben dargestellten alltagsweltlichen und (evolutions-)biologischen Ansätzen zu unterscheiden, weil hier nicht Wesenseigenschaften von Menschen, sondern unterschiedliche Lebenslagen von Frauen und Männern diskutiert werden, die die Lernbedürfnisse der Geschlechter beeinflussen. Bei Untersuchungen in der gewerkschaftlichen Erwachsenenbildung wurde das Interaktionsverhalten von Männern und Frauen in Seminaren analysiert (vgl. Derichs-Kunstmann u. a. 1999; Hovestadt 1997). Es wurden Unterschiede im Seminarverhalten von Frauen und Männern in ihrer Kontextabhängigkeit diskutiert. Festgestellt wurden „Geschlechterdifferenzen in den Interaktionsweisen und (...) geschlechtsbezogenen Verhaltensweisen, die gleichzeitig mit Botschaften der Wertschätzung – positiv wie negativ – verbunden sind. Diese Verhaltensweisen stellen einen Beitrag zur Herstellung der Geschlechterhierarchie im Seminar dar“ (Dereichs-Kunstmann u. a. 1999, S. 178). Das Resümee ergab, dass es sich um „in dem untersuchten historisch-kulturellen Kontext erfolgreiche Inszenierungen von Männlichkeit und Weiblichkeit handelt“ (Dereichs-Kunstmann 2001, S. 142).

Einen wichtigen Lerninhalt für künftige Dozentinnen und Dozenten stellt es dar, einmal erlebte und festgestellte Differenzen zwischen Frauen und Männern nicht als universelle Verhaltensweisen zu betrachten und dann möglicherweise mit den dadurch beeinflussten Erwartungen in die Aus- oder Fortbildungsseminare zu gehen. Bezogen auf die Qualifikationssituation künftiger Dozentinnen und Dozenten bedeutet dies, sensibel zu sein für Vielfalt und für das Verhalten der teilnehmenden Frauen und Männer. Es empfiehlt sich, sorgfältige Beobachtung und gegebenenfalls ein Entgegenwirken gegen Stereotype, z. B. durch das Thematisieren von dominantem Verhalten von Frauen und Männern in einer Reflektionsrunde.

I Selbstverständnis der künftigen Dozentinnen und Dozenten

Dozentinnen und Dozenten werden von den Teilnehmenden nicht nur in dieser Funktion wahrgenommen, sondern auch als Frau bzw. Mann. Damit sind bestimmte Erwartungen verbunden, die zum einen mit Stereotypen, zum anderen mit bisherigen Lebens- und Lernerfahrungen der Teilnehmenden zu tun haben können. Gerade Leitende von Fortbildungen besitzen eine Vorbildfunktion. Von daher ist es wichtig, bewusst mit den Stereotypen umzugehen und sie in Frage zu stellen. Es geht nicht darum, dass sich Dozentinnen und Dozenten in ihrem Verhalten angleichen sollen, es geht vielmehr darum, dass sie sich über geschlechterbezogene Zuschreibungsprozesse im Lehr-Lernverhältnis im Klaren sein sollten.

Beispiel: Unterschiedliche Erwartungen an Dozentinnen und Dozenten

Wenn in einem Seminar zur Qualifizierung von Dozentinnen und Dozenten über ihr Selbstverständnis und über die Erwartungen von Teilnehmenden an sie gesprochen wird, dann ist es sinnvoll, auch darüber nachzudenken, ob es unterschiedliche Erwartungen an Dozentinnen oder Dozenten gibt, und welche das sein könnten:

- | Gibt es unausgesprochene Regeln dazu, wie sich eine Frau präsentieren oder wie sich ein Mann präsentieren sollte, wenn sie Seminare leiten?
- | Gibt es „Dress-Codes“, die eine Gender-Komponente haben?
- | Wird von Frauen ein anderes Durchsetzungsverhalten erwartet als von Männern?
- | Enthalten Fragen nach unterschiedlichen Erwartungen bereits die Gefahr, Stereotypen zu bedienen?

| Methodische Gestaltung von Seminaren

In einem Seminar zur Qualifizierung von Dozentinnen und Dozenten spielen Fragen nach dem Einsatz von Methoden in unterschiedlichen Phasen von Seminaren eine zentrale Rolle. Dabei wird vermittelt, wann welche Methoden mit welchem Ziel im Seminar eine Funktion haben können. Es wird ihre Abhängigkeit von didaktischen Prinzipien und Zielen sowie von Inhalten, Teilnehmenden und Rahmenbedingungen deutlich gemacht.

Gerade in diesem Zusammenhang sollte darauf eingegangen werden, wie sehr auch die in der Teilnehmendengruppe anwesenden Frauen und Männer mit ihren vielfältigen Lebenslagen, Arbeitswelten und ihren unterschiedlichen Zugängen zum Thema die methodische Herangehensweise beeinflussen. So kann die Gender-Thematik bezogen auf die Einzelnen und die Kommunikation innerhalb der Gruppe der Teilnehmenden zum Lerngegenstand werden.

In einem sehr lebhaften Seminar, an dem neun Frauen und sechs Männer teilgenommen haben, schien bis zum dritten Tag des 5-Tage-Seminars eine gleichmäßige Verteilung der Aktivitäten zwischen den Geschlechtern gegeben. Bei einer Übung, bei der es um die Anwendung des Gelernten im eigenen beruflichen Kontext ging, wurde die Aufgabe in fünf geschlechtergemischten Kleingruppen bearbeitet. Die Ergebnisse wurden dann in einem kurzen Rollenspiel im Plenum vorgeführt. Zur Überraschung der Fortbildungsdozentin hatten alle fünf Gruppen an einem Beispiel aus dem Handlungskontext eines Mannes gearbeitet, so dass bei der Präsentation fünf der sechs anwesenden Männer ihre Umsetzungsergebnisse vorführen konnten, aber keine der anwesenden Frauen. Da in diesem Seminar Gender-Aspekte bisher nicht thematisiert worden waren, wurde diese unerwartete männliche Dominanz jetzt auch nicht zum Thema.

Sicher sind derartige Situationen nicht immer vorauszusehen. Allerdings kommen Studien zu vergleichbaren Ergebnissen bei der Beobachtung von Arbeitsteilungen in Kleingruppen (vgl. Derichs-Kunstmann u. a. 1999, S. 74 ff.). Deshalb ist es sinnvoll, Vorbereitungen auf solche Situationen im eigenen Seminar in den Fortbildungen vorzunehmen. Natürlich gibt es dafür keine Allheilmittel, denn vieles beim Methodeneinsatz in Seminaren und beim Umgang mit kritischen Situationen hängt von der konkreten Seminargruppe ab. Eine vorbeugende Möglichkeit besteht jedoch darin, bei der Gruppeneinteilung in bestimmten Phasen des Seminars geschlechtshomogene Kleingruppen zu bilden. Zwar bilden sich auch in reinen Frauen- bzw. Männergruppen Arbeitsteilungen und möglicherweise Hierarchien heraus, jedoch bleibt damit eine Rollenverteilung nach Geschlecht außen vor und die Teilnehmerinnen können (oder müssen) das zu bearbeitende Thema auf dem Hintergrund ihres Handlungskontextes bearbeiten.

Die aktive Beteiligung von Teilnehmenden am Seminargeschehen ist eine Frage des methodischen Vorgehens. Das kann durch den Wechsel zwischen Lehrgespräch und Kleingruppenarbeit, Ermunterung stiller Teilnehmender (Frauen wie Männer), differenzierte Aufgabenstellungen für unterschiedliche Teilnehmende und andere methodische Interventionen geschehen. Damit kann dem entgegengewirkt werden, dass sich die Lauteren, Stärkeren oder auch hierarchisch Höhergestellten durchsetzen. Es kann eventuell auch sinnvoll sein, in einer Feedback-Runde das Klima und die Interaktionen in den Lerngruppen zu thematisieren und nach möglicherweise vorhandenen (Geschlechter)-hierarchien zu fragen.

I Geschlechtergerechte Sprache im Seminar

In Fortbildungen für künftige Dozentinnen und Dozenten haben die Lehrenden in vielerlei Hinsicht eine Vorbildfunktion, auch bei der von ihnen gesprochenen Sprache⁴².

Es kommt durchaus vor, dass Teilnehmerinnen von sich als „Beamter“ sprechen und die weibliche Bezeichnung abwerten. Zum einen kann ihnen vermittelt werden, dass dies im dienstlichen Gebrauch nicht den gesetzlich vorgegebenen Regeln entspricht (vgl. BVA 2002). Zum anderen ist der Verweis auf empirisch gestützte Begründungen sinnvoll, die besagen, dass maskuline Personenbezeichnungen Frauen unsichtbar machen, dass dadurch Stereotypen verstärkt werden, und dass diese Praxis dem Grundsatz der Gleichbehandlung von Frauen und Männern widerspricht (vgl. GenderKompetenzZentrum). Auch in dieser Hinsicht haben künftige Lehrende Vorbildfunktionen gegenüber denjenigen, die bei ihnen an Seminaren teilnehmen.

42 Siehe Kap. 4.3 Übergreifende Anforderung an Fortbildungen: Geschlechtergerechte Sprache.

Beispiel:
Umgekehrte sprachliche Diskriminierung

Wenn es im Seminarverlauf sinnvoll erscheint, die Wirkungen eines einseitigen Sprachgebrauchs sichtbar zu machen, kann folgende Übung hilfreich sein: Es wird vereinbart, in einer Seminarsequenz nur die weibliche Form zu benutzen und dann anschließend über die Erfahrungen der teilnehmenden Frauen und Männer zu diskutieren. In der Regel fühlen sich die teilnehmenden Männer nach einiger Zeit ziemlich unwohl, weil sie das Gefühl haben, dass sie nicht mehr angesprochen werden, wenn ausschließlich weibliche Formen für Substantive gebraucht werden. Dieses kann als Anlass genommen werden, um die Vorteile eines inklusiven Sprachgebrauchs und einer geschlechtergerechten Sprache zu diskutieren.

3. Curriculum für eine Fortbildungseinheit zur Thematisierung von Gender-Aspekten

Zeitungfang	1 ½ Stunden
Ziele	<p>Die Teilnehmenden setzen sich mit der eigenen Lernbiografie auseinander und damit, ob es Unterschiede in den Lernbiografien von Frauen und Männern gibt und worin diese begründet liegen.</p> <p>Dabei geht es nicht darum, scheinbar universelle Geschlechterdifferenzen zu entdecken, sondern die Wahrnehmung der Teilnehmenden für die historisch-kulturelle Gewordenheit möglicher Differenzen zu erkennen.</p>
Inhalte	Frauen und Männer, die als Lehrende tätig sind, gehen mit Bildern von den Teilnehmenden in ihre Seminare, die durch ihre eigenen Lernerfahrungen geprägt sind. Außerdem beeinflussen medial vermittelte Alltagstheorien über weibliches und männliches (Lern-)Verhalten diese Bilder. Diese sollen bewusst gemacht und in ihren Konsequenzen für das eigene Verhalten als Lehrende diskutiert werden.
Methodisches Vorgehen	<ol style="list-style-type: none">1. Kurzeinführung ins Thema (10 Minuten)2. Geschlechtshomogene Kleingruppen (20 Minuten) Je drei Personen besprechen folgende Fragen:<ul style="list-style-type: none">Welches waren meine eigenen positiven Lernerfahrungen?In welchem Zusammenhang (Schule, Elternhaus, Familie etc.) fanden sie statt?Welches waren meine Vorbilder? Waren dieses Frauen oder Männer oder sowohl als auch?3. Plenum: Zusammentragen der Kleingruppenergebnisse (15 Minuten) Vorstellen der Ergebnisse durch die einzelnen Gruppen4. Vergleich der Ergebnisse zwischen den Kleingruppen (15 Minuten) insbesondere unter der Fragestellung, ob es unterschiedliche Ergebnisse zwischen den Frauen- und den Männergruppen gegeben hat.5. Diskussion über die Frage nach den Ursachen von möglicherweise unterschiedlichen Erfahrungen: historische, kulturelle, gesellschaftliche, soziale Ursachen (15 Minuten)6. Zusammenfassende Diskussion zu den Konsequenzen im Hinblick auf das eigene Verhalten als Lehrende. (15 Minuten)

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Fachbezogene Konzepte für Fortbildungen am Beispiel „E-Learning mit neuen Medien“

Expertin: Victoria Schnier

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Qualitätskriterien für E-Learning-Angebote
- | Gestaltungskriterien für E-Learning-Angebote
- | Zielgruppen von E-Learning-Angeboten
- | Kriterien für die Implementierung von E-Learning-Angeboten
- | Bewertung von elektronischen Lernmedien
- | Eigenproduktion von E-Learning-Angeboten

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

- | Thema Einheit 1: Gender-sensible Bewertung von E-Learning-Programmen
- | Arbeitsblatt: Kriterien zur Bewertung der Programme unter Gender-Aspekten
- | Thema Einheit 2: Gender-sensible Bewertung verschiedener Lernmedien
- | Arbeitsblatt: Bewertung von Lernmedien

4. Literatur

Das Seminar richtet sich an Beschäftigte, die für die Einführung und Begleitung von E-Learning in ihrer Behörde zuständig sind. Sie sollen einen Überblick über die Möglichkeiten und Grenzen des Einsatzes digitaler Lernmedien in der dienstlichen Fortbildung erhalten und in die Lage versetzt werden, E-Learning oder Elemente davon in das Fortbildungskonzept ihrer Behörde zu integrieren.

1. Gender-bezogenes Fachwissen

Die Internetnutzung in Deutschland nimmt immer weiter zu. Derzeit sind ca. zwei Drittel der Deutschen online und der Anteil steigt stärker als noch in den Jahren zuvor (vgl. Initiative D21 e. V. 2008). Bei der Verteilung der Internetnutzung nach Geschlecht hat sich im Jahr 2008 allerdings der Anteil der männlichen Internet-Nutzer deutlicher erhöht als der der Nutzerinnen. Waren im Jahr 2007 noch 67,1% der Männer und 53,8% der Frauen online, ist für das Jahr 2008 festzuhalten, dass 72,4% der Männer und 58,3% der Frauen das Internet nutzen (ebenda). Die Diskrepanz der Internetnutzung zwischen Frauen und Männern ist weiterhin vorhanden.

Gründe für die unterschiedliche Nutzung des Internet liegen laut medienwissenschaftlicher Studien in der Entstehungsgeschichte des Internet, in den Themen und in stereotypen Vorstellungen von Weiblichkeit und Männlichkeit (vgl. Dorer 2001). Durch seine Entstehungsgeschichte in den Bereichen Militär und Wissenschaft ist das Internet mit einer männlichen

Konnotation versehen. Die Beteiligung von Frauen an der Computerentwicklung bleibt oft unerwähnt. Die Gleichsetzung von Männlichkeit mit Technikinteresse und Technikkompetenz und von Weiblichkeit mit Technikscheu, Technikangst oder gar Technikablehnung ist bis heute ein wirksames Stereotyp quer durch alle Medien. Im Zuge der Kommerzialisierung des Internet werden auch zunehmend Frauen als Internetanwenderinnen angesprochen, allerdings geschieht dies vielfach mit immer noch konservativen Frauenstereotypen (vgl. Dorer 2001). Diese Faktoren haben verschiedene Konsequenzen für das Selbstbild von Frauen und Männern in Bezug auf ihr Technikverständnis und ihre Technikkompetenz. Das bezieht sich sowohl auf die selbst zugestandene Technikkompetenz als auch auf die von außen unterstellte bzw. zugetraute.

Gender-sensitive Mediendidaktik berücksichtigt unterschiedliche „Medienbiografien“, das heißt unterschiedliche sozialisationsbedingte Zugänge zum Medium Internet und vielfältige Lernstrategien von Frauen und Männern. Ziel ist dabei, die ungleichen, stereotypen Vorstellungen abzubauen, statt sie neu zu bestätigen.

Für die Entwicklung und Umsetzung von E-Learning, d. h. Lehr- und Lernformen, die durch Informations- und Kommunikationstechnologien unterstützt werden, stand lange Zeit die technische Umsetzung im Mittelpunkt. Durch die Erfahrung, dass eine technisch hochwertige Lernumgebung alleine den Lernerfolg nicht zu sichern vermag, wächst die Bedeutung der professionellen didaktischen Umsetzung der Lerninhalte des E-Learning. Es ist heute davon auszugehen, dass eine möglichst große Vielfalt von Interessen, von Zugängen, von Lernstilen und von Vorerfahrungen von Männern und Frauen beim E-Learning berücksichtigt werden sollte. Was allgemein für die geschlechtergerechte Didaktik festgehalten werden kann⁴³, gilt auch für das E-Learning.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

Bei der Einführung, Entwicklung und Implementierung von computerbasierten Lernangeboten ist zu berücksichtigen, wie dies ohne Diskriminierung geschehen kann. Dabei sind Gender-Aspekte in Verschränkung mit anderen Kategorien wie zum Beispiel Alter, Bildung oder möglicherweise vorhandenen körperlichen Einschränkungen zu beachten (vgl. GenderKompetenzZentrum A + B). Auf diesem Hintergrund ist es notwendig, dass bei einem Seminar, das Teilnehmende in die Lage versetzen soll, E-Learning oder Elemente davon in ihr Fortbildungskonzept einzupassen, Gender-Aspekte in nahezu alle Themenfelder zu integrieren. Im Folgenden werden Themenfelder eines Seminars zu E-Learning aufgegriffen, bei denen eine Integration der Gender-Perspektive notwendig und sinnvoll ist.

I Qualitätskriterien für E-Learning-Angebote

Im Folgenden werden einige Kriterien vorgestellt, die neben den herkömmlichen Qualitätskriterien für E-Learning-Angebote unter der Gender-Perspektive wichtig sind (in Anlehnung an Wiesner u. a. 2004). Ein gender-sensibles E-Learning-Angebot:

- bedient vielfältige Interessen der Zielgruppe, verwendet thematisch unterschiedliche Beispiele,

⁴³ Siehe Kap. III Zentrale Aspekte gleichstellungsorientierter Fortbildung und Kap. IV Leitfaden für eine gleichstellungsorientierte Didaktik.

- setzt keine unausgewogenen Darstellungen von Frauen und Männern ein, die z. B. darin bestehen könnten, dass in dem E-Learning-Programm nur von Männern oder nur von Frauen gesprochen wird, Frauen ausschließlich in unterstützenden Positionen und Männer ausschließlich in leitenden Positionen dargestellt werden, die gezeigten Personen ausschließlich deutscher Herkunft und/oder ausschließlich mittleren Alters sind,
- orientiert sich an den Lebenswelten der Teilnehmenden und greift auch inhaltlich aktuelle Forschungsergebnisse aus der Frauen- und Geschlechterforschung auf,
- berücksichtigt kulturell verschiedene Bedeutungen von eingesetzten Symbolen oder Farben,
- verdeutlicht den zeitlichen Arbeitsaufwand allen Nutzerinnen und Nutzern, das bedeutet, dass sowohl Teilzeit- als auch Vollzeitbeschäftigte die Lerneinheiten ihrem Pensum anpassen und die erreichten Lernschritte sichern können,
- bietet unterschiedliche Lernformen und -prozesse an, selbstgesteuertes Lernen ist genauso möglich wie angeleitetes Lernen,
- führt eine gender-sensible Online-Kommunikation ein und achtet auf diese.

■ Gestaltungskriterien für E-Learning-Angebote

Zu Beginn des Seminars sollte auf die Verwendung einer geschlechtergerechten Sprache explizit verwiesen werden. Das hebt die Bedeutung der Ansprache und sprachlichen Sichtbarmachung von Frauen im Gegensatz zur Verwendung der männlichen Form hervor und ermöglicht im weiteren Verlauf des Seminars, das Thema Sprache bei der Gestaltung des Basistextes von E-Learning-Arrangements wieder aufzugreifen. Zusätzlich ist beim E-Learning eine ausgewogene Darstellung von Geschlecht von besonderer Bedeutung, sei sie textsprachlich oder bildsprachlich vermittelt, damit nicht durch stereotype Männlichkeits- und Weiblichkeitsdarstellungen die Ungleichheit der Geschlechter neu festgeschrieben wird. Für eine Arbeitseinheit, die sich mit dieser Fragestellung befasst, können auch die Kriterien für die Gestaltung von Lernmedien aus dem Leitfaden für eine gleichstellungsorientierte Didaktik herangezogen werden⁴⁴. Weitere Hinweise finden sich außerdem in der Checkliste Gender-Mainstreaming bei Maßnahmen der Presse- und Öffentlichkeitsarbeit des BMFSFJ (vgl. BMFSFJ 2005).

■ Zielgruppen von E-Learning-Angeboten

Bei der Implementierung von computerbasierten Lernwegen sind, ähnlich wie bei der Berücksichtigung von Gender-Aspekten in der Präsenzfortbildung, Gender-Aspekte in der didaktischen Konzeption zu integrieren. Bei der Planung unterschiedlicher Lernwege ist unter anderem die Berücksichtigung unterschiedlicher Zielgruppen, Interessen oder individueller körperlicher Einschränkungen relevant. Viele Fragen können im Zusammenhang mit E-Learning unter der Gender-Perspektive gestellt werden. Eine der ersten Fragen ist beispielsweise die nach den Zielgruppen, die angesprochen werden sollen. Frauen und Männer in Vollzeit- oder Teilzeitarbeit, mit oder ohne Kinder, mit oder ohne Migrationshintergrund. Daraus ergeben sich unter Umständen unterschiedliche Anforderungen an eine Lernumgebung. Wie können diese unterschiedlichen Anforderungen gleichermaßen berücksichtigt werden? Welche verschiedenen Voraussetzungen ergeben sich aus der Vielfalt der Nutzerinnen und Nutzer?

⁴⁴ Siehe Kap. 4.2, Dimension „Gender-sensible Gestaltung von Medien, Materialien und Skripten“.

Nach der Klärung der Zielgruppe ist es hilfreich, sich über die Präferenzen der verschiedenen Zielgruppen bei Lernwegen zu informieren. Die unterschiedlichen Präferenzen von Frauen und Männern in Bezug auf Lernwege, deren möglichen Ursachen und die daraus resultierenden Konsequenzen für den Einsatz von E-Learning-Angeboten in der Praxis von Verwaltungen, sind wichtiger Bestandteil einer solchen Arbeitseinheit. Damit kann gewährleistet werden, dass beispielsweise die Zielgruppen der älteren oder der weiblichen Beschäftigten beim Angebot computerbasierter Lernmöglichkeiten mitgedacht werden. Um sich mit diesen Fragen auseinander zu setzen, können entsprechende Forschungsergebnisse unter der Gender-Perspektive zu Rate gezogen bzw. einer kritischen Diskussion unterzogen werden. Wenn beispielsweise durch Statistiken belegt wird, dass weibliche Beschäftigte Präsenzseminare den E-Learning-Angeboten vorziehen, dann kann sich als Konsequenz daraus nicht ergeben, dass für diese Gruppe kein E-Learning angeboten wird. Vielmehr ist die differenzierte Betrachtung wichtig. Beispielsweise könnte man mit folgenden Fragen an die Untersuchungsergebnisse herangehen: In welchen Alterskohorten zeigen sich die Daten in welcher Ausprägung? Gibt es Begründungen für die Bevorzugung von Präsenzseminaren? Welche Konsequenzen ergeben sich aus den Begründungen für die Gestaltung eines E-Learning-Arrangements? In jedem Fall ist zu vermeiden, durch die unkommentierte und unreflektierte Darstellung von Forschungsergebnissen, die zwar geschlechterdifferenzierte Daten ausweisen, diese aber nicht in ihrem Begründungszusammenhang diskutieren, zur Festschreibung von Geschlechter-Stereotypen beizutragen.

I Kriterien für die Implementierung von E-Learning-Angeboten

Bei der Implementierung von E-Learning-Angeboten bedarf es der Planung vielfältiger Lernwege für die künftigen Nutzerinnen und Nutzer. Dabei ist die Berücksichtigung unterschiedlicher Zielgruppen relevant. Folgende Fragen sollten daher geklärt werden (vgl. Wiesner u. a. 2004):

- I Orientieren sich die Inhalte an den Interessen von Frauen und Männern unterschiedlichen Alters, unterschiedlicher Statusgruppen und unterschiedlicher Herkunft?
- I Sind bei der Umsetzung Sehschwächen, die Frauen und Männer unterschiedlich betreffen, und Barrierefreiheit in Bezug auf andere körperliche Einschränkungen bedacht worden?
- I Erfolgt die Betreuung der Lernenden durch ein gender-sensibles Team?
- I Sind die Bildsprache und der Text diskriminierungsfrei?
- I Wie ist eine von Kategorien wie Geschlecht unabhängige Bewertung von Leistungen im Rahmen der computergestützten Fortbildung gewährleistet?

I Bewertung von elektronischen Lernmedien

Zur expliziten Verdeutlichung der Geschlechterperspektive in einem Seminar zum Thema E-Learning ist es hilfreich, die Teilnehmenden in einem aktiven Aneignungsprozess das Thema bearbeiten zu lassen. Dazu ist es sinnvoll, unterschiedliche Lernmedien, wie z. B. Audio-Kassetten, Video-Kassetten, Bücher, anhand bestimmter – gemeinsam erarbeiteter oder vorgegebener – Kriterien zu analysieren⁴⁵.

⁴⁵ Ein Beispiel für eine solche Fortbildungseinheit befindet sich im folgenden in Abschnitt 3.

Bei der Beschäftigung mit Bewertungskriterien von Lernprogrammen sollte unbedingt der Aspekt der Geschlechtergerechtigkeit aufgenommen werden. Je nach Zeitrahmen eines Seminars kann es sinnvoll sein, dass

- 1) die Teilnehmenden Bewertungskriterien gemeinsam erarbeiten und dann anhand von beispielhaften Medien diese auf ihre Brauchbarkeit testen,
- 2) ein bereits entwickelter Katalog nach vorheriger Beschäftigung mit den Fragen nach einer geschlechtersensiblen Gestaltung von Lernmedien kritisch diskutiert und erweitert wird,
- 3) ein bereits entwickelter Kriterienkatalog von seiten der Seminarleitung als Arbeitsgrundlage verteilt wird, anhand dessen die Teilnehmenden Medien bewerten,
- 4) die Teilnehmenden aufgrund der Erfahrungen im Umgang mit einem Kriterienkatalog diesen im Hinblick auf eine gender-sensible Weiterentwicklung kritisch diskutieren und ergänzen.

I Eigenproduktion von E-Learning-Angeboten

Wenn es um die Eigenproduktion von Lernangeboten in Organisationen geht, dann sind folgende Dimensionen zu berücksichtigen: die Gestaltung des Basistextes, die Didaktisierung, die Programmierung und der Test. Gerade bei der Einführung in die Fragen der Gestaltung des Basistextes, auf dem das Lernprogramm aufgebaut ist, ist es notwendig, dass die Bedeutung einer geschlechtergerechten Sprache herausgearbeitet wird. Wenn dabei gender-sensibel vorgegangen wird, sind bereits die Grundlagen für eine weitere gender-sensible Gestaltung des Lernprogramms gelegt. Beim Aspekt der Didaktisierung spielen Überlegungen zu den unterschiedlichen Zielgruppen in einer Behörde und der Berücksichtigung von Männern und Frauen unterschiedlicher Herkunft, unterschiedlichen Alters, unterschiedlicher Statusgruppen und unterschiedlicher Lerninteressen etc. eine Rolle. Für die Testphase für ein Pilotprogramm ist es erforderlich, dass möglichst unterschiedliche Personen – beispielsweise Frauen und Männer unterschiedlichen Alters, unterschiedlicher Ausbildung und unterschiedlicher Tätigkeitsbereiche – den Test durchführen. So kann die Qualität des Tests erheblich gesteigert werden.

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

Ziele	Die Teilnehmenden sollen einen Eindruck von Aufbau und Gestaltung von E-Learning-Programmen bekommen und mehrere Lernprogramme kennen lernen, indem sie diese testen und nach einem Kriterienkatalog bewerten.
Inhalte	Der Kriterienkatalog zur Bewertung der Lernprogramme umfasst auch geschlechtersensible Aspekte, wie z. B. die stereotypenfreie Darstellung von Männern und Frauen in den Programmen und die Verwendung einer geschlechtergerechten Sprache.
Zeitungfang	1 ½ bis 2 Stunden
Setting, Materialien	Computerraum oder -räume, mindestens drei Lernprogramme
Methodisches Vorgehen	<p>1. Vortrag: Einführung in Funktion und Aufbau von Lernprogrammen (10 Minuten)</p> <p>2. Kleingruppenarbeit (40 Minuten) Anhand des Kriterienkatalogs bearbeiten die Teilnehmenden die Lernprogramme und bewerten diese. ! siehe Arbeitsblatt „Kriterien zur Bewertung von Programmen unter Gender-Aspekten“</p> <p>3. Plenum: Vorstellen der Gruppenergebnisse Jede Gruppe hat 10 Minuten Zeit, um ihre Arbeitsergebnisse vorzustellen. Die übrigen Teilnehmenden haben 5 Minuten lang die Gelegenheit Ergänzungen mitzuteilen. (Dieses Vorgehen ist nur bei maximal drei Arbeitsgruppen möglich, ansonsten dauert die Einheit zu lange.)</p>
Methode der Gruppenbildung	<p>Es werden drei Gruppen zu je 2–4 Personen gebildet, jede Gruppe bearbeitet mehrere Lernprogramme. Eine größere Anzahl als vier Teilnehmende je Gruppe ist aufgrund der intensiven Auseinandersetzung mit den Programmen nicht ratsam.</p> <p>Auch eine geschlechtshomogene Gruppenbildung ist hier möglich, sofern sie eingebettet ist in ein geschlechtergerechtes didaktisches Gesamtkonzept und nicht in einem Abgleich und einer möglichen Ungleichbewertung der Ergebnisse der verschiedenen Arbeitsgruppen verbleibt.</p> <p>Wenn die Gefahr besteht, dass vermeintlich „typisch weibliche“ und „typisch männliche“ Arbeitsergebnisse gegeneinander ausgespielt werden, ist von einer geschlechterhomogenen Gruppenbildung abzusehen. Die Orientierung an den Teilnehmenden und ihren Vorerfahrungen und die Beachtung des Gruppenprozesses sind bei dieser Entscheidung wichtig.</p>

Thema Einheit 1	Gender-sensible Bewertung von E-Learning-Programmen
Fortsetzung	
Methodischer Hinweis zur Vorgehensweise im Plenum	<p>Es sollte je nach Anzahl der Gruppen vorher entschieden werden, ob die Ergebnisse den anderen Gruppen präsentiert werden oder ob anschließend im Plenum lediglich ein kurzer Austausch über die gewonnenen Eindrücke der Kleingruppen stattfinden kann.</p> <p>Wenn die Kleingruppenergebnisse präsentiert werden sollen, ist es wünschenswert, wenn die Gruppen sich jeweils auf ein Programm einigen, anhand dessen sie einige der Kriterien positiv oder negativ hervorheben und die übrigen Teilnehmenden darauf aufmerksam machen möchten. Falls sich durch die Gesamtgröße der Seminargruppe mehr als drei Kleingruppen ergeben sollten, ist es möglich, im Anschluss an die Gruppenarbeit einen moderierten Austausch von insgesamt 30 Minuten im Plenum über die aus der Diskussion gewonnenen Eindrücke zu führen.</p>

Arbeitsblatt „Kriterien zur Bewertung von Programmen unter Gender-Aspekten“

Vorschläge für Untersuchungskriterien (in Anlehnung an Wiesner, Heike u. a. 2004):

- Wer ist die Zielgruppe?
- Knüpfen die Inhalte an den Interessen der Zielgruppe an?
- Werden Frauen und Männer differenziert und ausgewogen präsentiert?
- Werden durch Bilder, Symbole, Metaphern, Icons, Illustrationen oder Texte Geschlechterstereotype aufrechterhalten oder bestätigt?
- Sind virtuelle AssistentInnen, Avatare oder Figuren geschlechtlich ausgewogen oder geschlechtsneutral präsentiert?

Thema Einheit 2	Gender-sensible Bewertung verschiedener Lernmedien
Ziele	Die Teilnehmenden sollen sich mit verschiedenen Lernmedien unter Gender-Aspekten auseinandersetzen, indem sie diese nach einem Kriterienkatalog analysieren und bewerten.
Inhalte	Kriterien für die Bewertung von verschiedenen Lernmedien unter Gender-Gesichtspunkten siehe Arbeitsblatt „Bewertung von Lernmedien“
Zeitungsfang	Insgesamt 3 Stunden zzgl. Pause: 1 ½ Stunden Kleingruppenphase, Kaffeepause, 1 ½ Stunden Präsentationen im Plenum
Setting, Räume, Materialien	Drei Räume mit unterschiedlichen Materialien: In einem Raum ist ein Lernvideo eingelegt, in einem weiteren Raum ist eine Audio-CD eingelegt und in einem nächsten Raum sind Bücher ausgelegt, mit denen bestimmte Kompetenzen vermittelt werden sollen.
Methodisches Vorgehen	1. Einführung in die Aufgabenstellung und Gruppenbildung Drei Gruppen zu je zwei bis drei, ggf. mehr Personen 2. Kleingruppenarbeit in drei Arbeitsschritten zu jeweils 30 Minuten Die Gruppen haben die Aufgabe, sich im Wechsel mit den drei unterschiedlichen Formen von Lernmaterialien (Audio, Video, Bücher) vertraut zu machen. Sie sollen dabei die vorgegebenen Kriterien anwenden und jeweils Stichpunkte zu den einzelnen Fragen festhalten. Zunächst wird das entsprechende Medium 10 Minuten analysiert, wobei sich alle Teilnehmenden der Gruppe Notizen machen. Anschließend tauscht sich die Kleingruppe direkt über die Stichpunkte aus, einigt sich auf gemeinsame Punkte und verschriftlicht diese auf einer Overhead-Folie (20 Minuten). Danach erfolgt ein Wechsel des Raumes, um sich mit einem der beiden anderen Lernmaterialien in gleicher Weise auseinander zu setzen. Dieser Vorgang wird nach 30 Minuten noch einmal wiederholt, so dass sich jede Gruppe mit allen drei Lernmedien befasst hat. 3. Plenum: Vorstellung der Gruppenergebnisse Jede Gruppe hat 10 Minuten, um ihre Arbeitsergebnisse pro Medium vorzustellen, so dass für jedes Medium insgesamt 30 Minuten zur Verfügung stehen. Für drei Gruppen werden für die Vorstellung 90 Minuten benötigt.

Arbeitsblatt „Bewertung von Lernmedien“

Kriterien für die Bewertung von Lernmedien

Lernmedien sollten in ihren Inhalten und ihrer Form gender-sensibel gestaltet werden, daher ist bei jedem Lernmedium danach zu fragen:

- Werden Frauen und Männer in einem ausgewogenen Verhältnis dargestellt?
- Üben Männer wie Frauen unterschiedliche Tätigkeiten aus?
Gibt es beispielsweise Frauen in Führungspositionen oder Männer mit Assistenz Tätigkeiten?
- Ist die bildliche Darstellung so gestaltet, dass keine Stereotypen vermittelt werden?
- Wird eine geschlechtergerechte Sprache verwendet?
- Werden Zitate und Literatur von Autorinnen und Autoren ausgewogen eingesetzt und durch Nennung des Vornamens kenntlich gemacht?

(in Anlehnung an Wiesner, Heike u. a. 2004)

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Fachbezogene Konzepte für Fortbildungen am Beispiel „Schreiben für das Internet“

Expertin: Victoria Schnier

1. Gender-bezogenes Fachwissen

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

- | Geschlechtergerechte Darstellung in Wort und Bild
- | Corporate wording und Barrierefreiheit
- | Überlegungen zur methodischen Gestaltung des Seminars

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

- | Thema Einheit 1: Geschlechtergerechte Formulierungen
- | Thema Einheit 2: Kritik der Websites der entsendenden Behörden unter sprachlichen und bildlichen Aspekten

4. Literatur

Das zweitägige Seminar „Schreiben für das Internet“ richtet sich an Beschäftigte des höheren und gehobenen Dienstes, die Texte für das Internet erstellen, bearbeiten und pflegen. Ziel dieses Seminars ist es, dass die Teilnehmenden lernen, diese Texte zu erstellen und zu bearbeiten. Dieses soll vor allem auch mit praktischen Übungen geschehen.

1. Gender-bezogenes Fachwissen

Auch für Personen, die sehr erfahren in dem Erstellen von Texten sind, ergeben sich beim Schreiben für das Internet besondere Herausforderungen. Die Formulierungen sollen kurz und prägnant und das Wesentliche damit auf den ersten Blick erkennbar sein. Für die Verwaltungssprache soll eine klare, verständliche und lesbare Form gewählt werden. Diese Forderungen müssen mit der sprachlichen Gleichbehandlung von Frauen und Männern in Einklang gebracht werden (vgl. Bundesverwaltungsamt 2002). Darüber hinaus ist die Verwendung von Bildmaterial und O-Tönen (beispielsweise Originaltönen, die bei Berichterstattungen aufgezeichnet und fürs Internet in Form von Podcasts verwendet werden) auf eine möglichst ausgewogene Darstellung der Geschlechter zu prüfen.

Die Verwendung von ausschließlich männlichen Formen („generisches Maskulinum“, z. B. der Bürger) ohne eine Differenzierung nach Geschlecht bzw. ohne die Sichtbarmachung von *Akteurinnen* führt zu einer Festschreibung des Männlichen als Norm und verhindert die sprachliche Gleichbehandlung von Männern und Frauen. Linguistische Genderforschung hat sich seit langem mit Funktion und Wirkung des generischen Maskulinums befasst. Die Darstellung von Frauen in Abhängigkeit von Männern oder als ihnen untergeordnet, das Beschreiben von Frauen und Männern in stereotypen Rollen und die Verwendung herablassender Ausdrücke wird als sexistischer Sprachgebrauch aufgezeigt. Merkmale eines

gender-sensiblen Sprachgebrauchs sind hingegen die Prinzipien der „sprachlichen Sichtbarmachung“ und der „sprachlichen Symmetrie“ (vgl. Hellinger/Bierbach 1993). Es gibt zahlreiche Ratgeber für die Gleichbehandlung von Frauen und Männern in der Sprache. Relevant für Bundesbehörden ist insbesondere das Merkblatt 19 des Bundesverwaltungsamtes (vgl. Bundesverwaltungsamt 20022). Dort werden verschiedene Möglichkeiten einer geschlechtergerechten Formulierung benannt, beispielsweise die Paarformulierung, also die Benennung der maskulinen und femininen Personenbezeichnung, die Verwendung geschlechtsneutraler Formulierung von Personenbezeichnungen oder die Umformulierung und alternative Satzgestaltung, wie den Gebrauch von Sachbezeichnungen oder passiven Formulierungen. Je nachdem für welche Zielgruppe ein Text verfasst wird, kann er sprachlich ausschließlich weibliche oder männliche Formen enthalten, eben dann, wenn jeweils Männer oder Frauen direkt angesprochen werden sollen. Sofern jedoch allgemeine Texte für Bürgerinnen und Bürger verwendet werden, müssen sie geschlechtergerechte Formulierungen aufweisen.

Bei der bildlichen Darstellung kann bei Nicht-Beachtung einer gleichwertigen Abbildung von Frauen und Männern eine hierarchische Darstellung der Geschlechter entstehen (vgl. Mühlen-Achs 1998). Um dies zu vermeiden, verweisen Studien zur Körpersprache auf die Möglichkeit der Umkehrbarkeit. Formen der Repräsentation von Geschlecht sind demnach auf ihre Umkehrbarkeit und eine ausgewogene und symmetrische Darstellung zu prüfen. Ziel ist es, die Darstellung von Männern und Frauen in ihren Tätigkeiten, ihrer Körpersprache, ihrem Alter und ihrer Herkunft differenziert und ausgewogen anzulegen. So werden beispielsweise auf Fotos durch die Körperhaltung der abgebildeten Person Assoziationen über deren soziale Position und Intentionen in der abgebildeten Situation erzeugt. Ein seitliches Schieflegen des Kopfes wird häufig als beschwichtigende, demütige Haltung interpretiert. Diese Darstellung findet sich fast ausschließlich bei der Abbildung von Frauen. Werden Männer mit seitlich gelegtem Kopf abgebildet, geschieht dies in Verbindung mit diesen Eindruck brechenden Elementen, wie beispielsweise einem herausfordernden Gesichtsausdruck (ebenda). Darstellungen in dieser Art und Weise sind nicht umkehrbar, weil die gesellschaftlich und kulturell geprägten Erwartungen an die Geschlechter und Vorstellungen von Männlichkeit und Weiblichkeit unterschiedlich sind.

2. Inhalte für Fortbildungen mit einer integrierten Gender-Perspektive

I Geschlechtergerechte Darstellung in Wort und Bild

Für die Gestaltung eines Seminars zum Thema „Schreiben fürs Internet“ sind die Interessen, Erwartungen und Praxisbezüge der Teilnehmenden zentral, sollen sie doch nach Ende des Seminars das Gelernte für den Internetauftritt ihrer Behörde anwenden können. Wenn ein Seminar das Thema der geschlechtergerechten Sprache ausklammert, wird es den realen Anforderungen der Teilnehmenden in ihrer Berufspraxis nicht gerecht. Daher hat die Vermittlung und das Üben einer gender-sensiblen Sprache in einem Seminar zum Thema „Schreiben für das Internet“ eine herausragende Bedeutung.

Darüber hinaus ist wichtig, dass eine Sensibilität im Hinblick auf die symmetrische Darstellung der Geschlechter sowohl im sprachlichen Ausdruck, als auch im verwendeten Bildma-

terial vermittelt wird. So sollten beispielsweise Frauen und Männer ausgewogen repräsentiert und in unterschiedlichen Bereichen beschrieben und nicht von „dem Vorgesetzten“, „dem Bürgermeister“ und „der Sekretärin“ gesprochen werden. Auch die Nennung der Verfasser und Verfasserinnen ist ein wichtiger Aspekt unter der Geschlechter-Perspektive. Die Beiträge von Männern und Frauen, die als Autorinnen und Autoren auf der Website Texte verfasst haben, sollten durch die Nennung des Vornamens deutlich gemacht werden. Wenn Erläuterungen zum „Sinn und Zweck von Sprache“ zum Thema gemacht werden, gehören auch die Aspekte „Deutung und Wertung“ dazu. Unglückliche Formulierungen können ganz unterschiedliche Wertungen transportieren. Auch Wertungen bezüglich Frauen und Männern unterschiedlichen Alters, unterschiedlicher Bildung oder Herkunft, mit oder ohne Behinderung können ungewollt sprachlich vermittelt werden.

Auch beim Bildmaterial ist auf eine ausgewogene Darstellung von Frauen und Männern zu achten. Die Teilnehmenden sollten sich damit auseinander setzen, wie Rollenstereotype in Abbildungen vermieden werden können und welche Kriterien bei einer gender-sensiblen Darstellung zu beachten sind. Anregungen dazu finden sich in der Arbeitshilfe des BMFSFJ zur Presse und Öffentlichkeitsarbeit (vgl. BMFSFJ 2005).

I Corporate wording und Barrierefreiheit

Wird auf das „corporate wording“ einer Behörde eingegangen, was im Sinne eines einheitlichen Stils in der Außendarstellung sinnvoll ist, bietet sich die Thematisierung der diskriminierungsfreien, geschlechtergerechten Sprache ebenfalls an. Es gehört zum qualitätsvollen Schreiben, Sprache prägnant, kreativ, ansprechend, zielgruppenorientiert und damit gender-sensibel zu verwenden.

Der Aspekt der Barrierefreiheit ist durch die Geschlechterperspektive zu erweitern, wenn alle Zielgruppen sich gleichermaßen durch den Internetauftritt einer Behörde angesprochen fühlen sollen. Die gewählte Sprache kann für den Auftritt eine Werbung und ein Anreiz sein, sie kann aber auch eine Barriere darstellen. Dazu gehören die Verwendung von zu vielen Fachausdrücken, die von Fachfremden nicht zu verstehen sind ebenso, wie die Ansprache der Nutzerinnen und Nutzer in der durchgehend männlichen Form. Auch wenn der Aspekt der barrierefreien Gestaltung für Frauen und Männer mit Behinderungen im Vordergrund steht, ist unter dem Aspekt der Zielgruppenansprache und Barrierefreiheit nicht nur die Barrierefreie Informationstechnik-Verordnung (BITV) zu beachten, sondern über kreative Lösungen der Ansprache möglichst vieler Menschen nachzudenken.

I Überlegungen zur methodischen Gestaltung des Seminars

Zur Vermeidung einer praxisfernen Vermittlung kann eine partizipative Ausrichtung des Seminars dienen, in der alle Personen sich gleichermaßen beteiligen. Der Methodenwechsel, sowohl die Vermittlung des Lehrinhalts, als auch die Bearbeitung von Themen durch die Teilnehmenden betreffend, ist auch unter der Geschlechter-Perspektive von zentraler Bedeutung. So können unterschiedliche Interessen, Erfahrungen und Potentiale zurückhaltender und präsenter Teilnehmer und Teilnehmerinnen gleichermaßen Beachtung finden. Eine stete Bearbeitung im Plenum veranlasst hingegen in der Regel jeweils die gleichen Personen, das Seminargeschehen zu beeinflussen und positiv oder negativ zu gestalten. Gruppenprozesse, die sich ungünstig für eine Gleichbewertung der Beiträge aller Teilnehmenden auswirken, werden dadurch gefördert.

Beispielsweise kann ein Element des Seminars die Besprechung der Website der Behörden der Teilnehmenden sein⁴⁶. Dabei sollte vermieden werden, dass einzelne Teilnehmende in die Rolle gedrängt werden, den Internetauftritt ihrer Behörde zu verteidigen. Das steht dem Ziel einer kritischen Reflexion der Website entgegen. Eine derartige Situation kann dadurch vermieden werden, dass die erste kritische Auseinandersetzung in Kleingruppenarbeit stattfindet. Das pädagogische Setting sollte so gestaltet werden, dass eine sachliche, kollegiale und konstruktive Beratung in den Vordergrund treten kann.

3. Curricula für zwei Fortbildungseinheiten zur Thematisierung von Gender-Aspekten

Zeitungsumfang	bei 3 Kleingruppen: 1,5 Stunden
Ziele	Die Teilnehmenden bekommen einen Eindruck von geschlechtergerechten Formulierungen, tragen die für ihren eigenen Arbeitsalltag wesentlichen Hinweise zusammen und üben deren Umsetzung.
Inhalte	Der Aspekt der geschlechtergerechten Sprachverwendung wird in das Seminar integriert, die Teilnehmenden erarbeiten selbständig die Kriterien anhand der Literatur und reflektieren diese vor dem Hintergrund der Prinzipien des Schreibens für das Internet. Die stereotypenfreie sprachliche Darstellung und Sichtbarmachung von Männern und Frauen als Zielgruppen der Websites wird ermöglicht.
Methodisches Vorgehen	<p>1. Gruppenbildung, Einführung in die Aufgabenstellung (5 Minuten)</p> <p>Drei Kleingruppen zu 5–6 Personen.</p> <p>Aufgabenstellung: gemeinsame Bearbeitung von Textabschnitten aus der Handreichung vom Bundesverwaltungsamt zur sprachlichen Gleichbehandlung von Frauen und Männern (BVA 2002)</p> <p>2. Kleingruppenarbeit (40 Minuten)</p> <p>arbeitsteiliges Vorgehen zwischen den drei Kleingruppen:</p> <ul style="list-style-type: none"> ■ Alle Gruppen lesen die Einführung S. 6–9, danach wird der Text arbeitsteilig weiter bearbeitet. ■ Gruppe 1: Punkt 3 „Paarformulierungen“, S. 10–16 ■ Gruppe 2: Punkt 4 „Geschlechtsneutrale Personenbezeichnungen“, S. 17–20 ■ Gruppe 3: Punkt 5 „Auf Personenbezeichnungen verzichten“, S. 21–25 ■ Jede Gruppe fasst die wesentlichen Aussagen aus den gelesenen und diskutierten Abschnitten zusammen und hält sie für alle auf einer Wandzeitung fest. Es ist darauf hinzuweisen, dass die Wandzeitungen leserlich und ausreichend groß beschrieben werden. <p>3. Plenum: Vorstellung der Arbeitsergebnisse (je 10 Minuten)</p> <p>Die Ergebnisse werden den anderen Gruppen präsentiert, damit alle Teilnehmenden anschließend den gleichen Kenntnisstand haben.</p> <p>Die Wandzeitungen bleiben an einer Pinwand oder Wand für alle sichtbar, sie werden nicht abgehängt oder überhängt.</p> <p>4. Übung im Plenum (15 Minuten)</p> <p>Besprechung der in der Broschüre des BVA unter Punkt 6 aufgeführten Beispiele aus der Praxis (BVA 2002, S. 26).</p>

46 Siehe den Curriculumvorschlag im Abschnitt 3, Einheit 2.

Thema Einheit 1	Geschlechtergerechte Formulierungen
Fortsetzung	
	Das kann so geschehen, dass einige Beispiele für ursprüngliche Formulierungen über den Beamer projiziert werden und dann gemeinsam überlegt wird, wie die Umformulierungen aussehen könnten. Nach einigen Vorschlägen aus dem Plenum kann die gewählte und die in der Broschüre dargestellte Variante eingeblendet werden. Das kann anhand von fünf bis sechs Beispielen erfolgen. Hierbei wird vorausgesetzt, dass die Teilnehmenden nicht direkt zu Beginn den gesamten Text ausgeteilt und zur Verfügung gestellt bekommen, sondern nur die Einführung und die jeweils in dieser Gruppe zu bearbeitenden Textteile. Die Unterlagen können im Anschluss an die didaktische Einheit um die fehlenden Seiten ergänzt werden.
Setting, Materialien	Text des Bundesverwaltungsamtes für alle Teilnehmenden (BVA 2002 ²) Moderationskoffer, Wandzeitungen drei verschiedene Gruppenräume

Thema Einheit 2	Kritik der Websites der entsendenden Behörden unter sprachlichen und bildlichen Aspekten
Zeitungsumfang	bei 4 Kleingruppen: 1,5 Stunden
Ziele	Die Teilnehmenden setzen sich mit den eigenen Websites unter Gender-Aspekten auseinander und erhöhen ihre Sensibilität für sprachliche und bildsprachliche Darstellungen von Frauen und Männern.
Inhalte	Kriterien für eine gute sprachliche und bildliche Darstellung der Behörden über das Internet partizipativ erarbeiten
Methodisches Vorgehen	<p>1. Gruppenbildung, Einführung in die Aufgabenstellung (5 Min.) vier Gruppen zu je 4–5 Personen</p> <p>2. Kleingruppenarbeit (45 Minuten) Die Teilnehmenden wählen selbständig eine Website aus, die anschließend besprochen wird. Ebenso wählen sie die Form der Präsentation der Arbeitsergebnisse aus. Die Kleingruppe bespricht zunächst intern die ausgewählte Website und bereitet die Präsentation der Stärken, Schwächen und Verbesserungsvorschläge der Seite vor. Hierbei können auch bildliche Darstellungen im Hinblick auf Stereotype geprüft und Überarbeitungsvorschläge gemacht werden. Dafür kann die Checkliste des BMFSFJ eingesetzt werden (vgl. BMFSFJ 2005).</p> <p>3. Plenum (40 Minuten) Die Teilnehmenden stellen sich gegenseitig die Arbeitsergebnisse innerhalb von 5 Minuten vor. Die übrigen Teilnehmenden haben dann noch einmal 5 Minuten die Gelegenheit, eventuelle Veränderungen und Ergänzungen mitzuteilen. Erst bei der Präsentation der Ergebnisse können so Anmerkungen der übrigen Teilnehmenden erfolgen, einem unter Umständen entstehenden „Vorführcharakter“ für Einzelne wird so vorgebeugt.</p>
Setting, Räume, Materialien	Computer mit Internetzugang (je nach Anzahl der Gruppen) Moderationskoffer, Präsentationsmaterialien

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Inhalt

Seite

Konsolidierte Fassungen des Vertrags über die Europäische Union und des Vertrags über die Arbeitsweise der Europäischen Union	1
Konsolidierte Fassung des Vertrags über die Europäische Union	13
Konsolidierte Fassung des Vertrags über die Arbeitsweise der Europäischen Union	47
Protokolle	201
Anhänge	329
Erklärungen zur Schlussakte der Regierungskonferenz, die den am 13. Dezember 2007 unterzeichneten Vertrag von Lissabon angenommen hat	335
Übereinstimmungstabellen	361

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HINWEIS FÜR DEN BENUTZER

Diese Textausgabe enthält die konsolidierte Fassung des Vertrags über die Europäische Union und des Vertrags über die Arbeitsweise der Europäischen Union sowie der dazugehörigen Protokolle und Anhänge mit den Änderungen aufgrund des am 13. Dezember 2007 in Lissabon unterzeichneten Vertrags von Lissabon. In ihr sind ferner die der Schlussakte beigefügten Erklärungen enthalten, die auf der Regierungskonferenz zur Annahme des Vertrags von Lissabon abgegeben wurden.

Der Vertrag von Lissabon ist zur Zeit Gegenstand der Ratifikationsverfahren der Mitgliedstaaten nach deren jeweiligen Verfassungsvorschriften. Nach Artikel 6 des Vertrags tritt er am 1. Januar 2009 in Kraft, sofern bis zu diesem Zeitpunkt alle Ratifikationsurkunden hinterlegt worden sind, oder andernfalls am ersten Tag des auf die Hinterlegung der letzten Ratifikationsurkunde folgenden Monats.

Diese Veröffentlichung hat vorläufigen Charakter. Bis zum Inkrafttreten des Vertrags von Lissabon könnten gegebenenfalls für eine oder mehrere Sprachfassungen Berichtigungen erfolgen, um etwaige zwischenzeitlich im Vertrag von Lissabon oder in den bisherigen Verträgen festgestellte Fehler zu berichtigen.

Diese Textausgabe soll lediglich den Benutzern eine leichtere Orientierung ermöglichen; ihre Veröffentlichung erfolgt ohne Gewähr.

KONSOLIDIERTE FASSUNGEN

DES VERTRAGS ÜBER DIE EUROPÄISCHE UNION
UND

DES VERTRAGS ÜBER DIE ARBEITSWEISE DER
EUROPÄISCHEN UNION

(2008/C 115/01)

Inhalt

	Seite
VERTRAG ÜBER DIE EUROPÄISCHE UNION	13
PRÄAMBEL	15
TITEL I GEMEINSAME BESTIMMUNGEN	16
TITEL II BESTIMMUNGEN ÜBER DIE DEMOKRATISCHEN GRUNDSÄTZE	20
TITEL III BESTIMMUNGEN ÜBER DIE ORGANE	22
TITEL IV BESTIMMUNGEN ÜBER EINE VERSTÄRKTE ZUSAMMENARBEIT	27
TITEL V ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION UND BESONDERE BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK	28
Kapitel 1 Allgemeine Bestimmungen über das auswärtige Handeln der Union	28
Kapitel 2 Besondere Bestimmungen über die Gemeinsame Außen- und Sicherheitspolitik	30
Abschnitt 1 Gemeinsame Bestimmungen	30
Abschnitt 2 Bestimmungen über die Gemeinsame Sicherheits- und Verteidigungspolitik	38
TITEL VI SCHLUSSBESTIMMUNGEN	41
VERTRAG ÜBER DIE ARBEITSWEISE DER EUROPÄISCHEN UNION	47
PRÄAMBEL	49
ERSTER TEIL GRUNDSÄTZE	50
TITEL I ARTEN UND BEREICHE DER ZUSTÄNDIGKEIT DER UNION	50
TITEL II ALLGEMEIN GELTENDE BESTIMMUNGEN	53
ZWEITER TEIL NICHTDISKRIMINIERUNG UND UNIONSBÜRGERSCHAFT	56
DRITTER TEIL DIE INTERNEN POLITIKEN UND MASSNAHMEN DER UNION	59
TITEL I DER BINNENMARKT	59
TITEL II DER FREIE WARENVERKEHR	59
Kapitel 1 Die Zollunion	60

	Seite
Kapitel 2 Die Zusammenarbeit im Zollwesen	61
Kapitel 3 Verbot von mengenmäßigen Beschränkungen zwischen den Mitgliedstaaten	61
TITEL III DIE LANDWIRTSCHAFT UND DIE FISCHEREI	62
TITEL IV DIE FREIZÜGIGKEIT, DER FREIE DIENSTLEISTUNGS- UND KAPITALVERKEHR	65
Kapitel 1 Die Arbeitskräfte	65
Kapitel 2 Das Niederlassungsrecht	67
Kapitel 3 Dienstleistungen	70
Kapitel 4 Der Kapital- und Zahlungsverkehr	71
TITEL V DER RAUM DER FREIHEIT, DER SICHERHEIT UND DES RECHTS	73
Kapitel 1 Allgemeine Bestimmungen	73
Kapitel 2 Politik im Bereich Grenzkontrollen, Asyl und Einwanderung	75
Kapitel 3 Justizielle Zusammenarbeit in Zivilsachen	78
Kapitel 4 Justizielle Zusammenarbeit in Strafsachen	79
Kapitel 5 Polizeiliche Zusammenarbeit	83
TITEL VI DER VERKEHR	85
TITEL VII GEMEINSAME REGELN BETREFFEND WETTBEWERB, STEUERFRAGEN UND ANGLEICHUNG DER RECHTSVORSCHRIFTEN	88
Kapitel 1 Wettbewerbsregeln	88
Abschnitt 1 Vorschriften für Unternehmen	88
Abschnitt 2 Staatliche Beihilfen	91
Kapitel 2 Steuerliche Vorschriften	93
Kapitel 3 Angleichung der Rechtsvorschriften	94
TITEL VIII DIE WIRTSCHAFTS- UND WÄHRUNGSPOLITIK	96
Kapitel 1 Die Wirtschaftspolitik	97
Kapitel 2 Die Währungspolitik	102
Kapitel 3 Institutionelle Bestimmungen	105

	Seite
Kapitel 4 Besondere Bestimmungen für die Mitgliedstaaten, deren Währung der Euro ist	106
Kapitel 5 Übergangsbestimmungen	107
TITEL IX BESCHÄFTIGUNG	112
TITEL X SOZIALPOLITIK	114
TITEL XI DER EUROPÄISCHE SOZIALFONDS	119
TITEL XII ALLGEMEINE UND BERUFLICHE BILDUNG, JUGEND UND SPORT ...	120
TITEL XIII KULTUR	121
TITEL XIV GESUNDHEITSWESEN	122
TITEL XV VERBRAUCHERSCHUTZ	124
TITEL XVI TRANSEUROPÄISCHE NETZE	124
TITEL XVII INDUSTRIE	126
TITEL XVIII WIRTSCHAFTLICHER, SOZIALER UND TERRITORIALER ZUSAMMENHALT	127
TITEL XIX FORSCHUNG, TECHNOLOGISCHE ENTWICKLUNG UND RAUMFAHRT	128
TITEL XX UMWELT	132
TITEL XXI ENERGIE	134
TITEL XXII TOURISMUS	135
TITEL XXIII KATASTROPHENSCHUTZ	135
TITEL XXIV VERWALTUNGSZUSAMMENARBEIT	136
VIERTER TEIL DIE ASSOZIIERUNG DER ÜBERSEEISCHEN LÄNDER UND HOHEITSGEBIETE	137
FÜNFTER TEIL DAS AUSWÄRTIGE HANDELN DER UNION	139
TITEL I ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION	139
TITEL II GEMEINSAME HANDELSPOLITIK	139
TITEL III ZUSAMMENARBEIT MIT DRITTLÄNDERN UND HUMANITÄRE HILFE .	141
Kapitel 1 Entwicklungszusammenarbeit	141
Kapitel 2 Wirtschaftliche, finanzielle und technische Zusammenarbeit mit Drittländern	142
Kapitel 3 Humanitäre Hilfe	143

	Seite
TITEL IV RESTRIKTIVE MASSNAHMEN	144
TITEL V INTERNATIONALE ÜBEREINKÜNFTE	144
TITEL VI BEZIEHUNGEN DER UNION ZU INTERNATIONALEN ORGANISATIONEN UND DRITTLÄNDERN SOWIE DELEGATIONEN DER UNION	147
TITEL VII SOLIDARITÄTSKLAUSEL	148
SECHSTER TEIL INSTITUTIONELLE BESTIMMUNGEN UND FINANZVORSCHRIFTEN ..	149
TITEL I VORSCHRIFTEN ÜBER DIE ORGANE	149
Kapitel 1 Die Organe	149
Abschnitt 1 Das Europäische Parlament	149
Abschnitt 2 Der Europäische Rat	152
Abschnitt 3 Der Rat	153
Abschnitt 4 Die Kommission	155
Abschnitt 5 Der Gerichtshof der Europäischen Union	157
Abschnitt 6 Die Europäische Zentralbank	167
Abschnitt 7 Der Rechnungshof	169
Kapitel 2 Rechtsakte der Union, Annahmeverfahren und sonstige Vorschriften	171
Abschnitt 1 Die Rechtsakte der Union	171
Abschnitt 2 Annahmeverfahren und sonstige Vorschriften	173
Kapitel 3 Die beratenden Einrichtungen der Union	177
Abschnitt 1 Der Wirtschafts- und Sozialausschuss	177
Abschnitt 2 Der Ausschuss der Regionen	178
Kapitel 4 Die Europäische Investitionsbank	180
TITEL II FINANZVORSCHRIFTEN	181
Kapitel 1 Die Eigenmittel der Union	181
Kapitel 2 Der mehrjährige Finanzrahmen	182
Kapitel 3 Der Jahreshaushaltsplan der Union	183
Kapitel 4 Ausführung des Haushaltsplans und Entlastung	186

	Seite
Kapitel 5 Gemeinsame Bestimmungen	187
Kapitel 6 Betrugsbekämpfung	188
TITEL III VERSTÄRKTE ZUSAMMENARBEIT	189
SIEBTER TEIL ALLGEMEINE UND SCHLUSSBESTIMMUNGEN	192
PROTOKOLLE	201
Protokoll (Nr. 1) über die Rolle der nationalen Parlamente in der Europäischen Union	203
Protokoll (Nr. 2) über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit	206
Protokoll (Nr. 3) über die Satzung des Gerichtshofs der Europäischen Union	210
Protokoll (Nr. 4) über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank	230
Protokoll (Nr. 5) über die Satzung der Europäischen Investitionsbank	251
Protokoll (Nr. 6) über die Festlegung der Sitze der Organe und bestimmter Einrichtungen, sonstiger Stellen und Dienststellen der Europäischen Union	265
Protokoll (Nr. 7) über die Vorrechte und Befreiungen der Europäischen Union	266
Protokoll (Nr. 8) zu Artikel 6 Absatz 2 des Vertrags über die Europäische Union über den Beitritt der Union zur Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten	273
Protokoll (Nr. 9) über den Beschluss des Rates über die Anwendung des Artikels 16 Absatz 4 des Vertrags über die Europäische Union und des Artikels 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union zwischen dem 1. November 2014 und dem 31. März 2017 einerseits und ab dem 1. April 2017 andererseits	274
Protokoll (Nr. 10) über die Ständige Strukturierte Zusammenarbeit nach Artikel 42 des Vertrags über die Europäische Union	275
Protokoll (Nr. 11) zu Artikel 42 Absatz 2 des Vertrags über die Europäische Union	278
Protokoll (Nr. 12) über das Verfahren bei einem übermäßigen Defizit	279
Protokoll (Nr. 13) über die Konvergenzkriterien	281
Protokoll (Nr. 14) betreffend die Euro-Gruppe	283

	Seite
Protokoll (Nr. 15) über einige Bestimmungen betreffend das Vereinigte Königreich Grossbritannien und Nordirland	284
Protokoll (Nr. 16) über einige Bestimmungen betreffend Dänemark	287
Protokoll (Nr. 17) betreffend Dänemark	288
Protokoll (Nr. 18) betreffend Frankreich	289
Protokoll (Nr. 19) über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand	290
Protokoll (Nr. 20) über die Anwendung bestimmter Aspekte des Artikels 26 des Vertrags über die Arbeitsweise der Europäischen Union auf das Vereinigte Königreich und auf Irland	293
Protokoll (Nr. 21) über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts	295
Protokoll (Nr. 22) über die Position Dänemarks	299
Protokoll (Nr. 23) über die Außenbeziehungen der Mitgliedstaaten hinsichtlich des Überschreitens der Außengrenzen	304
Protokoll (Nr. 24) über die Gewährung von Asyl für Staatsangehörige von Mitgliedstaaten der Europäischen Union	305
Protokoll (Nr. 25) über die Ausübung der geteilten Zuständigkeit	307
Protokoll (Nr. 26) über Dienste von allgemeinem Interesse	308
Protokoll (Nr. 27) über den Binnenmarkt und den Wettbewerb	309
Protokoll (Nr. 28) über den wirtschaftlichen, sozialen und territorialen Zusammenhalt	310
Protokoll (Nr. 29) über den öffentlich-rechtlichen Rundfunk in den Mitgliedstaaten ..	312
Protokoll (Nr. 30) über die Anwendung der Charta der Grundrechte auf Polen und das Vereinigte Königreich	313
Protokoll (Nr. 31) über die Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse in die Europäische Union	315
Protokoll (Nr. 32) betreffend den Erwerb von Immobilien in Dänemark	318
Protokoll (Nr. 33) zu Artikel 157 des Vertrags über die Arbeitsweise der Europäischen Union	319

	Seite
Protokoll (Nr. 34) über die Sonderregelung für Grönland	320
Protokoll (Nr. 35) über Artikel 40.3.3 der Verfassung Irlands	321
Protokoll (Nr. 36) über die Übergangsbestimmungen	322
Protokoll (Nr. 37) über die finanziellen Folgen des Ablaufs des EGKS-Vertrags und über den Forschungsfonds für Kohle und Stahl	327
ANHÄNGE	329
Anhang I Liste zu Artikel 38 des Vertrags über die Arbeitsweise der Europäischen Union	331
Anhang II Überseeische Länder und Hoheitsgebiete, auf welche der Vierte Teil des Vertrags über die Arbeitsweise der Europäischen Union Anwendung findet	334
ERKLÄRUNGEN zur Schlussakte der Regierungskonferenz, die den am 13. Dezember 2007 unterzeichneten Vertrag von Lissabon angenommen hat	335
A. ERKLÄRUNGEN ZU BESTIMMUNGEN DER VERTRÄGE	337
1. Erklärung zur Charta der Grundrechte der Europäischen Union	337
2. Erklärung zu Artikel 6 Absatz 2 des Vertrags über die Europäische Union	337
3. Erklärung zu Artikel 8 des Vertrags über die Europäische Union	337
4. Erklärung zur Zusammensetzung des Europäischen Parlaments	337
5. Erklärung zur politischen Einigung des Europäischen Rates über den Entwurf eines Beschlusses über die Zusammensetzung des Europäischen Parlaments	337
6. Erklärung zu Artikel 15 Absätze 5 und 6, Artikel 17 Absätze 6 und 7 und Artikel 18 des Vertrags über die Europäische Union	338
7. Erklärung zu Artikel 16 Absatz 4 des Vertrags über die Europäische Union und zu Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union ..	338
8. Erklärung zu den praktischen Maßnahmen, die zum Zeitpunkt des Inkrafttretens des Vertrags von Lissabon in Bezug auf den Vorsitz im Europäischen Rat und im Rat „Auswärtige Angelegenheiten“ zu ergreifen sind	340
9. Erklärung zu Artikel 16 Absatz 9 des Vertrags über die Europäische Union betreffend den Beschluss des Europäischen Rates über die Ausübung des Vorsitzes im Rat	341
10. Erklärung zu Artikel 17 des Vertrags über die Europäische Union	342
11. Erklärung zu Artikel 17 Absätze 6 und 7 des Vertrags über die Europäische Union	342
12. Erklärung zu Artikel 18 des Vertrags über die Europäische Union	342

	Seite
13. Erklärung zur Gemeinsamen Außen- und Sicherheitspolitik	343
14. Erklärung zur Gemeinsamen Außen- und Sicherheitspolitik	343
15. Erklärung zu Artikel 27 des Vertrags über die Europäische Union	343
16. Erklärung zu Artikel 55 Absatz 2 des Vertrags über die Europäische Union	344
17. Erklärung zum Vorrang	344
18. Erklärung zur Abgrenzung der Zuständigkeiten	344
19. Erklärung zu Artikel 8 des Vertrags über die Arbeitsweise der Europäischen Union .	345
20. Erklärung zu Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union	345
21. Erklärung zum Schutz personenbezogener Daten im Bereich der justiziellen Zusammenarbeit in Strafsachen und der polizeilichen Zusammenarbeit .	345
22. Erklärung zu den Artikeln 48 und 79 des Vertrags über die Arbeitsweise der Europäischen Union	346
23. Erklärung zu Artikel 48 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union	346
24. Erklärung zur Rechtspersönlichkeit der Europäischen Union	346
25. Erklärung zu den Artikeln 75 und 215 des Vertrags über die Arbeitsweise der Europäischen Union	346
26. Erklärung zur Nichtbeteiligung eines Mitgliedstaats an einer auf den Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union gestützten Maßnahme	346
27. Erklärung zu Artikel 85 Absatz 1 Unterabsatz 2 des Vertrags über die Arbeitsweise der Europäischen Union	347
28. Erklärung zu Artikel 98 des Vertrags über die Arbeitsweise der Europäischen Union	347
29. Erklärung zu Artikel 107 Absatz 2 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union	347
30. Erklärung zu Artikel 126 des Vertrags über die Arbeitsweise der Europäischen Union	347
31. Erklärung zu Artikel 156 des Vertrags über die Arbeitsweise der Europäischen Union	348
32. Erklärung zu Artikel 168 Absatz 4 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union	348
33. Erklärung zu Artikel 174 des Vertrags über die Arbeitsweise der Europäischen Union	349
34. Erklärung zu Artikel 179 des Vertrags über die Arbeitsweise der Europäischen Union	349
35. Erklärung zu Artikel 194 des Vertrags über die Arbeitsweise der Europäischen Union	349

	Seite
36. Erklärung zu Artikel 218 des Vertrags über die Arbeitsweise der Europäischen Union über die Aushandlung und den Abschluss internationaler Übereinkünfte betreffend den Raum der Freiheit, der Sicherheit und des Rechts durch die Mitgliedstaaten	349
37. Erklärung zu Artikel 222 des Vertrags über die Arbeitsweise der Europäischen Union	349
38. Erklärung zu Artikel 252 des Vertrags über die Arbeitsweise der Europäischen Union zur Zahl der Generalanwälte des Gerichtshofs	350
39. Erklärung zu Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union	350
40. Erklärung zu Artikel 329 des Vertrags über die Arbeitsweise der Europäischen Union	350
41. Erklärung zu Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union	350
42. Erklärung zu Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union	351
43. Erklärung zu Artikel 355 Absatz 6 des Vertrags über die Arbeitsweise der Europäischen Union	351
B. ERKLÄRUNGEN ZU DEN DEN VERTRÄGEN BEIGEFÜGTEN PROTOKOLLEN	352
44. Erklärung zu Artikel 5 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand	352
45. Erklärung zu Artikel 5 Absatz 2 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand	352
46. Erklärung zu Artikel 5 Absatz 3 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand	352
47. Erklärung zu Artikel 5 Absätze 3, 4 und 5 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand	352
48. Erklärung zu dem Protokoll über die Position Dänemarks	353
49. Erklärung betreffend Italien	353
50. Erklärung zu Artikel 10 des Protokolls über die Übergangsbestimmungen	354
C. ERKLÄRUNGEN DER MITGLIEDSTAATEN	355
51. Erklärung des Königreichs Belgien zu den nationalen Parlamenten	355
52. Erklärung des Königreichs Belgien, der Republik Bulgarien, der Bundesrepublik Deutschland, der Hellenischen Republik, des Königreichs Spanien, der Italienischen Republik, der Republik Zypern, der Republik Litauen, des Großherzogtums Luxemburg, der Republik Ungarn, der Republik Malta, der Republik Österreich, der Portugiesischen Republik, Rumäniens, der Republik Slowenien und der Slowakischen Republik zu den Symbolen der Europäischen Union	355
53. Erklärung der Tschechischen Republik zur Charta der Grundrechte der Europäischen Union	355

	Seite
54. Erklärung der Bundesrepublik Deutschland, Irlands, der Republik Ungarn, der Republik Österreich und des Königreichs Schweden	356
55. Erklärung des Königreichs Spanien und des Vereinigten Königreichs Großbritannien und Nordirland	356
56. Erklärung Irlands zu Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts	356
57. Erklärung der Italienischen Republik zur Zusammensetzung des Europäischen Parlaments	357
58. Erklärung der Republik Lettland, der Republik Ungarn und der Republik Malta zur Schreibweise des Namens der einheitlichen Währung in den Verträgen	357
59. Erklärung des Königreichs der Niederlande zu Artikel 312 des Vertrags über die Arbeitsweise der Europäischen Union	357
60. Erklärung des Königreichs der Niederlande zu Artikel 355 des Vertrags über die Arbeitsweise der Europäischen Union	358
61. Erklärung der Republik Polen zur Charta der Grundrechte der Europäischen Union	358
62. Erklärung der Republik Polen zu dem Protokoll über die Anwendung der Charta der Grundrechte der Europäischen Union auf Polen und das Vereinigte Königreich	358
63. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland zur Definition des Begriffs „Staatsangehöriger“	358
64. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland über das Wahlrecht für die Wahlen zum Europäischen Parlament	358
65. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland zu Artikel 75 des Vertrags über die Arbeitsweise der Europäischen Union	359
Übereinstimmungstabellen	361
Vertrag über die Europäische Union	361
Vertrag über die Arbeitsweise der Europäischen Union	366

**KONSOLIDIERTE FASSUNG
DES
VERTRAGS ÜBER DIE EUROPÄISCHE UNION**

PRÄAMBEL

SEINE MAJESTÄT DER KÖNIG DER BELGIER, IHRE MAJESTÄT DIE KÖNIGIN VON DÄNEMARK, DER PRÄSIDENT DER BUNDESREPUBLIK DEUTSCHLAND, DER PRÄSIDENT DER GRIECHISCHEN REPUBLIK, SEINE MAJESTÄT DER KÖNIG VON SPANIEN, DER PRÄSIDENT DER FRANZÖSISCHEN REPUBLIK, DER PRÄSIDENT IRLANDS, DER PRÄSIDENT DER ITALIENISCHEN REPUBLIK, SEINE KÖNIGLICHE HOHEIT DER GROSSHERZOG VON LUXEMBURG, IHRE MAJESTÄT DIE KÖNIGIN DER NIEDERLANDE, DER PRÄSIDENT DER PORTUGIESISCHEN REPUBLIK, IHRE MAJESTÄT DIE KÖNIGIN DES VEREINIGTEN KÖNIGREICHS GROSSBRITANNIEN UND NORDIRLAND ⁽¹⁾,

ENTSCHLOSSEN, den mit der Gründung der Europäischen Gemeinschaften eingeleiteten Prozess der europäischen Integration auf eine neue Stufe zu heben,

SCHÖPFEND aus dem kulturellen, religiösen und humanistischen Erbe Europas, aus dem sich die unverletzlichen und unveräußerlichen Rechte des Menschen sowie Freiheit, Demokratie, Gleichheit und Rechtsstaatlichkeit als universelle Werte entwickelt haben,

EINGEDENK der historischen Bedeutung der Überwindung der Teilung des europäischen Kontinents und der Notwendigkeit, feste Grundlagen für die Gestalt des zukünftigen Europas zu schaffen,

IN BESTÄTIGUNG ihres Bekenntnisses zu den Grundsätzen der Freiheit, der Demokratie und der Achtung der Menschenrechte und Grundfreiheiten und der Rechtsstaatlichkeit,

IN BESTÄTIGUNG der Bedeutung, die sie den sozialen Grundrechten beimessen, wie sie in der am 18. Oktober 1961 in Turin unterzeichneten Europäischen Sozialcharta und in der Unionscharta der sozialen Grundrechte der Arbeitnehmer von 1989 festgelegt sind,

IN DEM WUNSCH, die Solidarität zwischen ihren Völkern unter Achtung ihrer Geschichte, ihrer Kultur und ihrer Traditionen zu stärken,

IN DEM WUNSCH, Demokratie und Effizienz in der Arbeit der Organe weiter zu stärken, damit diese in die Lage versetzt werden, die ihnen übertragenen Aufgaben in einem einheitlichen institutionellen Rahmen besser wahrzunehmen,

ENTSCHLOSSEN, die Stärkung und die Konvergenz ihrer Volkswirtschaften herbeizuführen und eine Wirtschafts- und Währungsunion zu errichten, die im Einklang mit diesem Vertrag und dem Vertrag über die Arbeitsweise der Europäischen Union eine einheitliche, stabile Währung einschließt,

IN DEM FESTEN WILLEN, im Rahmen der Verwirklichung des Binnenmarkts sowie der Stärkung des Zusammenhalts und des Umweltschutzes den wirtschaftlichen und sozialen Fortschritt ihrer Völker unter Berücksichtigung des Grundsatzes der nachhaltigen Entwicklung zu fördern und Politiken zu verfolgen, die gewährleisten, dass Fortschritte bei der wirtschaftlichen Integration mit parallelen Fortschritten auf anderen Gebieten einhergehen,

⁽¹⁾ Seit dem ursprünglichen Vertragsschluss sind Mitgliedstaaten der Europäischen Union geworden: die Republik Bulgarien, die Tschechische Republik, die Republik Estland, die Republik Zypern, die Republik Lettland, die Republik Litauen, die Republik Ungarn, die Republik Malta, die Republik Österreich, die Republik Polen, Rumänien, die Republik Slowenien, die Slowakische Republik, die Republik Finnland und das Königreich Schweden.

ENTSCHLOSSEN, eine gemeinsame Unionsbürgerschaft für die Staatsangehörigen ihrer Länder einzuführen,

ENTSCHLOSSEN, eine Gemeinsame Außen- und Sicherheitspolitik zu verfolgen, wozu nach Maßgabe des Artikels 42 auch die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik gehört, die zu einer gemeinsamen Verteidigung führen könnte, und so die Identität und Unabhängigkeit Europas zu stärken, um Frieden, Sicherheit und Fortschritt in Europa und in der Welt zu fördern,

ENTSCHLOSSEN, die Freizügigkeit unter gleichzeitiger Gewährleistung der Sicherheit ihrer Bürger durch den Aufbau eines Raums der Freiheit, der Sicherheit und des Rechts nach Maßgabe der Bestimmungen dieses Vertrags und des Vertrags über die Arbeitsweise der Europäischen Union zu fördern,

ENTSCHLOSSEN, den Prozess der Schaffung einer immer engeren Union der Völker Europas, in der die Entscheidungen entsprechend dem Subsidiaritätsprinzip möglichst bürgernah getroffen werden, weiterzuführen,

IM HINBLICK auf weitere Schritte, die getan werden müssen, um die europäische Integration voranzutreiben,

HABEN BESCHLOSSEN, eine Europäische Union zu gründen; sie haben zu diesem Zweck zu ihren Bevollmächtigten ernannt:

(Aufzählung der Bevollmächtigten nicht wiedergegeben)

DIESE SIND nach Austausch ihrer als gut und gehörig befundenen Vollmachten wie folgt ÜBEREINGEKOMMEN:

TITEL I

GEMEINSAME BESTIMMUNGEN

Artikel 1

(ex-Artikel 1 EUV) ⁽¹⁾

Durch diesen Vertrag gründen die HOHEN VERTRAGSPARTEIEN untereinander eine EUROPÄISCHE UNION (im Folgenden „Union“), der die Mitgliedstaaten Zuständigkeiten zur Verwirklichung ihrer gemeinsamen Ziele übertragen.

Dieser Vertrag stellt eine neue Stufe bei der Verwirklichung einer immer engeren Union der Völker Europas dar, in der die Entscheidungen möglichst offen und möglichst bürgernah getroffen werden.

Grundlage der Union sind dieser Vertrag und der Vertrag über die Arbeitsweise der Europäischen Union (im Folgenden „Verträge“). Beide Verträge sind rechtlich gleichrangig. Die Union tritt an die Stelle der Europäischen Gemeinschaft, deren Rechtsnachfolgerin sie ist.

⁽¹⁾ Dieser Verweis hat lediglich hinweisenden Charakter. Zur Vertiefung vgl. die Übereinstimmungstabellen für die Entsprechung zwischen bisheriger und neuer Nummerierung der Verträge.

Artikel 2

Die Werte, auf die sich die Union gründet, sind die Achtung der Menschenwürde, Freiheit, Demokratie, Gleichheit, Rechtsstaatlichkeit und die Wahrung der Menschenrechte einschließlich der Rechte der Personen, die Minderheiten angehören. Diese Werte sind allen Mitgliedstaaten in einer Gesellschaft gemeinsam, die sich durch Pluralismus, Nichtdiskriminierung, Toleranz, Gerechtigkeit, Solidarität und die Gleichheit von Frauen und Männern auszeichnet.

Artikel 3

(ex-Artikel 2 EUV)

- (1) Ziel der Union ist es, den Frieden, ihre Werte und das Wohlergehen ihrer Völker zu fördern.
 - (2) Die Union bietet ihren Bürgerinnen und Bürgern einen Raum der Freiheit, der Sicherheit und des Rechts ohne Binnengrenzen, in dem — in Verbindung mit geeigneten Maßnahmen in Bezug auf die Kontrollen an den Außengrenzen, das Asyl, die Einwanderung sowie die Verhütung und Bekämpfung der Kriminalität — der freie Personenverkehr gewährleistet ist.
 - (3) Die Union errichtet einen Binnenmarkt. Sie wirkt auf die nachhaltige Entwicklung Europas auf der Grundlage eines ausgewogenen Wirtschaftswachstums und von Preisstabilität, eine in hohem Maße wettbewerbsfähige soziale Marktwirtschaft, die auf Vollbeschäftigung und sozialen Fortschritt abzielt, sowie ein hohes Maß an Umweltschutz und Verbesserung der Umweltqualität hin. Sie fördert den wissenschaftlichen und technischen Fortschritt.
- Sie bekämpft soziale Ausgrenzung und Diskriminierungen und fördert soziale Gerechtigkeit und sozialen Schutz, die Gleichstellung von Frauen und Männern, die Solidarität zwischen den Generationen und den Schutz der Rechte des Kindes.
- Sie fördert den wirtschaftlichen, sozialen und territorialen Zusammenhalt und die Solidarität zwischen den Mitgliedstaaten.
- Sie wahrt den Reichtum ihrer kulturellen und sprachlichen Vielfalt und sorgt für den Schutz und die Entwicklung des kulturellen Erbes Europas.
- (4) Die Union errichtet eine Wirtschafts- und Währungsunion, deren Währung der Euro ist.
 - (5) In ihren Beziehungen zur übrigen Welt schützt und fördert die Union ihre Werte und Interessen und trägt zum Schutz ihrer Bürgerinnen und Bürger bei. Sie leistet einen Beitrag zu Frieden, Sicherheit, globaler nachhaltiger Entwicklung, Solidarität und gegenseitiger Achtung unter den Völkern, zu freiem und gerechtem Handel, zur Beseitigung der Armut und zum Schutz der Menschenrechte, insbesondere der Rechte des Kindes, sowie zur strikten Einhaltung und Weiterentwicklung des Völkerrechts, insbesondere zur Wahrung der Grundsätze der Charta der Vereinten Nationen.
 - (6) Die Union verfolgt ihre Ziele mit geeigneten Mitteln entsprechend den Zuständigkeiten, die ihr in den Verträgen übertragen sind.

Artikel 4

(1) Alle der Union nicht in den Verträgen übertragenen Zuständigkeiten verbleiben gemäß Artikel 5 bei den Mitgliedstaaten.

(2) Die Union achtet die Gleichheit der Mitgliedstaaten vor den Verträgen und ihre jeweilige nationale Identität, die in ihren grundlegenden politischen und verfassungsmäßigen Strukturen einschließlich der regionalen und lokalen Selbstverwaltung zum Ausdruck kommt. Sie achtet die grundlegenden Funktionen des Staates, insbesondere die Wahrung der territorialen Unversehrtheit, die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der nationalen Sicherheit. Insbesondere die nationale Sicherheit fällt weiterhin in die alleinige Verantwortung der einzelnen Mitgliedstaaten.

(3) Nach dem Grundsatz der loyalen Zusammenarbeit achten und unterstützen sich die Union und die Mitgliedstaaten gegenseitig bei der Erfüllung der Aufgaben, die sich aus den Verträgen ergeben.

Die Mitgliedstaaten ergreifen alle geeigneten Maßnahmen allgemeiner oder besonderer Art zur Erfüllung der Verpflichtungen, die sich aus den Verträgen oder den Handlungen der Organe der Union ergeben.

Die Mitgliedstaaten unterstützen die Union bei der Erfüllung ihrer Aufgabe und unterlassen alle Maßnahmen, die die Verwirklichung der Ziele der Union gefährden könnten.

Artikel 5

(ex-Artikel 5 EGV)

(1) Für die Abgrenzung der Zuständigkeiten der Union gilt der Grundsatz der begrenzten Einzelermächtigung. Für die Ausübung der Zuständigkeiten der Union gelten die Grundsätze der Subsidiarität und der Verhältnismäßigkeit.

(2) Nach dem Grundsatz der begrenzten Einzelermächtigung wird die Union nur innerhalb der Grenzen der Zuständigkeiten tätig, die die Mitgliedstaaten ihr in den Verträgen zur Verwirklichung der darin niedergelegten Ziele übertragen haben. Alle der Union nicht in den Verträgen übertragenen Zuständigkeiten verbleiben bei den Mitgliedstaaten.

(3) Nach dem Subsidiaritätsprinzip wird die Union in den Bereichen, die nicht in ihre ausschließliche Zuständigkeit fallen, nur tätig, sofern und soweit die Ziele der in Betracht gezogenen Maßnahmen von den Mitgliedstaaten weder auf zentraler noch auf regionaler oder lokaler Ebene ausreichend verwirklicht werden können, sondern vielmehr wegen ihres Umfangs oder ihrer Wirkungen auf Unionsebene besser zu verwirklichen sind.

Die Organe der Union wenden das Subsidiaritätsprinzip nach dem Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit an. Die nationalen Parlamente achten auf die Einhaltung des Subsidiaritätsprinzips nach dem in jenem Protokoll vorgesehenen Verfahren.

(4) Nach dem Grundsatz der Verhältnismäßigkeit gehen die Maßnahmen der Union inhaltlich wie formal nicht über das zur Erreichung der Ziele der Verträge erforderliche Maß hinaus.

Die Organe der Union wenden den Grundsatz der Verhältnismäßigkeit nach dem Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit an.

Artikel 6
(ex-Artikel 6 EUV)

(1) Die Union erkennt die Rechte, Freiheiten und Grundsätze an, die in der Charta der Grundrechte der Europäischen Union vom 7. Dezember 2000 in der am 12. Dezember 2007 in Straßburg angepassten Fassung niedergelegt sind; die Charta der Grundrechte und die Verträge sind rechtlich gleichrangig.

Durch die Bestimmungen der Charta werden die in den Verträgen festgelegten Zuständigkeiten der Union in keiner Weise erweitert.

Die in der Charta niedergelegten Rechte, Freiheiten und Grundsätze werden gemäß den allgemeinen Bestimmungen des Titels VII der Charta, der ihre Auslegung und Anwendung regelt, und unter gebührender Berücksichtigung der in der Charta angeführten Erläuterungen, in denen die Quellen dieser Bestimmungen angegeben sind, ausgelegt.

(2) Die Union tritt der Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten bei. Dieser Beitritt ändert nicht die in den Verträgen festgelegten Zuständigkeiten der Union.

(3) Die Grundrechte, wie sie in der Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten gewährleistet sind und wie sie sich aus den gemeinsamen Verfassungsüberlieferungen der Mitgliedstaaten ergeben, sind als allgemeine Grundsätze Teil des Unionsrechts.

Artikel 7
(ex-Artikel 7 EUV)

(1) Auf begründeten Vorschlag eines Drittels der Mitgliedstaaten, des Europäischen Parlaments oder der Europäischen Kommission kann der Rat mit der Mehrheit von vier Fünfteln seiner Mitglieder nach Zustimmung des Europäischen Parlaments feststellen, dass die eindeutige Gefahr einer schwerwiegenden Verletzung der in Artikel 2 genannten Werte durch einen Mitgliedstaat besteht. Der Rat hört, bevor er eine solche Feststellung trifft, den betroffenen Mitgliedstaat und kann Empfehlungen an ihn richten, die er nach demselben Verfahren beschließt.

Der Rat überprüft regelmäßig, ob die Gründe, die zu dieser Feststellung geführt haben, noch zutreffen.

(2) Auf Vorschlag eines Drittels der Mitgliedstaaten oder der Europäischen Kommission und nach Zustimmung des Europäischen Parlaments kann der Europäische Rat einstimmig feststellen, dass eine schwerwiegende und anhaltende Verletzung der in Artikel 2 genannten Werte durch einen Mitgliedstaat vorliegt, nachdem er den betroffenen Mitgliedstaat zu einer Stellungnahme aufgefordert hat.

(3) Wurde die Feststellung nach Absatz 2 getroffen, so kann der Rat mit qualifizierter Mehrheit beschließen, bestimmte Rechte auszusetzen, die sich aus der Anwendung der Verträge auf den betroffenen Mitgliedstaat herleiten, einschließlich der Stimmrechte des Vertreters der Regierung dieses Mitgliedstaats im Rat. Dabei berücksichtigt er die möglichen Auswirkungen einer solchen Aussetzung auf die Rechte und Pflichten natürlicher und juristischer Personen.

Die sich aus den Verträgen ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall weiterhin verbindlich.

(4) Der Rat kann zu einem späteren Zeitpunkt mit qualifizierter Mehrheit beschließen, nach Absatz 3 getroffene Maßnahmen abzuändern oder aufzuheben, wenn in der Lage, die zur Verhängung dieser Maßnahmen geführt hat, Änderungen eingetreten sind.

(5) Die Abstimmungsmodalitäten, die für die Zwecke dieses Artikels für das Europäische Parlament, den Europäischen Rat und den Rat gelten, sind in Artikel 354 des Vertrags über die Arbeitsweise der Europäischen Union festgelegt.

Artikel 8

(1) Die Union entwickelt besondere Beziehungen zu den Ländern in ihrer Nachbarschaft, um einen Raum des Wohlstands und der guten Nachbarschaft zu schaffen, der auf den Werten der Union aufbaut und sich durch enge, friedliche Beziehungen auf der Grundlage der Zusammenarbeit auszeichnet.

(2) Für die Zwecke des Absatzes 1 kann die Union spezielle Übereinkünfte mit den betreffenden Ländern schließen. Diese Übereinkünfte können gegenseitige Rechte und Pflichten umfassen und die Möglichkeit zu gemeinsamem Vorgehen eröffnen. Zur Durchführung der Übereinkünfte finden regelmäßige Konsultationen statt.

TITEL II

BESTIMMUNGEN ÜBER DIE DEMOKRATISCHEN GRUNDSÄTZE

Artikel 9

Die Union achtet in ihrem gesamten Handeln den Grundsatz der Gleichheit ihrer Bürgerinnen und Bürger, denen ein gleiches Maß an Aufmerksamkeit seitens der Organe, Einrichtungen und sonstigen Stellen der Union zuteil wird. Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt. Die Unionsbürgerschaft tritt zur nationalen Staatsangehörigkeit hinzu, ohne diese zu ersetzen.

Artikel 10

(1) Die Arbeitsweise der Union beruht auf der repräsentativen Demokratie.

(2) Die Bürgerinnen und Bürger sind auf Unionsebene unmittelbar im Europäischen Parlament vertreten.

Die Mitgliedstaaten werden im Europäischen Rat von ihrem jeweiligen Staats- oder Regierungschef und im Rat von ihrer jeweiligen Regierung vertreten, die ihrerseits in demokratischer Weise gegenüber ihrem nationalen Parlament oder gegenüber ihren Bürgerinnen und Bürgern Rechenschaft ablegen müssen.

(3) Alle Bürgerinnen und Bürger haben das Recht, am demokratischen Leben der Union teilzunehmen. Die Entscheidungen werden so offen und bürgernah wie möglich getroffen.

(4) Politische Parteien auf europäischer Ebene tragen zur Herausbildung eines europäischen politischen Bewusstseins und zum Ausdruck des Willens der Bürgerinnen und Bürger der Union bei.

Artikel 11

- (1) Die Organe geben den Bürgerinnen und Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten in allen Bereichen des Handelns der Union öffentlich bekannt zu geben und auszutauschen.
- (2) Die Organe pflegen einen offenen, transparenten und regelmäßigen Dialog mit den repräsentativen Verbänden und der Zivilgesellschaft.
- (3) Um die Kohärenz und die Transparenz des Handelns der Union zu gewährleisten, führt die Europäische Kommission umfangreiche Anhörungen der Betroffenen durch.
- (4) Unionsbürgerinnen und Unionsbürger, deren Anzahl mindestens eine Million betragen und bei denen es sich um Staatsangehörige einer erheblichen Anzahl von Mitgliedstaaten handeln muss, können die Initiative ergreifen und die Europäische Kommission auffordern, im Rahmen ihrer Befugnisse geeignete Vorschläge zu Themen zu unterbreiten, zu denen es nach Ansicht jener Bürgerinnen und Bürger eines Rechtsakts der Union bedarf, um die Verträge umzusetzen.

Die Verfahren und Bedingungen, die für eine solche Bürgerinitiative gelten, werden nach Artikel 24 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union festgelegt.

Artikel 12

Die nationalen Parlamente tragen aktiv zur guten Arbeitsweise der Union bei, indem sie

- a) von den Organen der Union unterrichtet werden und ihnen die Entwürfe von Gesetzgebungsakten der Union gemäß dem Protokoll über die Rolle der nationalen Parlamente in der Europäischen Union zugeleitet werden;
- b) dafür sorgen, dass der Grundsatz der Subsidiarität gemäß den in dem Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren beachtet wird;
- c) sich im Rahmen des Raums der Freiheit, der Sicherheit und des Rechts an den Mechanismen zur Bewertung der Durchführung der Unionspolitiken in diesem Bereich nach Artikel 70 des Vertrags über die Arbeitsweise der Europäischen Union beteiligen und in die politische Kontrolle von Europol und die Bewertung der Tätigkeit von Eurojust nach den Artikeln 88 und 85 des genannten Vertrags einbezogen werden;
- d) sich an den Verfahren zur Änderung der Verträge nach Artikel 48 dieses Vertrags beteiligen;
- e) über Anträge auf Beitritt zur Union nach Artikel 49 dieses Vertrags unterrichtet werden;
- f) sich an der interparlamentarischen Zusammenarbeit zwischen den nationalen Parlamenten und mit dem Europäischen Parlament gemäß dem Protokoll über die Rolle der nationalen Parlamente in der Europäischen Union beteiligen.

TITEL III

BESTIMMUNGEN ÜBER DIE ORGANE

Artikel 13

(1) Die Union verfügt über einen institutionellen Rahmen, der zum Zweck hat, ihren Werten Geltung zu verschaffen, ihre Ziele zu verfolgen, ihren Interessen, denen ihrer Bürgerinnen und Bürger und denen der Mitgliedstaaten zu dienen sowie die Kohärenz, Effizienz und Kontinuität ihrer Politik und ihrer Maßnahmen sicherzustellen.

Die Organe der Union sind

- das Europäische Parlament,
- der Europäische Rat,
- der Rat,
- die Europäische Kommission (im Folgenden „Kommission“),
- der Gerichtshof der Europäischen Union,
- die Europäische Zentralbank,
- der Rechnungshof.

(2) Jedes Organ handelt nach Maßgabe der ihm in den Verträgen zugewiesenen Befugnisse nach den Verfahren, Bedingungen und Zielen, die in den Verträgen festgelegt sind. Die Organe arbeiten loyal zusammen.

(3) Die Bestimmungen über die Europäische Zentralbank und den Rechnungshof sowie die detaillierten Bestimmungen über die übrigen Organe sind im Vertrag über die Arbeitsweise der Europäischen Union enthalten.

(4) Das Europäische Parlament, der Rat und die Kommission werden von einem Wirtschafts- und Sozialausschuss sowie einem Ausschuss der Regionen unterstützt, die beratende Aufgaben wahrnehmen.

Artikel 14

(1) Das Europäische Parlament wird gemeinsam mit dem Rat als Gesetzgeber tätig und übt gemeinsam mit ihm die Haushaltsbefugnisse aus. Es erfüllt Aufgaben der politischen Kontrolle und Beratungsfunktionen nach Maßgabe der Verträge. Es wählt den Präsidenten der Kommission.

(2) Das Europäische Parlament setzt sich aus Vertretern der Unionsbürgerinnen und Unionsbürger zusammen. Ihre Anzahl darf 750 nicht überschreiten, zuzüglich des Präsidenten. Die Bürgerinnen und Bürger sind im Europäischen Parlament degressiv proportional, mindestens jedoch mit sechs Mitgliedern je Mitgliedstaat vertreten. Kein Mitgliedstaat erhält mehr als 96 Sitze.

Der Europäische Rat erlässt einstimmig auf Initiative des Europäischen Parlaments und mit dessen Zustimmung einen Beschluss über die Zusammensetzung des Europäischen Parlaments, in dem die in Unterabsatz 1 genannten Grundsätze gewahrt sind.

- (3) Die Mitglieder des Europäischen Parlaments werden in allgemeiner, unmittelbarer, freier und geheimer Wahl für eine Amtszeit von fünf Jahren gewählt.
- (4) Das Europäische Parlament wählt aus seiner Mitte seinen Präsidenten und sein Präsidium.

Artikel 15

- (1) Der Europäische Rat gibt der Union die für ihre Entwicklung erforderlichen Impulse und legt die allgemeinen politischen Zielvorstellungen und Prioritäten hierfür fest. Er wird nicht gesetzgeberisch tätig.
- (2) Der Europäische Rat setzt sich zusammen aus den Staats- und Regierungschefs der Mitgliedstaaten sowie dem Präsidenten des Europäischen Rates und dem Präsidenten der Kommission. Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik nimmt an seinen Arbeiten teil.
- (3) Der Europäische Rat tritt zweimal pro Halbjahr zusammen; er wird von seinem Präsidenten einberufen. Wenn es die Tagesordnung erfordert, können die Mitglieder des Europäischen Rates beschließen, sich jeweils von einem Minister oder — im Fall des Präsidenten der Kommission — von einem Mitglied der Kommission unterstützen zu lassen. Wenn es die Lage erfordert, beruft der Präsident eine außerordentliche Tagung des Europäischen Rates ein.
- (4) Soweit in den Verträgen nichts anderes festgelegt ist, entscheidet der Europäische Rat im Konsens.
- (5) Der Europäische Rat wählt seinen Präsidenten mit qualifizierter Mehrheit für eine Amtszeit von zweieinhalb Jahren; der Präsident kann einmal wiedergewählt werden. Im Falle einer Verhinderung oder einer schweren Verfehlung kann der Europäische Rat ihn im Wege des gleichen Verfahrens von seinem Amt entbinden.
- (6) Der Präsident des Europäischen Rates
 - a) führt den Vorsitz bei den Arbeiten des Europäischen Rates und gibt ihnen Impulse,
 - b) sorgt in Zusammenarbeit mit dem Präsidenten der Kommission auf der Grundlage der Arbeiten des Rates „Allgemeine Angelegenheiten“ für die Vorbereitung und Kontinuität der Arbeiten des Europäischen Rates,
 - c) wirkt darauf hin, dass Zusammenhalt und Konsens im Europäischen Rat gefördert werden,
 - d) legt dem Europäischen Parlament im Anschluss an jede Tagung des Europäischen Rates einen Bericht vor.

Der Präsident des Europäischen Rates nimmt auf seiner Ebene und in seiner Eigenschaft, unbeschadet der Befugnisse des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, die Außenvertretung der Union in Angelegenheiten der Gemeinsamen Außen- und Sicherheitspolitik wahr.

Der Präsident des Europäischen Rates darf kein einzelstaatliches Amt ausüben.

Artikel 16

(1) Der Rat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber tätig und übt gemeinsam mit ihm die Haushaltsbefugnisse aus. Zu seinen Aufgaben gehört die Festlegung der Politik und die Koordinierung nach Maßgabe der Verträge.

(2) Der Rat besteht aus je einem Vertreter jedes Mitgliedstaats auf Ministerebene, der befugt ist, für die Regierung des von ihm vertretenen Mitgliedstaats verbindlich zu handeln und das Stimmrecht auszuüben.

(3) Soweit in den Verträgen nichts anderes festgelegt ist, beschließt der Rat mit qualifizierter Mehrheit.

(4) Ab dem 1. November 2014 gilt als qualifizierte Mehrheit eine Mehrheit von mindestens 55 % der Mitglieder des Rates, gebildet aus mindestens 15 Mitgliedern, sofern die von diesen vertretenen Mitgliedstaaten zusammen mindestens 65 % der Bevölkerung der Union ausmachen.

Für eine Sperrminorität sind mindestens vier Mitglieder des Rates erforderlich, andernfalls gilt die qualifizierte Mehrheit als erreicht.

Die übrigen Modalitäten für die Abstimmung mit qualifizierter Mehrheit sind in Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union festgelegt.

(5) Die Übergangsbestimmungen für die Definition der qualifizierten Mehrheit, die bis zum 31. Oktober 2014 gelten, sowie die Übergangsbestimmungen, die zwischen dem 1. November 2014 und dem 31. März 2017 gelten, sind im Protokoll über die Übergangsbestimmungen festgelegt.

(6) Der Rat tagt in verschiedenen Zusammensetzungen; die Liste dieser Zusammensetzungen wird nach Artikel 236 des Vertrags über die Arbeitsweise der Europäischen Union angenommen.

Als Rat „Allgemeine Angelegenheiten“ sorgt er für die Kohärenz der Arbeiten des Rates in seinen verschiedenen Zusammensetzungen. In Verbindung mit dem Präsidenten des Europäischen Rates und mit der Kommission bereitet er die Tagungen des Europäischen Rates vor und sorgt für das weitere Vorgehen.

Als Rat „Auswärtige Angelegenheiten“ gestaltet er das auswärtige Handeln der Union entsprechend den strategischen Vorgaben des Europäischen Rates und sorgt für die Kohärenz des Handelns der Union.

(7) Ein Ausschuss der Ständigen Vertreter der Regierungen der Mitgliedstaaten ist für die Vorbereitung der Arbeiten des Rates verantwortlich.

(8) Der Rat tagt öffentlich, wenn er über Entwürfe zu Gesetzgebungsakten berät und abstimmt. Zu diesem Zweck wird jede Ratstagung in zwei Teile unterteilt, von denen der eine den Beratungen über die Gesetzgebungsakte der Union und der andere den nicht die Gesetzgebung betreffenden Tätigkeiten gewidmet ist.

(9) Der Vorsitz im Rat in allen seinen Zusammensetzungen mit Ausnahme des Rates „Auswärtige Angelegenheiten“ wird von den Vertretern der Mitgliedstaaten im Rat unter Bedingungen, die gemäß Artikel 236 des Vertrags über die Arbeitsweise der Europäischen Union festgelegt werden, nach einem System der gleichberechtigten Rotation wahrgenommen.

Artikel 17

(1) Die Kommission fördert die allgemeinen Interessen der Union und ergreift geeignete Initiativen zu diesem Zweck. Sie sorgt für die Anwendung der Verträge sowie der von den Organen kraft der Verträge erlassenen Maßnahmen. Sie überwacht die Anwendung des Unionsrechts unter der Kontrolle des Gerichtshofs der Europäischen Union. Sie führt den Haushaltsplan aus und verwaltet die Programme. Sie übt nach Maßgabe der Verträge Koordinierungs-, Exekutiv- und Verwaltungsfunktionen aus. Außer in der Gemeinsamen Außen- und Sicherheitspolitik und den übrigen in den Verträgen vorgesehenen Fällen nimmt sie die Vertretung der Union nach außen wahr. Sie leitet die jährliche und die mehrjährige Programmplanung der Union mit dem Ziel ein, interinstitutionelle Vereinbarungen zu erreichen.

(2) Soweit in den Verträgen nichts anderes festgelegt ist, darf ein Gesetzgebungsakt der Union nur auf Vorschlag der Kommission erlassen werden. Andere Rechtsakte werden auf der Grundlage eines Kommissionsvorschlags erlassen, wenn dies in den Verträgen vorgesehen ist.

(3) Die Amtszeit der Kommission beträgt fünf Jahre.

Die Mitglieder der Kommission werden aufgrund ihrer allgemeinen Befähigung und ihres Einsatzes für Europa unter Persönlichkeiten ausgewählt, die volle Gewähr für ihre Unabhängigkeit bieten.

Die Kommission übt ihre Tätigkeit in voller Unabhängigkeit aus. Die Mitglieder der Kommission dürfen unbeschadet des Artikels 18 Absatz 2 Weisungen von einer Regierung, einem Organ, einer Einrichtung oder jeder anderen Stelle weder einholen noch entgegennehmen. Sie enthalten sich jeder Handlung, die mit ihrem Amt oder der Erfüllung ihrer Aufgaben unvereinbar ist.

(4) Die Kommission, die zwischen dem Zeitpunkt des Inkrafttretens des Vertrags von Lissabon und dem 31. Oktober 2014 ernannt wird, besteht einschließlich ihres Präsidenten und des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, der einer der Vizepräsidenten der Kommission ist, aus je einem Staatsangehörigen jedes Mitgliedstaats.

(5) Ab dem 1. November 2014 besteht die Kommission, einschließlich ihres Präsidenten und des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, aus einer Anzahl von Mitgliedern, die zwei Dritteln der Zahl der Mitgliedstaaten entspricht, sofern der Europäische Rat nicht einstimmig eine Änderung dieser Anzahl beschließt.

Die Mitglieder der Kommission werden unter den Staatsangehörigen der Mitgliedstaaten in einem System der strikt gleichberechtigten Rotation zwischen den Mitgliedstaaten so ausgewählt, dass das demografische und geografische Spektrum der Gesamtheit der Mitgliedstaaten zum Ausdruck kommt. Dieses System wird vom Europäischen Rat nach Artikel 244 des Vertrags über die Arbeitsweise der Europäischen Union einstimmig festgelegt.

(6) Der Präsident der Kommission

- a) legt die Leitlinien fest, nach denen die Kommission ihre Aufgaben ausübt,
- b) beschließt über die interne Organisation der Kommission, um die Kohärenz, die Effizienz und das Kollegialitätsprinzip im Rahmen ihrer Tätigkeit sicherzustellen,

- c) ernennt, mit Ausnahme des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, die Vizepräsidenten aus dem Kreis der Mitglieder der Kommission.

Ein Mitglied der Kommission legt sein Amt nieder, wenn es vom Präsidenten dazu aufgefordert wird. Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik legt sein Amt nach dem Verfahren des Artikels 18 Absatz 1 nieder, wenn er vom Präsidenten dazu aufgefordert wird.

(7) Der Europäische Rat schlägt dem Europäischen Parlament nach entsprechenden Konsultationen mit qualifizierter Mehrheit einen Kandidaten für das Amt des Präsidenten der Kommission vor; dabei berücksichtigt er das Ergebnis der Wahlen zum Europäischen Parlament. Das Europäische Parlament wählt diesen Kandidaten mit der Mehrheit seiner Mitglieder. Erhält dieser Kandidat nicht die Mehrheit, so schlägt der Europäische Rat dem Europäischen Parlament innerhalb eines Monats mit qualifizierter Mehrheit einen neuen Kandidaten vor, für dessen Wahl das Europäische Parlament dasselbe Verfahren anwendet.

Der Rat nimmt, im Einvernehmen mit dem gewählten Präsidenten, die Liste der anderen Persönlichkeiten an, die er als Mitglieder der Kommission vorschlägt. Diese werden auf der Grundlage der Vorschläge der Mitgliedstaaten entsprechend den Kriterien nach Absatz 3 Unterabsatz 2 und Absatz 5 Unterabsatz 2 ausgewählt.

Der Präsident, der Hohe Vertreter der Union für Außen- und Sicherheitspolitik und die übrigen Mitglieder der Kommission stellen sich als Kollegium einem Zustimmungsvotum des Europäischen Parlaments. Auf der Grundlage dieser Zustimmung wird die Kommission vom Europäischen Rat mit qualifizierter Mehrheit ernannt.

(8) Die Kommission ist als Kollegium dem Europäischen Parlament verantwortlich. Das Europäische Parlament kann nach Artikel 234 des Vertrags über die Arbeitsweise der Europäischen Union einen Misstrauensantrag gegen die Kommission annehmen. Wird ein solcher Antrag angenommen, so müssen die Mitglieder der Kommission geschlossen ihr Amt niederlegen, und der Hohe Vertreter der Union für Außen- und Sicherheitspolitik muss sein im Rahmen der Kommission ausgeübtes Amt niederlegen.

Artikel 18

(1) Der Europäische Rat ernennt mit qualifizierter Mehrheit und mit Zustimmung des Präsidenten der Kommission den Hohen Vertreter der Union für Außen- und Sicherheitspolitik. Der Europäische Rat kann die Amtszeit des Hohen Vertreters nach dem gleichen Verfahren beenden.

(2) Der Hohe Vertreter leitet die Gemeinsame Außen- und Sicherheitspolitik der Union. Er trägt durch seine Vorschläge zur Festlegung dieser Politik bei und führt sie im Auftrag des Rates durch. Er handelt ebenso im Bereich der Gemeinsamen Sicherheits- und Verteidigungspolitik.

(3) Der Hohe Vertreter führt den Vorsitz im Rat „Auswärtige Angelegenheiten“.

(4) Der Hohe Vertreter ist einer der Vizepräsidenten der Kommission. Er sorgt für die Kohärenz des auswärtigen Handelns der Union. Er ist innerhalb der Kommission mit deren Zuständigkeiten im

Bereich der Außenbeziehungen und mit der Koordinierung der übrigen Aspekte des auswärtigen Handelns der Union betraut. Bei der Wahrnehmung dieser Zuständigkeiten in der Kommission und ausschließlich im Hinblick auf diese Zuständigkeiten unterliegt der Hohe Vertreter den Verfahren, die für die Arbeitsweise der Kommission gelten, soweit dies mit den Absätzen 2 und 3 vereinbar ist.

Artikel 19

(1) Der Gerichtshof der Europäischen Union umfasst den Gerichtshof, das Gericht und Fachgerichte. Er sichert die Wahrung des Rechts bei der Auslegung und Anwendung der Verträge.

Die Mitgliedstaaten schaffen die erforderlichen Rechtsbehelfe, damit ein wirksamer Rechtsschutz in den vom Unionsrecht erfassten Bereichen gewährleistet ist.

(2) Der Gerichtshof besteht aus einem Richter je Mitgliedstaat. Er wird von Generalanwälten unterstützt.

Das Gericht besteht aus mindestens einem Richter je Mitgliedstaat.

Als Richter und Generalanwälte des Gerichtshofs und als Richter des Gerichts sind Persönlichkeiten auszuwählen, die jede Gewähr für Unabhängigkeit bieten und die Voraussetzungen der Artikel 253 und 254 des Vertrags über die Arbeitsweise der Europäischen Union erfüllen. Sie werden von den Regierungen der Mitgliedstaaten im gegenseitigen Einvernehmen für eine Amtszeit von sechs Jahren ernannt. Die Wiederernennung ausscheidender Richter und Generalanwälte ist zulässig.

(3) Der Gerichtshof der Europäischen Union entscheidet nach Maßgabe der Verträge

- a) über Klagen eines Mitgliedstaats, eines Organs oder natürlicher oder juristischer Personen;
- b) im Wege der Vorabentscheidung auf Antrag der einzelstaatlichen Gerichte über die Auslegung des Unionsrechts oder über die Gültigkeit der Handlungen der Organe;
- c) in allen anderen in den Verträgen vorgesehenen Fällen.

TITEL IV

BESTIMMUNGEN ÜBER EINE VERSTÄRKTE ZUSAMMENARBEIT

Artikel 20

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV und ex-Artikel 11 und 11a EGV)

(1) Die Mitgliedstaaten, die untereinander eine Verstärkte Zusammenarbeit im Rahmen der nicht ausschließlichen Zuständigkeiten der Union begründen wollen, können, in den Grenzen und nach Maßgabe dieses Artikels und der Artikel 326 bis 334 des Vertrags über die Arbeitsweise der Europäischen Union, die Organe der Union in Anspruch nehmen und diese Zuständigkeiten unter Anwendung der einschlägigen Bestimmungen der Verträge ausüben.

Eine Verstärkte Zusammenarbeit ist darauf ausgerichtet, die Verwirklichung der Ziele der Union zu fördern, ihre Interessen zu schützen und ihren Integrationsprozess zu stärken. Sie steht allen Mitgliedstaaten nach Artikel 328 des Vertrags über die Arbeitsweise der Europäischen Union jederzeit offen.

(2) Der Beschluss über die Ermächtigung zu einer Verstärkten Zusammenarbeit wird vom Rat als letztes Mittel erlassen, wenn dieser feststellt, dass die mit dieser Zusammenarbeit angestrebten Ziele von der Union in ihrer Gesamtheit nicht innerhalb eines vertretbaren Zeitraums verwirklicht werden können, und sofern an der Zusammenarbeit mindestens neun Mitgliedstaaten beteiligt sind. Der Rat beschließt nach dem in Artikel 329 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehenen Verfahren.

(3) Alle Mitglieder des Rates können an dessen Beratungen teilnehmen, aber nur die Mitglieder des Rates, die die an der Verstärkten Zusammenarbeit beteiligten Mitgliedstaaten vertreten, nehmen an der Abstimmung teil. Die Abstimmungsmodalitäten sind in Artikel 330 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehen.

(4) An die im Rahmen einer Verstärkten Zusammenarbeit erlassenen Rechtsakte sind nur die an dieser Zusammenarbeit beteiligten Mitgliedstaaten gebunden. Sie gelten nicht als Besitzstand, der von beitrittswilligen Staaten angenommen werden muss.

TITEL V

ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION UND BESONDERE BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

KAPITEL 1

ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION

Artikel 21

(1) Die Union lässt sich bei ihrem Handeln auf internationaler Ebene von den Grundsätzen leiten, die für ihre eigene Entstehung, Entwicklung und Erweiterung maßgebend waren und denen sie auch weltweit zu stärkerer Geltung verhelfen will: Demokratie, Rechtsstaatlichkeit, die universelle Gültigkeit und Unteilbarkeit der Menschenrechte und Grundfreiheiten, die Achtung der Menschenwürde, der Grundsatz der Gleichheit und der Grundsatz der Solidarität sowie die Achtung der Grundsätze der Charta der Vereinten Nationen und des Völkerrechts.

Die Union strebt an, die Beziehungen zu Drittländern und zu regionalen oder weltweiten internationalen Organisationen, die die in Unterabsatz 1 aufgeführten Grundsätze teilen, auszubauen und Partnerschaften mit ihnen aufzubauen. Sie setzt sich insbesondere im Rahmen der Vereinten Nationen für multilaterale Lösungen bei gemeinsamen Problemen ein.

(2) Die Union legt die gemeinsame Politik sowie Maßnahmen fest, führt diese durch und setzt sich für ein hohes Maß an Zusammenarbeit auf allen Gebieten der internationalen Beziehungen ein, um

- a) ihre Werte, ihre grundlegenden Interessen, ihre Sicherheit, ihre Unabhängigkeit und ihre Unversehrtheit zu wahren;

- b) Demokratie, Rechtsstaatlichkeit, die Menschenrechte und die Grundsätze des Völkerrechts zu festigen und zu fördern;
 - c) nach Maßgabe der Ziele und Grundsätze der Charta der Vereinten Nationen sowie der Prinzipien der Schlussakte von Helsinki und der Ziele der Charta von Paris, einschließlich derjenigen, die die Außengrenzen betreffen, den Frieden zu erhalten, Konflikte zu verhüten und die internationale Sicherheit zu stärken;
 - d) die nachhaltige Entwicklung in Bezug auf Wirtschaft, Gesellschaft und Umwelt in den Entwicklungsländern zu fördern mit dem vorrangigen Ziel, die Armut zu beseitigen;
 - e) die Integration aller Länder in die Weltwirtschaft zu fördern, unter anderem auch durch den schrittweisen Abbau internationaler Handelshemmnisse;
 - f) zur Entwicklung von internationalen Maßnahmen zur Erhaltung und Verbesserung der Qualität der Umwelt und der nachhaltigen Bewirtschaftung der weltweiten natürlichen Ressourcen beizutragen, um eine nachhaltige Entwicklung sicherzustellen;
 - g) den Völkern, Ländern und Regionen, die von Naturkatastrophen oder von vom Menschen verursachten Katastrophen betroffen sind, zu helfen; und
 - h) eine Weltordnung zu fördern, die auf einer verstärkten multilateralen Zusammenarbeit und einer verantwortungsvollen Weltordnungspolitik beruht.
- (3) Die Union wahrt bei der Ausarbeitung und Umsetzung ihres auswärtigen Handelns in den verschiedenen unter diesen Titel und den Fünften Teil des Vertrags über die Arbeitsweise der Europäischen Union fallenden Bereichen sowie der externen Aspekte der übrigen Politikbereiche die in den Absätzen 1 und 2 genannten Grundsätze und Ziele.

Die Union achtet auf die Kohärenz zwischen den einzelnen Bereichen ihres auswärtigen Handelns sowie zwischen diesen und ihren übrigen Politikbereichen. Der Rat und die Kommission, die vom Hohen Vertreter der Union für Außen- und Sicherheitspolitik unterstützt werden, stellen diese Kohärenz sicher und arbeiten zu diesem Zweck zusammen.

Artikel 22

- (1) Auf der Grundlage der in Artikel 21 aufgeführten Grundsätze und Ziele legt der Europäische Rat die strategischen Interessen und Ziele der Union fest.

Die Beschlüsse des Europäischen Rates über die strategischen Interessen und Ziele der Union erstrecken sich auf die Gemeinsame Außen- und Sicherheitspolitik sowie auf andere Bereiche des auswärtigen Handelns der Union. Sie können die Beziehungen der Union zu einem Land oder einer Region betreffen oder aber ein bestimmtes Thema zum Gegenstand haben. Sie enthalten Bestimmungen zu ihrer Geltungsdauer und zu den von der Union und den Mitgliedstaaten bereitzustellenden Mitteln.

Der Europäische Rat beschließt einstimmig auf Empfehlung des Rates, die dieser nach den für den jeweiligen Bereich vorgesehenen Regelungen abgibt. Die Beschlüsse des Europäischen Rates werden nach Maßgabe der in den Verträgen vorgesehenen Verfahren durchgeführt.

(2) Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik und die Kommission können dem Rat gemeinsame Vorschläge vorlegen, wobei der Hohe Vertreter für den Bereich der Gemeinsamen Außen- und Sicherheitspolitik und die Kommission für die anderen Bereiche des auswärtigen Handelns zuständig ist.

KAPITEL 2

BESONDERE BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

ABSCHNITT 1

GEMEINSAME BESTIMMUNGEN.

Artikel 23

Das Handeln der Union auf internationaler Ebene im Rahmen dieses Kapitels beruht auf den Grundsätzen des Kapitels 1, verfolgt die darin genannten Ziele und steht mit den allgemeinen Bestimmungen jenes Kapitels im Einklang.

Artikel 24

(ex-Artikel 11 EUV)

(1) Die Zuständigkeit der Union in der Gemeinsamen Außen- und Sicherheitspolitik erstreckt sich auf alle Bereiche der Außenpolitik sowie auf sämtliche Fragen im Zusammenhang mit der Sicherheit der Union, einschließlich der schrittweisen Festlegung einer gemeinsamen Verteidigungspolitik, die zu einer gemeinsamen Verteidigung führen kann.

Für die Gemeinsame Außen- und Sicherheitspolitik gelten besondere Bestimmungen und Verfahren. Sie wird vom Europäischen Rat und vom Rat einstimmig festgelegt und durchgeführt, soweit in den Verträgen nichts anderes vorgesehen ist. Der Erlass von Gesetzgebungsakten ist ausgeschlossen. Die Gemeinsame Außen- und Sicherheitspolitik wird vom Hohen Vertreter der Union für Außen- und Sicherheitspolitik und von den Mitgliedstaaten gemäß den Verträgen durchgeführt. Die spezifische Rolle des Europäischen Parlaments und der Kommission in diesem Bereich ist in den Verträgen festgelegt. Der Gerichtshof der Europäischen Union ist in Bezug auf diese Bestimmungen nicht zuständig; hiervon ausgenommen ist die Kontrolle der Einhaltung des Artikels 40 dieses Vertrags und die Überwachung der Rechtmäßigkeit bestimmter Beschlüsse nach Artikel 275 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union.

(2) Die Union verfolgt, bestimmt und verwirklicht im Rahmen der Grundsätze und Ziele ihres auswärtigen Handelns eine Gemeinsame Außen- und Sicherheitspolitik, die auf einer Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der Ermittlung der Fragen von allgemeiner Bedeutung und der Erreichung einer immer stärkeren Konvergenz des Handelns der Mitgliedstaaten beruht.

(3) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität und achten das Handeln der Union in diesem Bereich.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Der Rat und der Hohe Vertreter tragen für die Einhaltung dieser Grundsätze Sorge.

Artikel 25
(ex-Artikel 12 EUV)

Die Union verfolgt ihre Gemeinsame Außen- und Sicherheitspolitik, indem sie

- a) die allgemeinen Leitlinien bestimmt,
- b) Beschlüsse erlässt zur Festlegung
 - i) der von der Union durchzuführenden Aktionen,
 - ii) der von der Union einzunehmenden Standpunkte,
 - iii) der Einzelheiten der Durchführung der unter den Ziffern i und ii genannten Beschlüsse,und
- c) die systematische Zusammenarbeit der Mitgliedstaaten bei der Führung ihrer Politik ausbaut.

Artikel 26
(ex-Artikel 13 EUV)

(1) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele und die allgemeinen Leitlinien der Gemeinsamen Außen- und Sicherheitspolitik fest, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen. Er erlässt die erforderlichen Beschlüsse.

Wenn eine internationale Entwicklung es erfordert, beruft der Präsident des Europäischen Rates eine außerordentliche Tagung des Europäischen Rates ein, um die strategischen Vorgaben für die Politik der Union angesichts dieser Entwicklung festzulegen.

(2) Der Rat gestaltet die Gemeinsame Außen- und Sicherheitspolitik und fasst die für die Festlegung und Durchführung dieser Politik erforderlichen Beschlüsse auf der Grundlage der vom Europäischen Rat festgelegten allgemeinen Leitlinien und strategischen Vorgaben.

Der Rat und der Hohe Vertreter der Union für Außen- und Sicherheitspolitik tragen für ein einheitliches, kohärentes und wirksames Vorgehen der Union Sorge.

(3) Die Gemeinsame Außen- und Sicherheitspolitik wird vom Hohen Vertreter und von den Mitgliedstaaten mit einzelstaatlichen Mitteln und den Mitteln der Union durchgeführt.

Artikel 27

(1) Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik, der im Rat „Auswärtige Angelegenheiten“ den Vorsitz führt, trägt durch seine Vorschläge zur Festlegung der Gemeinsamen Außen- und Sicherheitspolitik bei und stellt sicher, dass die vom Europäischen Rat und vom Rat erlassenen Beschlüsse durchgeführt werden.

(2) Der Hohe Vertreter vertritt die Union in den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik. Er führt im Namen der Union den politischen Dialog mit Dritten und vertritt den Standpunkt der Union in internationalen Organisationen und auf internationalen Konferenzen.

(3) Bei der Erfüllung seines Auftrags stützt sich der Hohe Vertreter auf einen Europäischen Auswärtigen Dienst. Dieser Dienst arbeitet mit den diplomatischen Diensten der Mitgliedstaaten zusammen und umfasst Beamte aus den einschlägigen Abteilungen des Generalsekretariats des Rates und der Kommission sowie abgeordnetes Personal der nationalen diplomatischen Dienste. Die Organisation und die Arbeitsweise des Europäischen Auswärtigen Dienstes werden durch einen Beschluss des Rates festgelegt. Der Rat beschließt auf Vorschlag des Hohen Vertreters nach Anhörung des Europäischen Parlaments und nach Zustimmung der Kommission.

Artikel 28

(ex-Artikel 14 EUV)

(1) Verlangt eine internationale Situation ein operatives Vorgehen der Union, so erlässt der Rat die erforderlichen Beschlüsse. In den Beschlüssen sind ihre Ziele, ihr Umfang, die der Union zur Verfügung zu stellenden Mittel sowie die Bedingungen und erforderlichenfalls der Zeitraum für ihre Durchführung festgelegt.

Tritt eine Änderung der Umstände mit erheblichen Auswirkungen auf eine Angelegenheit ein, die Gegenstand eines solchen Beschlusses ist, so überprüft der Rat die Grundsätze und Ziele dieses Beschlusses und erlässt die erforderlichen Beschlüsse.

(2) Die Beschlüsse nach Absatz 1 sind für die Mitgliedstaaten bei ihren Stellungnahmen und ihrem Vorgehen bindend.

(3) Jede einzelstaatliche Stellungnahme oder Maßnahme, die im Rahmen eines Beschlusses nach Absatz 1 geplant ist, wird von dem betreffenden Mitgliedstaat so rechtzeitig mitgeteilt, dass erforderlichenfalls eine vorherige Abstimmung im Rat stattfinden kann. Die Pflicht zur vorherigen Unterrichtung gilt nicht für Maßnahmen, die eine bloße praktische Umsetzung der Beschlüsse des Rates auf einzelstaatlicher Ebene darstellen.

(4) Bei zwingender Notwendigkeit aufgrund der Entwicklung der Lage und falls eine Überprüfung des Beschlusses des Rates nach Absatz 1 nicht stattfindet, können die Mitgliedstaaten unter Berücksichtigung der allgemeinen Ziele des genannten Beschlusses die erforderlichen Sofortmaßnahmen ergreifen. Der betreffende Mitgliedstaat unterrichtet den Rat sofort über derartige Maßnahmen.

(5) Ein Mitgliedstaat befasst den Rat, wenn sich bei der Durchführung eines Beschlusses nach diesem Artikel größere Schwierigkeiten ergeben; der Rat berät darüber und sucht nach angemessenen Lösungen. Diese dürfen nicht im Widerspruch zu den Zielen des Beschlusses nach Absatz 1 stehen oder seiner Wirksamkeit schaden.

Artikel 29
(ex-Artikel 15 EUV)

Der Rat erlässt Beschlüsse, in denen der Standpunkt der Union zu einer bestimmten Frage geografischer oder thematischer Art bestimmt wird. Die Mitgliedstaaten tragen dafür Sorge, dass ihre einzelstaatliche Politik mit den Standpunkten der Union in Einklang steht.

Artikel 30
(ex-Artikel 22 EUV)

- (1) Jeder Mitgliedstaat, der Hohe Vertreter der Union für Außen- und Sicherheitspolitik oder der Hohe Vertreter mit Unterstützung der Kommission kann den Rat mit einer Frage der Gemeinsamen Außen- und Sicherheitspolitik befassen und ihm Initiativen beziehungsweise Vorschläge unterbreiten.
- (2) In den Fällen, in denen eine rasche Entscheidung notwendig ist, beruft der Hohe Vertreter von sich aus oder auf Antrag eines Mitgliedstaats innerhalb von 48 Stunden, bei absoluter Notwendigkeit in kürzerer Zeit, eine außerordentliche Tagung des Rates ein.

Artikel 31
(ex-Artikel 23 EUV)

- (1) Beschlüsse nach diesem Kapitel werden vom Europäischen Rat und vom Rat einstimmig gefasst, soweit in diesem Kapitel nichts anderes festgelegt ist. Der Erlass von Gesetzgebungsakten ist ausgeschlossen.

Bei einer Stimmenthaltung kann jedes Ratsmitglied zu seiner Enthaltung eine förmliche Erklärung im Sinne dieses Unterabsatzes abgeben. In diesem Fall ist es nicht verpflichtet, den Beschluss durchzuführen, akzeptiert jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden Vorgehen der Union zuwiderlaufen oder es behindern könnte, und die anderen Mitgliedstaaten respektieren seinen Standpunkt. Vertreten die Mitglieder des Rates, die bei ihrer Stimmenthaltung eine solche Erklärung abgeben, mindestens ein Drittel der Mitgliedstaaten, die mindestens ein Drittel der Unionsbevölkerung ausmachen, so wird der Beschluss nicht erlassen.

- (2) Abweichend von Absatz 1 beschließt der Rat mit qualifizierter Mehrheit, wenn er
 - auf der Grundlage eines Beschlusses des Europäischen Rates über die strategischen Interessen und Ziele der Union nach Artikel 22 Absatz 1 einen Beschluss erlässt, mit dem eine Aktion oder ein Standpunkt der Union festgelegt wird;
 - auf einen Vorschlag hin, den ihm der Hohe Vertreter der Union für Außen- und Sicherheitspolitik auf spezielles Ersuchen des Europäischen Rates unterbreitet hat, das auf dessen eigene Initiative oder auf eine Initiative des Hohen Vertreters zurückgeht, einen Beschluss erlässt, mit dem eine Aktion oder ein Standpunkt der Union festgelegt wird;

- einen Beschluss zur Durchführung eines Beschlusses, mit dem eine Aktion oder ein Standpunkt der Union festgelegt wird, erlässt,
- nach Artikel 33 einen Sonderbeauftragten ernennt.

Erklärt ein Mitglied des Rates, dass es aus wesentlichen Gründen der nationalen Politik, die es auch nennen muss, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluss abzulehnen, so erfolgt keine Abstimmung. Der Hohe Vertreter bemüht sich in engem Benehmen mit dem betroffenen Mitgliedstaat um eine für diesen Mitgliedstaat annehmbare Lösung. Gelingt dies nicht, so kann der Rat mit qualifizierter Mehrheit veranlassen, dass die Frage im Hinblick auf einen einstimmigen Beschluss an den Europäischen Rat verwiesen wird.

- (3) Der Europäische Rat kann einstimmig einen Beschluss erlassen, in dem vorgesehen ist, dass der Rat in anderen als den in Absatz 2 genannten Fällen mit qualifizierter Mehrheit beschließt.
- (4) Die Absätze 2 und 3 gelten nicht für Beschlüsse mit militärischen oder verteidigungs-politischen Bezügen.
- (5) In Verfahrensfragen beschließt der Rat mit der Mehrheit seiner Mitglieder.

Artikel 32 (ex-Artikel 16 EUV)

Die Mitgliedstaaten stimmen sich im Europäischen Rat und im Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat in einer Weise, die die Interessen der Union berühren könnte, auf internationaler Ebene tätig wird oder eine Verpflichtung eingeht, konsultiert er die anderen Mitgliedstaaten im Europäischen Rat oder im Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und ihre Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.

Hat der Europäische Rat oder der Rat ein gemeinsames Vorgehen der Union im Sinne des Absatzes 1 festgelegt, so koordinieren der Hohe Vertreter der Union für Außen- und Sicherheitspolitik und die Minister für auswärtige Angelegenheiten der Mitgliedstaaten ihre Tätigkeiten im Rat.

Die diplomatischen Vertretungen der Mitgliedstaaten und die Delegationen der Union in Drittländern und bei internationalen Organisationen arbeiten zusammen und tragen zur Festlegung und Durchführung des gemeinsamen Vorgehens bei.

Artikel 33 (ex-Artikel 18 EUV)

Der Rat kann auf Vorschlag des Hohen Vertreters der Union für Außen- und Sicherheitspolitik einen Sonderbeauftragten für besondere politische Fragen ernennen. Der Sonderbeauftragte übt sein Mandat unter der Verantwortung des Hohen Vertreters aus.

Artikel 34
(ex-Artikel 19 EUV)

(1) Die Mitgliedstaaten koordinieren ihr Handeln in internationalen Organisationen und auf internationalen Konferenzen. Sie treten dort für die Standpunkte der Union ein. Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik trägt für die Organisation dieser Koordinierung Sorge.

In den internationalen Organisationen und auf internationalen Konferenzen, bei denen nicht alle Mitgliedstaaten vertreten sind, setzen sich die dort vertretenen Mitgliedstaaten für die Standpunkte der Union ein.

(2) Nach Artikel 24 Absatz 3 unterrichten die Mitgliedstaaten, die in internationalen Organisationen oder auf internationalen Konferenzen vertreten sind, die dort nicht vertretenen Mitgliedstaaten und den Hohen Vertreter laufend über alle Fragen von gemeinsamem Interesse.

Die Mitgliedstaaten, die auch Mitglieder des Sicherheitsrats der Vereinten Nationen sind, stimmen sich ab und unterrichten die übrigen Mitgliedstaaten sowie den Hohen Vertreter in vollem Umfang. Die Mitgliedstaaten, die Mitglieder des Sicherheitsrats sind, setzen sich bei der Wahrnehmung ihrer Aufgaben unbeschadet ihrer Verantwortlichkeiten aufgrund der Charta der Vereinten Nationen für die Standpunkte und Interessen der Union ein.

Wenn die Union einen Standpunkt zu einem Thema festgelegt hat, das auf der Tagesordnung des Sicherheitsrats der Vereinten Nationen steht, beantragen die dort vertretenen Mitgliedstaaten, dass der Hohe Vertreter gebeten wird, den Standpunkt der Union vorzutragen.

Artikel 35
(ex-Artikel 20 EUV)

Die diplomatischen und konsularischen Vertretungen der Mitgliedstaaten und die Delegationen der Union in dritten Ländern und auf internationalen Konferenzen sowie ihre Vertretungen bei internationalen Organisationen stimmen sich ab, um die Einhaltung und Durchführung der nach diesem Kapitel erlassenen Beschlüsse, mit denen Standpunkte und Aktionen der Union festgelegt werden, zu gewährleisten.

Sie intensivieren ihre Zusammenarbeit durch Informationsaustausch und gemeinsame Bewertungen.

Sie tragen zur Verwirklichung des in Artikel 20 Absatz 2 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union genannten Rechts der Unionsbürgerinnen und Unionsbürger auf Schutz im Hoheitsgebiet von Drittländern und zur Durchführung der nach Artikel 23 des genannten Vertrags erlassenen Maßnahmen bei.

Artikel 36
(ex-Artikel 21 EUV)

Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik hört das Europäische Parlament regelmäßig zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik und der Gemeinsamen Sicherheits- und Verteidigungspolitik und

unterrichtet es über die Entwicklung der Politik in diesen Bereichen. Er achtet darauf, dass die Auffassungen des Europäischen Parlaments gebührend berücksichtigt werden. Die Sonderbeauftragten können zur Unterrichtung des Europäischen Parlaments mit herangezogen werden.

Das Europäische Parlament kann Anfragen oder Empfehlungen an den Rat und den Hohen Vertreter richten. Zweimal jährlich führt es eine Aussprache über die Fortschritte bei der Durchführung der Gemeinsamen Außen- und Sicherheitspolitik, einschließlich der Gemeinsamen Sicherheits- und Verteidigungspolitik.

Artikel 37 (ex-Artikel 24 EUV)

Die Union kann in den unter dieses Kapitel fallenden Bereichen Übereinkünfte mit einem oder mehreren Staaten oder internationalen Organisationen schließen.

Artikel 38 (ex-Artikel 25 EUV)

Unbeschadet des Artikels 240 des Vertrags über die Arbeitsweise der Europäischen Union verfolgt ein Politisches und Sicherheitspolitisches Komitee die internationale Lage in den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik und trägt auf Ersuchen des Rates, des Hohen Vertreters der Union für Außen- und Sicherheitspolitik oder von sich aus durch an den Rat gerichtete Stellungnahmen zur Festlegung der Politiken bei. Ferner überwacht es die Durchführung vereinbarter Politiken; dies gilt unbeschadet der Zuständigkeiten des Hohen Vertreters.

Im Rahmen dieses Kapitels nimmt das Politische und Sicherheitspolitische Komitee unter der Verantwortung des Rates und des Hohen Vertreters die politische Kontrolle und strategische Leitung von Krisenbewältigungsoperationen im Sinne des Artikels 43 wahr.

Der Rat kann das Komitee für den Zweck und die Dauer einer Operation zur Krisenbewältigung, die vom Rat festgelegt werden, ermächtigen, geeignete Beschlüsse hinsichtlich der politischen Kontrolle und strategischen Leitung der Operation zu fassen.

Artikel 39

Gemäß Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union und abweichend von Absatz 2 des genannten Artikels erlässt der Rat einen Beschluss zur Festlegung von Vorschriften über den Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten durch die Mitgliedstaaten im Rahmen der Ausübung von Tätigkeiten, die in den Anwendungsbereich dieses Kapitels fallen, und über den freien Datenverkehr. Die Einhaltung dieser Vorschriften wird von unabhängigen Behörden überwacht.

Artikel 40
(ex-Artikel 47 EUV)

Die Durchführung der Gemeinsamen Außen- und Sicherheitspolitik lässt die Anwendung der Verfahren und den jeweiligen Umfang der Befugnisse der Organe, die in den Verträgen für die Ausübung der in den Artikeln 3 bis 6 des Vertrags über die Arbeitsweise der Europäischen Union aufgeführten Zuständigkeiten der Union vorgesehen sind, unberührt.

Ebenso lässt die Durchführung der Politik nach den genannten Artikeln die Anwendung der Verfahren und den jeweiligen Umfang der Befugnisse der Organe, die in den Verträgen für die Ausübung der Zuständigkeiten der Union nach diesem Kapitel vorgesehen sind, unberührt.

Artikel 41
(ex-Artikel 28 EUV)

(1) Die Verwaltungsausgaben, die den Organen aus der Durchführung dieses Kapitels entstehen, gehen zulasten des Haushalts der Union.

(2) Die operativen Ausgaben im Zusammenhang mit der Durchführung dieses Kapitels gehen ebenfalls zulasten des Haushalts der Union, mit Ausnahme der Ausgaben aufgrund von Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen und von Fällen, in denen der Rat einstimmig etwas anderes beschließt.

In Fällen, in denen die Ausgaben nicht zulasten des Haushalts der Union gehen, gehen sie nach dem Bruttosozialprodukt-Schlüssel zulasten der Mitgliedstaaten, sofern der Rat nicht einstimmig etwas anderes beschließt. Die Mitgliedstaaten, deren Vertreter im Rat eine förmliche Erklärung nach Artikel 31 Absatz 1 Unterabsatz 2 abgegeben haben, sind nicht verpflichtet, zur Finanzierung von Ausgaben für Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen beizutragen.

(3) Der Rat erlässt einen Beschluss zur Festlegung besonderer Verfahren, um den schnellen Zugriff auf die Haushaltsmittel der Union zu gewährleisten, die für die Sofortfinanzierung von Initiativen im Rahmen der Gemeinsamen Außen- und Sicherheitspolitik, insbesondere von Tätigkeiten zur Vorbereitung einer Mission nach Artikel 42 Absatz 1 und Artikel 43 bestimmt sind. Er beschließt nach Anhörung des Europäischen Parlaments.

Die Tätigkeiten zur Vorbereitung der in Artikel 42 Absatz 1 und in Artikel 43 genannten Missionen, die nicht zulasten des Haushalts der Union gehen, werden aus einem aus Beiträgen der Mitgliedstaaten gebildeten Anschubfonds finanziert.

Der Rat erlässt mit qualifizierter Mehrheit auf Vorschlag des Hohen Vertreters der Union für Außen- und Sicherheitspolitik die Beschlüsse über

- a) die Einzelheiten für die Bildung und die Finanzierung des Anschubfonds, insbesondere die Höhe der Mittelzuweisungen für den Fonds;
- b) die Einzelheiten für die Verwaltung des Anschubfonds;

c) die Einzelheiten für die Finanzkontrolle.

Kann die geplante Mission nach Artikel 42 Absatz 1 und Artikel 43 nicht aus dem Haushalt der Union finanziert werden, so ermächtigt der Rat den Hohen Vertreter zur Inanspruchnahme dieses Fonds. Der Hohe Vertreter erstattet dem Rat Bericht über die Erfüllung dieses Mandats.

ABSCHNITT 2

BESTIMMUNGEN ÜBER DIE GEMEINSAME SICHERHEITS- UND VERTEIDIGUNGSPOLITIK

Artikel 42 (ex-Artikel 17 EUV)

(1) Die Gemeinsame Sicherheits- und Verteidigungspolitik ist integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik. Sie sichert der Union eine auf zivile und militärische Mittel gestützte Operationsfähigkeit. Auf diese kann die Union bei Missionen außerhalb der Union zur Friedenssicherung, Konfliktverhütung und Stärkung der internationalen Sicherheit in Übereinstimmung mit den Grundsätzen der Charta der Vereinten Nationen zurückgreifen. Sie erfüllt diese Aufgaben mit Hilfe der Fähigkeiten, die von den Mitgliedstaaten bereitgestellt werden.

(2) Die Gemeinsame Sicherheits- und Verteidigungspolitik umfasst die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik der Union. Diese führt zu einer gemeinsamen Verteidigung, sobald der Europäische Rat dies einstimmig beschlossen hat. Er empfiehlt in diesem Fall den Mitgliedstaaten, einen Beschluss in diesem Sinne im Einklang mit ihren verfassungsrechtlichen Vorschriften zu erlassen.

Die Politik der Union nach diesem Abschnitt berührt nicht den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten; sie achtet die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der Nordatlantikvertrags-Organisation (NATO) verwirklicht sehen, aus dem Nordatlantikvertrag und ist vereinbar mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik.

(3) Die Mitgliedstaaten stellen der Union für die Umsetzung der Gemeinsamen Sicherheits- und Verteidigungspolitik zivile und militärische Fähigkeiten als Beitrag zur Verwirklichung der vom Rat festgelegten Ziele zur Verfügung. Die Mitgliedstaaten, die zusammen multinationale Streitkräfte aufstellen, können diese auch für die Gemeinsame Sicherheits- und Verteidigungspolitik zur Verfügung stellen.

Die Mitgliedstaaten verpflichten sich, ihre militärischen Fähigkeiten schrittweise zu verbessern. Die Agentur für die Bereiche Entwicklung der Verteidigungsfähigkeiten, Forschung, Beschaffung und Rüstung (im Folgenden „Europäische Verteidigungsagentur“) ermittelt den operativen Bedarf und fördert Maßnahmen zur Bedarfsdeckung, trägt zur Ermittlung von Maßnahmen zur Stärkung der industriellen und technologischen Basis des Verteidigungssektors bei und führt diese Maßnahmen gegebenenfalls durch, beteiligt sich an der Festlegung einer europäischen Politik im Bereich der Fähigkeiten und der Rüstung und unterstützt den Rat bei der Beurteilung der Verbesserung der militärischen Fähigkeiten.

(4) Beschlüsse zur Gemeinsamen Sicherheits- und Verteidigungspolitik, einschließlich der Beschlüsse über die Einleitung einer Mission nach diesem Artikel, werden vom Rat einstimmig auf Vorschlag des Hohen Vertreters der Union für Außen- und Sicherheitspolitik oder auf Initiative eines Mitgliedstaats erlassen. Der Hohe Vertreter kann gegebenenfalls gemeinsam mit der Kommission den Rückgriff auf einzelstaatliche Mittel sowie auf Instrumente der Union vorschlagen.

(5) Der Rat kann zur Wahrung der Werte der Union und im Dienste ihrer Interessen eine Gruppe von Mitgliedstaaten mit der Durchführung einer Mission im Rahmen der Union beauftragen. Die Durchführung einer solchen Mission fällt unter Artikel 44.

(6) Die Mitgliedstaaten, die anspruchsvollere Kriterien in Bezug auf die militärischen Fähigkeiten erfüllen und die im Hinblick auf Missionen mit höchsten Anforderungen untereinander weiter gehende Verpflichtungen eingegangen sind, begründen eine Ständige Strukturierte Zusammenarbeit im Rahmen der Union. Diese Zusammenarbeit erfolgt nach Maßgabe von Artikel 46. Sie berührt nicht die Bestimmungen des Artikels 43.

(7) Im Falle eines bewaffneten Angriffs auf das Hoheitsgebiet eines Mitgliedstaats schulden die anderen Mitgliedstaaten ihm alle in ihrer Macht stehende Hilfe und Unterstützung, im Einklang mit Artikel 51 der Charta der Vereinten Nationen. Dies lässt den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten unberührt.

Die Verpflichtungen und die Zusammenarbeit in diesem Bereich bleiben im Einklang mit den im Rahmen der Nordatlantikvertrags-Organisation eingegangenen Verpflichtungen, die für die ihr angehörenden Staaten weiterhin das Fundament ihrer kollektiven Verteidigung und das Instrument für deren Verwirklichung ist.

Artikel 43

(1) Die in Artikel 42 Absatz 1 vorgesehenen Missionen, bei deren Durchführung die Union auf zivile und militärische Mittel zurückgreifen kann, umfassen gemeinsame Abrüstungsmaßnahmen, humanitäre Aufgaben und Rettungseinsätze, Aufgaben der militärischen Beratung und Unterstützung, Aufgaben der Konfliktverhütung und der Erhaltung des Friedens sowie Kampfeinsätze im Rahmen der Krisenbewältigung einschließlich Frieden schaffender Maßnahmen und Operationen zur Stabilisierung der Lage nach Konflikten. Mit allen diesen Missionen kann zur Bekämpfung des Terrorismus beigetragen werden, unter anderem auch durch die Unterstützung für Drittländer bei der Bekämpfung des Terrorismus in ihrem Hoheitsgebiet.

(2) Der Rat erlässt die Beschlüsse über Missionen nach Absatz 1; in den Beschlüssen sind Ziel und Umfang der Missionen sowie die für sie geltenden allgemeinen Durchführungsbestimmungen festgelegt. Der Hohe Vertreter der Union für Außen- und Sicherheitspolitik sorgt unter Aufsicht des Rates und in engem und ständigem Benehmen mit dem Politischen und Sicherheitspolitischen Komitee für die Koordinierung der zivilen und militärischen Aspekte dieser Missionen.

Artikel 44

(1) Im Rahmen der nach Artikel 43 erlassenen Beschlüsse kann der Rat die Durchführung einer Mission einer Gruppe von Mitgliedstaaten übertragen, die dies wünschen und über die für eine derartige Mission erforderlichen Fähigkeiten verfügen. Die betreffenden Mitgliedstaaten vereinbaren in Absprache mit dem Hohen Vertreter der Union für Außen- und Sicherheitspolitik untereinander die Ausführung der Mission.

(2) Die an der Durchführung der Mission teilnehmenden Mitgliedstaaten unterrichten den Rat von sich aus oder auf Antrag eines anderen Mitgliedstaats regelmäßig über den Stand der Mission. Die teilnehmenden Mitgliedstaaten befassen den Rat sofort, wenn sich aus der Durchführung der Mission schwerwiegende Konsequenzen ergeben oder das Ziel der Mission, ihr Umfang oder die für sie geltenden Regelungen, wie sie in den in Absatz 1 genannten Beschlüssen festgelegt sind, geändert werden müssen. Der Rat erlässt in diesen Fällen die erforderlichen Beschlüsse.

Artikel 45

(1) Aufgabe der in Artikel 42 Absatz 3 genannten, dem Rat unterstellten Europäischen Verteidigungsagentur ist es,

- a) bei der Ermittlung der Ziele im Bereich der militärischen Fähigkeiten der Mitgliedstaaten und der Beurteilung, ob die von den Mitgliedstaaten in Bezug auf diese Fähigkeiten eingegangenen Verpflichtungen erfüllt wurden, mitzuwirken;
- b) auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung effizienter und kompatibler Beschaffungsverfahren hinzuwirken;
- c) multilaterale Projekte zur Erfüllung der Ziele im Bereich der militärischen Fähigkeiten vorzuschlagen und für die Koordinierung der von den Mitgliedstaaten durchgeführten Programme sowie die Verwaltung spezifischer Kooperationsprogramme zu sorgen;
- d) die Forschung auf dem Gebiet der Verteidigungstechnologie zu unterstützen, gemeinsame Forschungsaktivitäten sowie Studien zu technischen Lösungen, die dem künftigen operativen Bedarf gerecht werden, zu koordinieren und zu planen;
- e) dazu beizutragen, dass zweckdienliche Maßnahmen zur Stärkung der industriellen und technologischen Basis des Verteidigungssektors und für einen wirkungsvolleren Einsatz der Verteidigungsausgaben ermittelt werden, und diese Maßnahmen gegebenenfalls durchzuführen.

(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Europäischen Verteidigungsagentur teilnehmen. Der Rat erlässt mit qualifizierter Mehrheit einen Beschluss, in dem die Rechtsstellung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dieser Beschluss trägt dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung. Innerhalb der Agentur werden spezielle Gruppen gebildet, in denen Mitgliedstaaten zusammenkommen, die gemeinsame Projekte durchführen. Die Agentur versieht ihre Aufgaben erforderlichenfalls in Verbindung mit der Kommission.

Artikel 46

(1) Die Mitgliedstaaten, die sich an der Ständigen Strukturierten Zusammenarbeit im Sinne des Artikels 42 Absatz 6 beteiligen möchten und hinsichtlich der militärischen Fähigkeiten die Kriterien erfüllen und die Verpflichtungen eingehen, die in dem Protokoll über die Ständige Strukturierte Zusammenarbeit enthalten sind, teilen dem Rat und dem Hohen Vertreter der Union für Außen- und Sicherheitspolitik ihre Absicht mit.

(2) Der Rat erlässt binnen drei Monaten nach der in Absatz 1 genannten Mitteilung einen Beschluss über die Begründung der Ständigen Strukturierten Zusammenarbeit und über die Liste der daran teilnehmenden Mitgliedstaaten. Der Rat beschließt nach Anhörung des Hohen Vertreters mit qualifizierter Mehrheit.

(3) Jeder Mitgliedstaat, der sich zu einem späteren Zeitpunkt an der Ständigen Strukturierten Zusammenarbeit beteiligen möchte, teilt dem Rat und dem Hohen Vertreter seine Absicht mit.

Der Rat erlässt einen Beschluss, in dem die Teilnahme des betreffenden Mitgliedstaats, der die Kriterien und Verpflichtungen nach den Artikeln 1 und 2 des Protokolls über die Ständige Strukturierte Zusammenarbeit erfüllt beziehungsweise eingeht, bestätigt wird. Der Rat beschließt mit qualifizierter Mehrheit nach Anhörung des Hohen Vertreters. Nur die Mitglieder des Rates, die die teilnehmenden Mitgliedstaaten vertreten, sind stimmberechtigt.

Die qualifizierte Mehrheit bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union.

(4) Erfüllt ein teilnehmender Mitgliedstaat die Kriterien nach den Artikeln 1 und 2 des Protokolls über die Ständige Strukturierte Zusammenarbeit nicht mehr oder kann er den darin genannten Verpflichtungen nicht mehr nachkommen, so kann der Rat einen Beschluss erlassen, durch den die Teilnahme dieses Staates ausgesetzt wird.

Der Rat beschließt mit qualifizierter Mehrheit. Nur die Mitglieder des Rates, die die teilnehmenden Mitgliedstaaten mit Ausnahme des betroffenen Mitgliedstaats vertreten, sind stimmberechtigt.

Die qualifizierte Mehrheit bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union.

(5) Wünscht ein teilnehmender Mitgliedstaat, von der Ständigen Strukturierten Zusammenarbeit Abstand zu nehmen, so teilt er seine Entscheidung dem Rat mit, der zur Kenntnis nimmt, dass die Teilnahme des betreffenden Mitgliedstaats beendet ist.

(6) Mit Ausnahme der Beschlüsse nach den Absätzen 2 bis 5 erlässt der Rat die Beschlüsse und Empfehlungen im Rahmen der Ständigen Strukturierten Zusammenarbeit einstimmig. Für die Zwecke dieses Absatzes bezieht sich die Einstimmigkeit allein auf die Stimmen der Vertreter der an der Zusammenarbeit teilnehmenden Mitgliedstaaten.

TITEL VI

SCHLUSSBESTIMMUNGEN

Artikel 47

Die Union besitzt Rechtspersönlichkeit.

Artikel 48 (ex-Artikel 48 EUV)

(1) Die Verträge können gemäß dem ordentlichen Änderungsverfahren geändert werden. Sie können ebenfalls nach vereinfachten Änderungsverfahren geändert werden.

Ordentliches Änderungsverfahren

(2) Die Regierung jedes Mitgliedstaats, das Europäische Parlament oder die Kommission kann dem Rat Entwürfe zur Änderung der Verträge vorlegen. Diese Entwürfe können unter anderem eine Ausdehnung oder Verringerung der der Union in den Verträgen übertragenen Zuständigkeiten zum Ziel haben. Diese Entwürfe werden vom Rat dem Europäischen Rat übermittelt und den nationalen Parlamenten zur Kenntnis gebracht.

(3) Beschließt der Europäische Rat nach Anhörung des Europäischen Parlaments und der Kommission mit einfacher Mehrheit die Prüfung der vorgeschlagenen Änderungen, so beruft der Präsident des Europäischen Rates einen Konvent von Vertretern der nationalen Parlamente, der Staats- und Regierungschefs der Mitgliedstaaten, des Europäischen Parlaments und der Kommission ein. Bei institutionellen Änderungen im Währungsbereich wird auch die Europäische Zentralbank gehört. Der Konvent prüft die Änderungsentwürfe und nimmt im Konsensverfahren eine Empfehlung an, die an eine Konferenz der Vertreter der Regierungen der Mitgliedstaaten nach Absatz 4 gerichtet ist.

Der Europäische Rat kann mit einfacher Mehrheit nach Zustimmung des Europäischen Parlaments beschließen, keinen Konvent einzuberufen, wenn seine Einberufung aufgrund des Umfangs der geplanten Änderungen nicht gerechtfertigt ist. In diesem Fall legt der Europäische Rat das Mandat für eine Konferenz der Vertreter der Regierungen der Mitgliedstaaten fest.

(4) Eine Konferenz der Vertreter der Regierungen der Mitgliedstaaten wird vom Präsidenten des Rates einberufen, um die an den Verträgen vorzunehmenden Änderungen zu vereinbaren.

Die Änderungen treten in Kraft, nachdem sie von allen Mitgliedstaaten nach Maßgabe ihrer verfassungsrechtlichen Vorschriften ratifiziert worden sind.

(5) Haben nach Ablauf von zwei Jahren nach der Unterzeichnung eines Vertrags zur Änderung der Verträge vier Fünftel der Mitgliedstaaten den genannten Vertrag ratifiziert und sind in einem Mitgliedstaat oder mehreren Mitgliedstaaten Schwierigkeiten bei der Ratifikation aufgetreten, so befasst sich der Europäische Rat mit der Frage.

Vereinfachte Änderungsverfahren

(6) Die Regierung jedes Mitgliedstaats, das Europäische Parlament oder die Kommission kann dem Europäischen Rat Entwürfe zur Änderung aller oder eines Teils der Bestimmungen des Dritten Teils des Vertrags über die Arbeitsweise der Europäischen Union über die internen Politikbereiche der Union vorlegen.

Der Europäische Rat kann einen Beschluss zur Änderung aller oder eines Teils der Bestimmungen des Dritten Teils des Vertrags über die Arbeitsweise der Europäischen Union erlassen. Der Europäische Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments und der Kommission sowie, bei institutionellen Änderungen im Währungsbereich, der Europäischen Zentralbank. Dieser Beschluss tritt erst nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

Der Beschluss nach Unterabsatz 2 darf nicht zu einer Ausdehnung der der Union im Rahmen der Verträge übertragenen Zuständigkeiten führen.

(7) In Fällen, in denen der Rat nach Maßgabe des Vertrags über die Arbeitsweise der Europäischen Union oder des Titels V dieses Vertrags in einem Bereich oder in einem bestimmten Fall einstimmig beschließt, kann der Europäische Rat einen Beschluss erlassen, wonach der Rat in diesem Bereich oder in diesem Fall mit qualifizierter Mehrheit beschließen kann. Dieser Unterabsatz gilt nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.

In Fällen, in denen nach Maßgabe des Vertrags über die Arbeitsweise der Europäischen Union Gesetzgebungsakte vom Rat gemäß einem besonderen Gesetzgebungsverfahren erlassen werden müssen, kann der Europäische Rat einen Beschluss erlassen, wonach die Gesetzgebungsakte gemäß dem ordentlichen Gesetzgebungsverfahren erlassen werden können.

Jede vom Europäischen Rat auf der Grundlage von Unterabsatz 1 oder Unterabsatz 2 ergriffene Initiative wird den nationalen Parlamenten übermittelt. Wird dieser Vorschlag innerhalb von sechs Monaten nach der Übermittlung von einem nationalen Parlament abgelehnt, so wird der Beschluss nach Unterabsatz 1 oder Unterabsatz 2 nicht erlassen. Wird die Initiative nicht abgelehnt, so kann der Europäische Rat den Beschluss erlassen.

Der Europäische Rat erlässt die Beschlüsse nach den Unterabsätzen 1 oder 2 einstimmig nach Zustimmung des Europäischen Parlaments, das mit der Mehrheit seiner Mitglieder beschließt.

Artikel 49 (ex-Artikel 49 EUV)

Jeder europäische Staat, der die in Artikel 2 genannten Werte achtet und sich für ihre Förderung einsetzt, kann beantragen, Mitglied der Union zu werden. Das Europäische Parlament und die nationalen Parlamente werden über diesen Antrag unterrichtet. Der antragstellende Staat richtet seinen Antrag an den Rat; dieser beschließt einstimmig nach Anhörung der Kommission und nach Zustimmung des Europäischen Parlaments, das mit der Mehrheit seiner Mitglieder beschließt. Die vom Europäischen Rat vereinbarten Kriterien werden berücksichtigt.

Die Aufnahmebedingungen und die durch eine Aufnahme erforderlich werdenden Anpassungen der Verträge, auf denen die Union beruht, werden durch ein Abkommen zwischen den Mitgliedstaaten und dem antragstellenden Staat geregelt. Das Abkommen bedarf der Ratifikation durch alle Vertragsstaaten gemäß ihren verfassungsrechtlichen Vorschriften.

Artikel 50

(1) Jeder Mitgliedstaat kann im Einklang mit seinen verfassungsrechtlichen Vorschriften beschließen, aus der Union auszutreten.

(2) Ein Mitgliedstaat, der auszutreten beschließt, teilt dem Europäischen Rat seine Absicht mit. Auf der Grundlage der Leitlinien des Europäischen Rates handelt die Union mit diesem Staat ein Abkommen über die Einzelheiten des Austritts aus und schließt das Abkommen, wobei der Rahmen für die künftigen Beziehungen dieses Staates zur Union berücksichtigt wird. Das Abkommen wird nach Artikel 218 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union ausgehandelt. Es wird vom Rat im Namen der Union geschlossen; der Rat beschließt mit qualifizierter Mehrheit nach Zustimmung des Europäischen Parlaments.

(3) Die Verträge finden auf den betroffenen Staat ab dem Tag des Inkrafttretens des Austrittsabkommens oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung keine Anwendung mehr, es sei denn, der Europäische Rat beschließt im Einvernehmen mit dem betroffenen Mitgliedstaat einstimmig, diese Frist zu verlängern.

(4) Für die Zwecke der Absätze 2 und 3 nimmt das Mitglied des Europäischen Rates und des Rates, das den austretenden Mitgliedstaat vertritt, weder an den diesen Mitgliedstaat betreffenden Beratungen noch an der entsprechenden Beschlussfassung des Europäischen Rates oder des Rates teil.

Die qualifizierte Mehrheit bestimmt sich nach Artikel 238 Absatz 3 Buchstabe b des Vertrags über die Arbeitsweise der Europäischen Union.

(5) Ein Staat, der aus der Union ausgetreten ist und erneut Mitglied werden möchte, muss dies nach dem Verfahren des Artikels 49 beantragen.

Artikel 51

Die Protokolle und Anhänge der Verträge sind Bestandteil der Verträge.

Artikel 52

(1) Die Verträge gelten für das Königreich Belgien, die Republik Bulgarien, die Tschechische Republik, das Königreich Dänemark, die Bundesrepublik Deutschland, die Republik Estland, Irland, die Hellenische Republik, das Königreich Spanien, die Französische Republik, die Italienische Republik, die Republik Zypern, die Republik Lettland, die Republik Litauen, das Großherzogtum Luxemburg, die Republik Ungarn, die Republik Malta, das Königreich der Niederlande, die Republik Österreich, die Republik Polen, die Portugiesische Republik, Rumänien, die Republik Slowenien, die Slowakische Republik, die Republik Finnland, das Königreich Schweden und das Vereinigte Königreich Großbritannien und Nordirland.

(2) Der räumliche Geltungsbereich der Verträge wird in Artikel 355 des Vertrags über die Arbeitsweise der Europäischen Union im Einzelnen angegeben.

Artikel 53

(ex-Artikel 51 EUV)

Dieser Vertrag gilt auf unbegrenzte Zeit.

Artikel 54

(ex-Artikel 52 EUV)

(1) Dieser Vertrag bedarf der Ratifikation durch die Hohen Vertragsparteien gemäß ihren verfassungsrechtlichen Vorschriften. Die Ratifikationsurkunden werden bei der Regierung der Italienischen Republik hinterlegt.

(2) Dieser Vertrag tritt am 1. Januar 1993 in Kraft, sofern alle Ratifikationsurkunden hinterlegt worden sind, oder andernfalls am ersten Tag des auf die Hinterlegung der letzten Ratifikationsurkunde folgenden Monats.

Artikel 55
(ex-Artikel 53 EUV)

(1) Dieser Vertrag ist in einer Urschrift in bulgarischer, dänischer, deutscher, englischer, estnischer, finnischer, französischer, griechischer, irischer, italienischer, lettischer, litauischer, maltesischer, niederländischer, polnischer, portugiesischer, rumänischer, schwedischer, slowakischer, slowenischer, spanischer, tschechischer und ungarischer Sprache abgefasst, wobei jeder Wortlaut gleichermaßen verbindlich ist; er wird im Archiv der Regierung der Italienischen Republik hinterlegt; diese übermittelt der Regierung jedes anderen Unterzeichnerstaats eine beglaubigte Abschrift.

(2) Dieser Vertrag kann ferner in jede andere von den Mitgliedstaaten bestimmte Sprache übersetzt werden, sofern diese Sprache nach der Verfassungsordnung des jeweiligen Mitgliedstaats in dessen gesamtem Hoheitsgebiet oder in Teilen davon Amtssprache ist. Die betreffenden Mitgliedstaaten stellen eine beglaubigte Abschrift dieser Übersetzungen zur Verfügung, die in den Archiven des Rates hinterlegt wird.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt.

Geschehen zu Maastricht am siebten Februar neunzehnhundertzweiundneunzig.

(Aufzählung der Unterzeichner nicht wiedergegeben)

KONSOLIDIERTE FASSUNG
DES
VERTRAGS ÜBER DIE ARBEITSWEISE DER
EUROPÄISCHEN UNION

PRÄAMBEL

SEINE MAJESTÄT DER KÖNIG DER BELGIER, DER PRÄSIDENT DER BUNDESREPUBLIK DEUTSCHLAND, DER PRÄSIDENT DER FRANZÖSISCHEN REPUBLIK, DER PRÄSIDENT DER ITALIENISCHEN REPUBLIK, IHRE KÖNIGLICHE HOHEIT DIE GROSSHERZOGIN VON LUXEMBURG, IHRE MAJESTÄT DIE KÖNIGIN DER NIEDERLANDE, ⁽¹⁾

IN DEM FESTEN WILLEN, die Grundlagen für einen immer engeren Zusammenschluss der europäischen Völker zu schaffen,

ENTSCHLOSSEN, durch gemeinsames Handeln den wirtschaftlichen und sozialen Fortschritt ihrer Staaten zu sichern, indem sie die Europa trennenden Schranken beseitigen,

IN DEM VORSATZ, die stetige Besserung der Lebens- und Beschäftigungsbedingungen ihrer Völker als wesentliches Ziel anzustreben,

IN DER ERKENNTNIS, dass zur Beseitigung der bestehenden Hindernisse ein einverständliches Vorgehen erforderlich ist, um eine beständige Wirtschaftsausweitung, einen ausgewogenen Handelsverkehr und einen redlichen Wettbewerb zu gewährleisten,

IN DEM BESTREBEN, ihre Volkswirtschaften zu einigen und deren harmonische Entwicklung zu fördern, indem sie den Abstand zwischen einzelnen Gebieten und den Rückstand weniger begünstigter Gebiete verringern,

IN DEM WUNSCH, durch eine gemeinsame Handelspolitik zur fortschreitenden Beseitigung der Beschränkungen im zwischenstaatlichen Wirtschaftsverkehr beizutragen,

IN DER ABSICHT, die Verbundenheit Europas mit den überseeischen Ländern zu bekräftigen, und in dem Wunsch, entsprechend den Grundsätzen der Satzung der Vereinten Nationen den Wohlstand der überseeischen Länder zu fördern,

ENTSCHLOSSEN, durch diesen Zusammenschluss ihrer Wirtschaftskräfte Frieden und Freiheit zu wahren und zu festigen, und mit der Aufforderung an die anderen Völker Europas, die sich zu dem gleichen hohen Ziel bekennen, sich diesen Bestrebungen anzuschließen,

ENTSCHLOSSEN, durch umfassenden Zugang zur Bildung und durch ständige Weiterbildung auf einen möglichst hohen Wissensstand ihrer Völker hinzuwirken,

HABEN zu diesem Zweck zu ihren Bevollmächtigten ERNANNT

(Aufzählung der Bevollmächtigten nicht wiedergegeben)

DIESE SIND nach Austausch ihrer als gut und gehörig befundenen Vollmachten wie folgt übereingekommen:

⁽¹⁾ Seit dem ursprünglichen Vertragsschluss sind Mitgliedstaaten der Europäischen Union geworden: die Republik Bulgarien, die Tschechische Republik, das Königreich Dänemark, die Republik Estland, die Hellenische Republik, das Königreich Spanien, Irland, die Republik Zypern, die Republik Lettland, die Republik Litauen, die Republik Ungarn, die Republik Malta, die Republik Österreich, die Republik Polen, die Portugiesische Republik, Rumänien, die Republik Slowenien, die Slowakische Republik, die Republik Finnland, das Königreich Schweden und das Vereinigte Königreich Großbritannien und Nordirland.

ERSTER TEIL GRUNDSÄTZE

Artikel 1

(1) Dieser Vertrag regelt die Arbeitsweise der Union und legt die Bereiche, die Abgrenzung und die Einzelheiten der Ausübung ihrer Zuständigkeiten fest.

(2) Dieser Vertrag und der Vertrag über die Europäische Union bilden die Verträge, auf die sich die Union gründet. Diese beiden Verträge, die rechtlich gleichrangig sind, werden als „die Verträge“ bezeichnet.

TITEL I

ARTEN UND BEREICHE DER ZUSTÄNDIGKEIT DER UNION

Artikel 2

(1) Übertragen die Verträge der Union für einen bestimmten Bereich eine ausschließliche Zuständigkeit, so kann nur die Union gesetzgeberisch tätig werden und verbindliche Rechtsakte erlassen; die Mitgliedstaaten dürfen in einem solchen Fall nur tätig werden, wenn sie von der Union hierzu ermächtigt werden, oder um Rechtsakte der Union durchzuführen.

(2) Übertragen die Verträge der Union für einen bestimmten Bereich eine mit den Mitgliedstaaten geteilte Zuständigkeit, so können die Union und die Mitgliedstaaten in diesem Bereich gesetzgeberisch tätig werden und verbindliche Rechtsakte erlassen. Die Mitgliedstaaten nehmen ihre Zuständigkeit wahr, sofern und soweit die Union ihre Zuständigkeit nicht ausgeübt hat. Die Mitgliedstaaten nehmen ihre Zuständigkeit erneut wahr, sofern und soweit die Union entschieden hat, ihre Zuständigkeit nicht mehr auszuüben.

(3) Die Mitgliedstaaten koordinieren ihre Wirtschafts- und Beschäftigungspolitik im Rahmen von Regelungen nach Maßgabe dieses Vertrags, für deren Festlegung die Union zuständig ist.

(4) Die Union ist nach Maßgabe des Vertrags über die Europäische Union dafür zuständig, eine gemeinsame Außen- und Sicherheitspolitik einschließlich der schrittweisen Festlegung einer gemeinsamen Verteidigungspolitik zu erarbeiten und zu verwirklichen.

(5) In bestimmten Bereichen ist die Union nach Maßgabe der Verträge dafür zuständig, Maßnahmen zur Unterstützung, Koordinierung oder Ergänzung der Maßnahmen der Mitgliedstaaten durchzuführen, ohne dass dadurch die Zuständigkeit der Union für diese Bereiche an die Stelle der Zuständigkeit der Mitgliedstaaten tritt.

Die verbindlichen Rechtsakte der Union, die aufgrund der diese Bereiche betreffenden Bestimmungen der Verträge erlassen werden, dürfen keine Harmonisierung der Rechtsvorschriften der Mitgliedstaaten beinhalten.

(6) Der Umfang der Zuständigkeiten der Union und die Einzelheiten ihrer Ausübung ergeben sich aus den Bestimmungen der Verträge zu den einzelnen Bereichen.

Artikel 3

(1) Die Union hat ausschließliche Zuständigkeit in folgenden Bereichen:

- a) Zollunion,
- b) Festlegung der für das Funktionieren des Binnenmarkts erforderlichen Wettbewerbsregeln,
- c) Währungspolitik für die Mitgliedstaaten, deren Währung der Euro ist,
- d) Erhaltung der biologischen Meeresschätze im Rahmen der gemeinsamen Fischereipolitik,
- e) gemeinsame Handelspolitik.

(2) Die Union hat ferner die ausschließliche Zuständigkeit für den Abschluss internationaler Übereinkünfte, wenn der Abschluss einer solchen Übereinkunft in einem Gesetzgebungsakt der Union vorgesehen ist, wenn er notwendig ist, damit sie ihre interne Zuständigkeit ausüben kann, oder soweit er gemeinsame Regeln beeinträchtigen oder deren Tragweite verändern könnte.

Artikel 4

(1) Die Union teilt ihre Zuständigkeit mit den Mitgliedstaaten, wenn ihr die Verträge außerhalb der in den Artikeln 3 und 6 genannten Bereiche eine Zuständigkeit übertragen.

(2) Die von der Union mit den Mitgliedstaaten geteilte Zuständigkeit erstreckt sich auf die folgenden Hauptbereiche:

- a) Binnenmarkt,
- b) Sozialpolitik hinsichtlich der in diesem Vertrag genannten Aspekte,
- c) wirtschaftlicher, sozialer und territorialer Zusammenhalt,
- d) Landwirtschaft und Fischerei, ausgenommen die Erhaltung der biologischen Meeresschätze,
- e) Umwelt,
- f) Verbraucherschutz,
- g) Verkehr,
- h) transeuropäische Netze,
- i) Energie,

- j) Raum der Freiheit, der Sicherheit und des Rechts,
- k) gemeinsame Sicherheitsanliegen im Bereich der öffentlichen Gesundheit hinsichtlich der in diesem Vertrag genannten Aspekte.

(3) In den Bereichen Forschung, technologische Entwicklung und Raumfahrt erstreckt sich die Zuständigkeit der Union darauf, Maßnahmen zu treffen, insbesondere Programme zu erstellen und durchzuführen, ohne dass die Ausübung dieser Zuständigkeit die Mitgliedstaaten hindert, ihre Zuständigkeit auszuüben.

(4) In den Bereichen Entwicklungszusammenarbeit und humanitäre Hilfe erstreckt sich die Zuständigkeit der Union darauf, Maßnahmen zu treffen und eine gemeinsame Politik zu verfolgen, ohne dass die Ausübung dieser Zuständigkeit die Mitgliedstaaten hindert, ihre Zuständigkeit auszuüben.

Artikel 5

(1) Die Mitgliedstaaten koordinieren ihre Wirtschaftspolitik innerhalb der Union. Zu diesem Zweck erlässt der Rat Maßnahmen; insbesondere beschließt er die Grundzüge dieser Politik.

Für die Mitgliedstaaten, deren Währung der Euro ist, gelten besondere Regelungen.

(2) Die Union trifft Maßnahmen zur Koordinierung der Beschäftigungspolitik der Mitgliedstaaten, insbesondere durch die Festlegung von Leitlinien für diese Politik.

(3) Die Union kann Initiativen zur Koordinierung der Sozialpolitik der Mitgliedstaaten ergreifen.

Artikel 6

Die Union ist für die Durchführung von Maßnahmen zur Unterstützung, Koordinierung oder Ergänzung der Maßnahmen der Mitgliedstaaten zuständig. Diese Maßnahmen mit europäischer Zielsetzung können in folgenden Bereichen getroffen werden:

- a) Schutz und Verbesserung der menschlichen Gesundheit,
- b) Industrie,
- c) Kultur,
- d) Tourismus,
- e) allgemeine und berufliche Bildung, Jugend und Sport,

- f) Katastrophenschutz,
- g) Verwaltungszusammenarbeit.

TITEL II

ALLGEMEIN GELTENDE BESTIMMUNGEN

Artikel 7

Die Union achtet auf die Kohärenz zwischen ihrer Politik und ihren Maßnahmen in den verschiedenen Bereichen und trägt dabei unter Einhaltung des Grundsatzes der begrenzten Einzelermächtigung ihren Zielen in ihrer Gesamtheit Rechnung.

Artikel 8

(ex-Artikel 3 Absatz 2 EGV) ⁽¹⁾

Bei allen ihren Tätigkeiten wirkt die Union darauf hin, Ungleichheiten zu beseitigen und die Gleichstellung von Männern und Frauen zu fördern.

Artikel 9

Bei der Festlegung und Durchführung ihrer Politik und ihrer Maßnahmen trägt die Union den Erfordernissen im Zusammenhang mit der Förderung eines hohen Beschäftigungsniveaus, mit der Gewährleistung eines angemessenen sozialen Schutzes, mit der Bekämpfung der sozialen Ausgrenzung sowie mit einem hohen Niveau der allgemeinen und beruflichen Bildung und des Gesundheitsschutzes Rechnung.

Artikel 10

Bei der Festlegung und Durchführung ihrer Politik und ihrer Maßnahmen zielt die Union darauf ab, Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.

Artikel 11

(ex-Artikel 6 EGV)

Die Erfordernisse des Umweltschutzes müssen bei der Festlegung und Durchführung der Unionspolitiken und -maßnahmen insbesondere zur Förderung einer nachhaltigen Entwicklung einbezogen werden.

⁽¹⁾ Dieser Verweis hat lediglich hinweisenden Charakter. Zur Vertiefung vgl. die Übereinstimmungstabellen für die Entsprechung zwischen bisheriger und neuer Nummerierung der Verträge.

Artikel 12
(ex-Artikel 153 Absatz 2 EGV)

Den Erfordernissen des Verbraucherschutzes wird bei der Festlegung und Durchführung der anderen Unionspolitiken und -maßnahmen Rechnung getragen.

Artikel 13

Bei der Festlegung und Durchführung der Politik der Union in den Bereichen Landwirtschaft, Fischerei, Verkehr, Binnenmarkt, Forschung, technologische Entwicklung und Raumfahrt tragen die Union und die Mitgliedstaaten den Erfordernissen des Wohlergehens der Tiere als fühlende Wesen in vollem Umfang Rechnung; sie berücksichtigen hierbei die Rechts- und Verwaltungsvorschriften und die Gepflogenheiten der Mitgliedstaaten insbesondere in Bezug auf religiöse Riten, kulturelle Traditionen und das regionale Erbe.

Artikel 14
(ex-Artikel 16 EGV)

Unbeschadet des Artikels 4 des Vertrags über die Europäische Union und der Artikel 93, 106 und 107 dieses Vertrags und in Anbetracht des Stellenwerts, den Dienste von allgemeinem wirtschaftlichem Interesse innerhalb der gemeinsamen Werte der Union einnehmen, sowie ihrer Bedeutung bei der Förderung des sozialen und territorialen Zusammenhalts tragen die Union und die Mitgliedstaaten im Rahmen ihrer jeweiligen Befugnisse im Anwendungsbereich der Verträge dafür Sorge, dass die Grundsätze und Bedingungen, insbesondere jene wirtschaftlicher und finanzieller Art, für das Funktionieren dieser Dienste so gestaltet sind, dass diese ihren Aufgaben nachkommen können. Diese Grundsätze und Bedingungen werden vom Europäischen Parlament und vom Rat durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren festgelegt, unbeschadet der Zuständigkeit der Mitgliedstaaten, diese Dienste im Einklang mit den Verträgen zur Verfügung zu stellen, in Auftrag zu geben und zu finanzieren.

Artikel 15
(ex-Artikel 255 EGV)

(1) Um eine verantwortungsvolle Verwaltung zu fördern und die Beteiligung der Zivilgesellschaft sicherzustellen, handeln die Organe, Einrichtungen und sonstigen Stellen der Union unter weitestgehender Beachtung des Grundsatzes der Offenheit.

(2) Das Europäische Parlament tagt öffentlich; dies gilt auch für den Rat, wenn er über Entwürfe zu Gesetzgebungsakten berät oder abstimmt.

(3) Jeder Unionsbürger sowie jede natürliche oder juristische Person mit Wohnsitz oder satzungsgemäßigem Sitz in einem Mitgliedstaat hat das Recht auf Zugang zu Dokumenten der Organe, Einrichtungen und sonstigen Stellen der Union, unabhängig von der Form der für diese Dokumente verwendeten Träger, vorbehaltlich der Grundsätze und Bedingungen, die nach diesem Absatz festzulegen sind.

Die allgemeinen Grundsätze und die aufgrund öffentlicher oder privater Interessen geltenden Einschränkungen für die Ausübung dieses Rechts auf Zugang zu Dokumenten werden vom Europäischen Parlament und vom Rat durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren festgelegt.

Die Organe, Einrichtungen oder sonstigen Stellen gewährleisten die Transparenz ihrer Tätigkeit und legen gemäß den in Unterabsatz 2 genannten Verordnungen in ihrer Geschäftsordnung Sonderbestimmungen hinsichtlich des Zugangs zu ihren Dokumenten fest.

Dieser Absatz gilt für den Gerichtshof der Europäischen Union, die Europäische Zentralbank und die Europäische Investitionsbank nur dann, wenn sie Verwaltungsaufgaben wahrnehmen.

Das Europäische Parlament und der Rat sorgen dafür, dass die Dokumente, die die Gesetzgebungsverfahren betreffen, nach Maßgabe der in Unterabsatz 2 genannten Verordnungen öffentlich zugänglich gemacht werden.

Artikel 16 (ex-Artikel 286 EGV)

- (1) Jede Person hat das Recht auf Schutz der sie betreffenden personenbezogenen Daten.
- (2) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren Vorschriften über den Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten durch die Organe, Einrichtungen und sonstigen Stellen der Union sowie durch die Mitgliedstaaten im Rahmen der Ausübung von Tätigkeiten, die in den Anwendungsbereich des Unionsrechts fallen, und über den freien Datenverkehr. Die Einhaltung dieser Vorschriften wird von unabhängigen Behörden überwacht.

Die auf der Grundlage dieses Artikels erlassenen Vorschriften lassen die spezifischen Bestimmungen des Artikels 39 des Vertrags über die Europäische Union unberührt.

Artikel 17

- (1) Die Union achtet den Status, den Kirchen und religiöse Vereinigungen oder Gemeinschaften in den Mitgliedstaaten nach deren Rechtsvorschriften genießen, und beeinträchtigt ihn nicht.
- (2) Die Union achtet in gleicher Weise den Status, den weltanschauliche Gemeinschaften nach den einzelstaatlichen Rechtsvorschriften genießen.
- (3) Die Union pflegt mit diesen Kirchen und Gemeinschaften in Anerkennung ihrer Identität und ihres besonderen Beitrags einen offenen, transparenten und regelmäßigen Dialog.

ZWEITER TEIL

NICHTDISKRIMINIERUNG UND UNIONSBÜRGERSCHAFT

Artikel 18 (ex-Artikel 12 EGV)

Unbeschadet besonderer Bestimmungen der Verträge ist in ihrem Anwendungsbereich jede Diskriminierung aus Gründen der Staatsangehörigkeit verboten.

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren Regelungen für das Verbot solcher Diskriminierungen treffen.

Artikel 19 (ex-Artikel 13 EGV)

(1) Unbeschadet der sonstigen Bestimmungen der Verträge kann der Rat im Rahmen der durch die Verträge auf die Union übertragenen Zuständigkeiten gemäß einem besonderen Gesetzgebungsverfahren und nach Zustimmung des Europäischen Parlaments einstimmig geeignete Vorkehrungen treffen, um Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.

(2) Abweichend von Absatz 1 können das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren die Grundprinzipien für Fördermaßnahmen der Union unter Ausschluss jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten zur Unterstützung der Maßnahmen festlegen, die die Mitgliedstaaten treffen, um zur Verwirklichung der in Absatz 1 genannten Ziele beizutragen.

Artikel 20 (ex-Artikel 17 EGV)

(1) Es wird eine Unionsbürgerschaft eingeführt. Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt. Die Unionsbürgerschaft tritt zur nationalen Staatsbürgerschaft hinzu, ersetzt sie aber nicht.

(2) Die Unionsbürgerinnen und Unionsbürger haben die in den Verträgen vorgesehenen Rechte und Pflichten. Sie haben unter anderem

- a) das Recht, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten;
- b) in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament und bei den Kommunalwahlen, wobei für sie dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats;

- c) im Hoheitsgebiet eines Drittlands, in dem der Mitgliedstaat, dessen Staatsangehörigkeit sie besitzen, nicht vertreten ist, Recht auf Schutz durch die diplomatischen und konsularischen Behörden eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates;
- d) das Recht, Petitionen an das Europäische Parlament zu richten und sich an den Europäischen Bürgerbeauftragten zu wenden, sowie das Recht, sich in einer der Sprachen der Verträge an die Organe und die beratenden Einrichtungen der Union zu wenden und eine Antwort in derselben Sprache zu erhalten.

Diese Rechte werden unter den Bedingungen und innerhalb der Grenzen ausgeübt, die in den Verträgen und durch die in Anwendung der Verträge erlassenen Maßnahmen festgelegt sind.

Artikel 21
(ex-Artikel 18 EGV)

- (1) Jeder Unionsbürger hat das Recht, sich im Hoheitsgebiet der Mitgliedstaaten vorbehaltlich der in den Verträgen und in den Durchführungsvorschriften vorgesehenen Beschränkungen und Bedingungen frei zu bewegen und aufzuhalten.
- (2) Erscheint zur Erreichung dieses Ziels ein Tätigwerden der Union erforderlich und sehen die Verträge hierfür keine Befugnisse vor, so können das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Vorschriften erlassen, mit denen die Ausübung der Rechte nach Absatz 1 erleichtert wird.
- (3) Zu den gleichen wie den in Absatz 1 genannten Zwecken kann der Rat, sofern die Verträge hierfür keine Befugnisse vorsehen, gemäß einem besonderen Gesetzgebungsverfahren Maßnahmen erlassen, die die soziale Sicherheit oder den sozialen Schutz betreffen. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

Artikel 22
(ex-Artikel 19 EGV)

- (1) Jeder Unionsbürger mit Wohnsitz in einem Mitgliedstaat, dessen Staatsangehörigkeit er nicht besitzt, hat in dem Mitgliedstaat, in dem er seinen Wohnsitz hat, das aktive und passive Wahlrecht bei Kommunalwahlen, wobei für ihn dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats. Dieses Recht wird vorbehaltlich der Einzelheiten ausgeübt, die vom Rat einstimmig gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments festgelegt werden; in diesen können Ausnahmeregelungen vorgesehen werden, wenn dies aufgrund besonderer Probleme eines Mitgliedstaats gerechtfertigt ist.
- (2) Unbeschadet des Artikels 223 Absatz 1 und der Bestimmungen zu dessen Durchführung besitzt jeder Unionsbürger mit Wohnsitz in einem Mitgliedstaat, dessen Staatsangehörigkeit er nicht besitzt, in dem Mitgliedstaat, in dem er seinen Wohnsitz hat, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament, wobei für ihn dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats. Dieses Recht wird vorbehaltlich der Einzelheiten ausgeübt, die vom Rat einstimmig gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments festgelegt werden; in diesen können Ausnahmeregelungen vorgesehen werden, wenn dies aufgrund besonderer Probleme eines Mitgliedstaats gerechtfertigt ist.

Artikel 23
(ex-Artikel 20 EGV)

Jeder Unionsbürger genießt im Hoheitsgebiet eines dritten Landes, in dem der Mitgliedstaat, dessen Staatsangehörigkeit er besitzt, nicht vertreten ist, den diplomatischen und konsularischen Schutz eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates. Die Mitgliedstaaten treffen die notwendigen Vorkehrungen und leiten die für diesen Schutz erforderlichen internationalen Verhandlungen ein.

Der Rat kann gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments Richtlinien zur Festlegung der notwendigen Koordinierungs- und Kooperationsmaßnahmen zur Erleichterung dieses Schutzes erlassen.

Artikel 24
(ex-Artikel 21 EGV)

Die Bestimmungen über die Verfahren und Bedingungen, die für eine Bürgerinitiative im Sinne des Artikels 11 des Vertrags über die Europäische Union gelten, einschließlich der Mindestzahl der Mitgliedstaaten, aus denen die Bürgerinnen und Bürger, die diese Initiative ergreifen, kommen müssen, werden vom Europäischen Parlament und vom Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen festgelegt.

Jeder Unionsbürger besitzt das Petitionsrecht beim Europäischen Parlament nach Artikel 227.

Jeder Unionsbürger kann sich an den nach Artikel 228 eingesetzten Bürgerbeauftragten wenden.

Jeder Unionsbürger kann sich schriftlich in einer der in Artikel 55 Absatz 1 des Vertrags über die Europäische Union genannten Sprachen an jedes Organ oder an jede Einrichtung wenden, die in dem vorliegenden Artikel oder in Artikel 13 des genannten Vertrags genannt sind, und eine Antwort in derselben Sprache erhalten.

Artikel 25
(ex-Artikel 22 EGV)

Die Kommission erstattet dem Europäischen Parlament, dem Rat und dem Wirtschafts- und Sozialausschuss alle drei Jahre über die Anwendung dieses Teils Bericht. In dem Bericht wird der Fortentwicklung der Union Rechnung getragen.

Auf dieser Grundlage kann der Rat unbeschadet der anderen Bestimmungen der Verträge zur Ergänzung der in Artikel 20 Absatz 2 aufgeführten Rechte einstimmig gemäß einem besonderen Gesetzgebungsverfahren nach Zustimmung des Europäischen Parlaments Bestimmungen erlassen. Diese Bestimmungen treten nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

DRITTER TEIL

DIE INTERNEN POLITIKEN UND MASSNAHMEN DER UNION

TITEL I

DER BINNENMARKT

Artikel 26 (ex-Artikel 14 EGV)

- (1) Die Union erlässt die erforderlichen Maßnahmen, um nach Maßgabe der einschlägigen Bestimmungen der Verträge den Binnenmarkt zu verwirklichen beziehungsweise dessen Funktionieren zu gewährleisten.
- (2) Der Binnenmarkt umfasst einen Raum ohne Binnengrenzen, in dem der freie Verkehr von Waren, Personen, Dienstleistungen und Kapital gemäß den Bestimmungen der Verträge gewährleistet ist.
- (3) Der Rat legt auf Vorschlag der Kommission die Leitlinien und Bedingungen fest, die erforderlich sind, um in allen betroffenen Sektoren einen ausgewogenen Fortschritt zu gewährleisten.

Artikel 27 (ex-Artikel 15 EGV)

Bei der Formulierung ihrer Vorschläge zur Verwirklichung der Ziele des Artikels 26 berücksichtigt die Kommission den Umfang der Anstrengungen, die einigen Volkswirtschaften mit unterschiedlichem Entwicklungsstand für die Errichtung des Binnenmarkts abverlangt werden, und kann geeignete Bestimmungen vorschlagen.

Erhalten diese Bestimmungen die Form von Ausnahmeregelungen, so müssen sie vorübergehender Art sein und dürfen das Funktionieren des Binnenmarkts so wenig wie möglich stören.

TITEL II

DER FREIE WARENVERKEHR

Artikel 28 (ex-Artikel 23 EGV)

- (1) Die Union umfasst eine Zollunion, die sich auf den gesamten Warenaustausch erstreckt; sie umfasst das Verbot, zwischen den Mitgliedstaaten Ein- und Ausfuhrzölle und Abgaben gleicher Wirkung zu erheben, sowie die Einführung eines Gemeinsamen Zolltarifs gegenüber dritten Ländern.

(2) Artikel 30 und Kapitel 3 dieses Titels gelten für die aus den Mitgliedstaaten stammenden Waren sowie für diejenigen Waren aus dritten Ländern, die sich in den Mitgliedstaaten im freien Verkehr befinden.

Artikel 29
(ex-Artikel 24 EGV)

Als im freien Verkehr eines Mitgliedstaats befindlich gelten diejenigen Waren aus dritten Ländern, für die in dem betreffenden Mitgliedstaat die Einfuhrförmlichkeiten erfüllt sowie die vorgeschriebenen Zölle und Abgaben gleicher Wirkung erhoben und nicht ganz oder teilweise rückvergütet worden sind.

KAPITEL 1
DIE ZOLLUNION

Artikel 30
(ex-Artikel 25 EGV)

Ein- und Ausfuhrzölle oder Abgaben gleicher Wirkung sind zwischen den Mitgliedstaaten verboten. Dieses Verbot gilt auch für Finanzaufschläge.

Artikel 31
(ex-Artikel 26 EGV)

Der Rat legt die Sätze des Gemeinsamen Zolltarifs auf Vorschlag der Kommission fest.

Artikel 32
(ex-Artikel 27 EGV)

Bei der Ausübung der ihr aufgrund dieses Kapitels übertragenen Aufgaben geht die Kommission von folgenden Gesichtspunkten aus:

- a) der Notwendigkeit, den Handelsverkehr zwischen den Mitgliedstaaten und dritten Ländern zu fördern;
- b) der Entwicklung der Wettbewerbsbedingungen innerhalb der Union, soweit diese Entwicklung zu einer Zunahme der Wettbewerbsfähigkeit der Unternehmen führt;
- c) dem Versorgungsbedarf der Union an Rohstoffen und Halbfertigwaren; hierbei achtet die Kommission darauf, zwischen den Mitgliedstaaten die Wettbewerbsbedingungen für Fertigwaren nicht zu verfälschen;
- d) der Notwendigkeit, ernsthafte Störungen im Wirtschaftsleben der Mitgliedstaaten zu vermeiden und eine rationelle Entwicklung der Erzeugung sowie eine Ausweitung des Verbrauchs innerhalb der Union zu gewährleisten.

KAPITEL 2

DIE ZUSAMMENARBEIT IM ZOLLWESEN

Artikel 33 (ex-Artikel 135 EGV)

Das Europäische Parlament und der Rat treffen im Rahmen des Geltungsbereichs der Verträge gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen zum Ausbau der Zusammenarbeit im Zollwesen zwischen den Mitgliedstaaten sowie zwischen den Mitgliedstaaten und der Kommission.

KAPITEL 3

VERBOT VON MENGENMÄSSIGEN BESCHRÄNKUNGEN ZWISCHEN DEN MITGLIEDSTAATEN

Artikel 34 (ex-Artikel 28 EGV)

Mengenmäßige Einfuhrbeschränkungen sowie alle Maßnahmen gleicher Wirkung sind zwischen den Mitgliedstaaten verboten.

Artikel 35 (ex-Artikel 29 EGV)

Mengenmäßige Ausfuhrbeschränkungen sowie alle Maßnahmen gleicher Wirkung sind zwischen den Mitgliedstaaten verboten.

Artikel 36 (ex-Artikel 30 EGV)

Die Bestimmungen der Artikel 34 und 35 stehen Einfuhr-, Ausfuhr- und Durchfuhrverboten oder -beschränkungen nicht entgegen, die aus Gründen der öffentlichen Sittlichkeit, Ordnung und Sicherheit, zum Schutze der Gesundheit und des Lebens von Menschen, Tieren oder Pflanzen, des nationalen Kulturguts von künstlerischem, geschichtlichem oder archäologischem Wert oder des gewerblichen und kommerziellen Eigentums gerechtfertigt sind. Diese Verbote oder Beschränkungen dürfen jedoch weder ein Mittel zur willkürlichen Diskriminierung noch eine verschleierte Beschränkung des Handels zwischen den Mitgliedstaaten darstellen.

Artikel 37 (ex-Artikel 31 EGV)

(1) Die Mitgliedstaaten formen ihre staatlichen Handelsmonopole derart um, dass jede Diskriminierung in den Versorgungs- und Absatzbedingungen zwischen den Angehörigen der Mitgliedstaaten ausgeschlossen ist.

Dieser Artikel gilt für alle Einrichtungen, durch die ein Mitgliedstaat unmittelbar oder mittelbar die Einfuhr oder die Ausfuhr zwischen den Mitgliedstaaten rechtlich oder tatsächlich kontrolliert, lenkt oder merklich beeinflusst. Er gilt auch für die von einem Staat auf andere Rechtsträger übertragenen Monopole.

(2) Die Mitgliedstaaten unterlassen jede neue Maßnahme, die den in Absatz 1 genannten Grundsätzen widerspricht oder die Tragweite der Artikel über das Verbot von Zöllen und mengenmäßigen Beschränkungen zwischen den Mitgliedstaaten einengt.

(3) Ist mit einem staatlichen Handelsmonopol eine Regelung zur Erleichterung des Absatzes oder der Verwertung landwirtschaftlicher Erzeugnisse verbunden, so sollen bei der Anwendung dieses Artikels gleichwertige Sicherheiten für die Beschäftigung und Lebenshaltung der betreffenden Erzeuger gewährleistet werden.

TITEL III

DIE LANDWIRTSCHAFT UND DIE FISCHEREI

Artikel 38 (ex-Artikel 32 EGV)

(1) Die Union legt eine gemeinsame Agrar- und Fischereipolitik fest und führt sie durch.

Der Binnenmarkt umfasst auch die Landwirtschaft, die Fischerei und den Handel mit landwirtschaftlichen Erzeugnissen. Unter landwirtschaftlichen Erzeugnissen sind die Erzeugnisse des Bodens, der Viehzucht und der Fischerei sowie die mit diesen in unmittelbarem Zusammenhang stehenden Erzeugnisse der ersten Verarbeitungsstufe zu verstehen. Die Bezugnahmen auf die gemeinsame Agrarpolitik oder auf die Landwirtschaft und die Verwendung des Wortes „landwirtschaftlich“ sind in dem Sinne zu verstehen, dass damit unter Berücksichtigung der besonderen Merkmale des Fischereisektors auch die Fischerei gemeint ist.

(2) Die Vorschriften für die Errichtung oder das Funktionieren des Binnenmarkts finden auf die landwirtschaftlichen Erzeugnisse Anwendung, soweit in den Artikeln 39 bis 44 nicht etwas anderes bestimmt ist.

(3) Die Erzeugnisse, für welche die Artikel 39 bis 44 gelten, sind in Anhang I aufgeführt.

(4) Mit dem Funktionieren und der Entwicklung des Binnenmarkts für landwirtschaftliche Erzeugnisse muss die Gestaltung einer gemeinsamen Agrarpolitik Hand in Hand gehen.

Artikel 39 (ex-Artikel 33 EGV)

(1) Ziel der gemeinsamen Agrarpolitik ist es,

- a) die Produktivität der Landwirtschaft durch Förderung des technischen Fortschritts, Rationalisierung der landwirtschaftlichen Erzeugung und den bestmöglichen Einsatz der Produktionsfaktoren, insbesondere der Arbeitskräfte, zu steigern;

- b) auf diese Weise der landwirtschaftlichen Bevölkerung, insbesondere durch Erhöhung des Pro-Kopf-Einkommens der in der Landwirtschaft tätigen Personen, eine angemessene Lebenshaltung zu gewährleisten;
- c) die Märkte zu stabilisieren;
- d) die Versorgung sicherzustellen;
- e) für die Belieferung der Verbraucher zu angemessenen Preisen Sorge zu tragen.

(2) Bei der Gestaltung der gemeinsamen Agrarpolitik und der hierfür anzuwendenden besonderen Methoden ist Folgendes zu berücksichtigen:

- a) die besondere Eigenart der landwirtschaftlichen Tätigkeit, die sich aus dem sozialen Aufbau der Landwirtschaft und den strukturellen und naturbedingten Unterschieden der verschiedenen landwirtschaftlichen Gebiete ergibt;
- b) die Notwendigkeit, die geeigneten Anpassungen stufenweise durchzuführen;
- c) die Tatsache, dass die Landwirtschaft in den Mitgliedstaaten einen mit der gesamten Volkswirtschaft eng verflochtenen Wirtschaftsbereich darstellt.

Artikel 40
(ex-Artikel 34 EGV)

(1) Um die Ziele des Artikels 39 zu erreichen, wird eine gemeinsame Organisation der Agrarmärkte geschaffen.

Diese besteht je nach Erzeugnis aus einer der folgenden Organisationsformen:

- a) gemeinsame Wettbewerbsregeln,
- b) bindende Koordinierung der verschiedenen einzelstaatlichen Marktordnungen,
- c) eine europäische Marktordnung.

(2) Die nach Absatz 1 gestaltete gemeinsame Organisation kann alle zur Durchführung des Artikels 39 erforderlichen Maßnahmen einschließen, insbesondere Preisregelungen, Beihilfen für die Erzeugung und die Verteilung der verschiedenen Erzeugnisse, Einlagerungs- und Ausgleichsmaßnahmen, gemeinsame Einrichtungen zur Stabilisierung der Ein- oder Ausfuhr.

Die gemeinsame Organisation hat sich auf die Verfolgung der Ziele des Artikels 39 zu beschränken und jede Diskriminierung zwischen Erzeugern oder Verbrauchern innerhalb der Union auszuschließen.

Eine etwaige gemeinsame Preispolitik muss auf gemeinsamen Grundsätzen und einheitlichen Berechnungsmethoden beruhen.

(3) Um der in Absatz 1 genannten gemeinsamen Organisation die Erreichung ihrer Ziele zu ermöglichen, können ein oder mehrere Ausrichtungs- oder Garantiefonds für die Landwirtschaft geschaffen werden.

Artikel 41
(ex-Artikel 35 EGV)

Um die Ziele des Artikels 39 zu erreichen, können im Rahmen der gemeinsamen Agrarpolitik folgende Maßnahmen vorgesehen werden:

- a) eine wirksame Koordinierung der Bestrebungen auf dem Gebiet der Berufsausbildung, der Forschung und der Verbreitung landwirtschaftlicher Fachkenntnisse; hierbei können Vorhaben oder Einrichtungen gemeinsam finanziert werden;
- b) gemeinsame Maßnahmen zur Förderung des Verbrauchs bestimmter Erzeugnisse.

Artikel 42
(ex-Artikel 36 EGV)

Das Kapitel über die Wettbewerbsregeln findet auf die Produktion landwirtschaftlicher Erzeugnisse und den Handel mit diesen nur insoweit Anwendung, als das Europäische Parlament und der Rat dies unter Berücksichtigung der Ziele des Artikels 39 im Rahmen des Artikels 43 Absatz 2 und gemäß dem dort vorgesehenen Verfahren bestimmt.

Der Rat kann auf Vorschlag der Kommission genehmigen, dass Beihilfen gewährt werden

- a) zum Schutz von Betrieben, die durch strukturelle oder naturgegebene Bedingungen benachteiligt sind, oder
- b) im Rahmen wirtschaftlicher Entwicklungsprogramme.

Artikel 43
(ex-Artikel 37 EGV)

(1) Die Kommission legt zur Gestaltung und Durchführung der gemeinsamen Agrarpolitik Vorschläge vor, welche unter anderem die Ablösung der einzelstaatlichen Marktordnungen durch eine der in Artikel 40 Absatz 1 vorgesehenen gemeinsamen Organisationsformen sowie die Durchführung der in diesem Titel bezeichneten Maßnahmen vorsehen.

Diese Vorschläge müssen dem inneren Zusammenhang der in diesem Titel aufgeführten landwirtschaftlichen Fragen Rechnung tragen.

(2) Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses die gemeinsame Organisation der Agrarmärkte nach Artikel 40 Absatz 1 sowie die anderen Bestimmungen fest, die für die Verwirklichung der Ziele der gemeinsamen Agrar- und Fischereipolitik notwendig sind.

- (3) Der Rat erlässt auf Vorschlag der Kommission die Maßnahmen zur Festsetzung der Preise, der Abschöpfungen, der Beihilfen und der mengenmäßigen Beschränkungen sowie zur Festsetzung und Aufteilung der Fangmöglichkeiten in der Fischerei.
- (4) Die einzelstaatlichen Marktordnungen können nach Maßgabe des Absatzes 1 durch die in Artikel 40 Absatz 1 vorgesehene gemeinsame Organisation ersetzt werden,
- a) wenn sie den Mitgliedstaaten, die sich gegen diese Maßnahme ausgesprochen haben und eine eigene Marktordnung für die in Betracht kommende Erzeugung besitzen, gleichwertige Sicherheiten für die Beschäftigung und Lebenshaltung der betreffenden Erzeuger bietet; hierbei sind die im Zeitablauf möglichen Anpassungen und erforderlichen Spezialisierungen zu berücksichtigen, und
 - b) wenn die gemeinsame Organisation für den Handelsverkehr innerhalb der Union Bedingungen sicherstellt, die denen eines Binnenmarkts entsprechen.
- (5) Wird eine gemeinsame Organisation für bestimmte Rohstoffe geschaffen, bevor eine gemeinsame Organisation für die entsprechenden weiterverarbeiteten Erzeugnisse besteht, so können die betreffenden Rohstoffe aus Ländern außerhalb der Union eingeführt werden, wenn sie für weiterverarbeitete Erzeugnisse verwendet werden, die zur Ausfuhr nach dritten Ländern bestimmt sind.

Artikel 44
(ex-Artikel 38 EGV)

Besteht in einem Mitgliedstaat für ein Erzeugnis eine innerstaatliche Marktordnung oder Regelung gleicher Wirkung und wird dadurch eine gleichartige Erzeugung in einem anderen Mitgliedstaat in ihrer Wettbewerbslage beeinträchtigt, so erheben die Mitgliedstaaten bei der Einfuhr des betreffenden Erzeugnisses aus dem Mitgliedstaat, in dem die genannte Marktordnung oder Regelung besteht, eine Ausgleichsabgabe, es sei denn, dass dieser Mitgliedstaat eine Ausgleichsabgabe bei der Ausfuhr erhebt.

Die Kommission setzt diese Abgaben in der zur Wiederherstellung des Gleichgewichts erforderlichen Höhe fest; sie kann auch andere Maßnahmen genehmigen, deren Bedingungen und Einzelheiten sie festlegt.

TITEL IV

DIE FREIZÜGIGKEIT, DER FREIE DIENSTLEISTUNGS- UND KAPITALVERKEHR

KAPITEL 1

DIE ARBEITSKRÄFTE

Artikel 45
(ex-Artikel 39 EGV)

- (1) Innerhalb der Union ist die Freizügigkeit der Arbeitnehmer gewährleistet.

(2) Sie umfasst die Abschaffung jeder auf der Staatsangehörigkeit beruhenden unterschiedlichen Behandlung der Arbeitnehmer der Mitgliedstaaten in Bezug auf Beschäftigung, Entlohnung und sonstige Arbeitsbedingungen.

(3) Sie gibt — vorbehaltlich der aus Gründen der öffentlichen Ordnung, Sicherheit und Gesundheit gerechtfertigten Beschränkungen — den Arbeitnehmern das Recht,

- a) sich um tatsächlich angebotene Stellen zu bewerben;
- b) sich zu diesem Zweck im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen;
- c) sich in einem Mitgliedstaat aufzuhalten, um dort nach den für die Arbeitnehmer dieses Staates geltenden Rechts- und Verwaltungsvorschriften eine Beschäftigung auszuüben;
- d) nach Beendigung einer Beschäftigung im Hoheitsgebiet eines Mitgliedstaats unter Bedingungen zu verbleiben, welche die Kommission durch Verordnungen festlegt.

(4) Dieser Artikel findet keine Anwendung auf die Beschäftigung in der öffentlichen Verwaltung.

Artikel 46
(ex-Artikel 40 EGV)

Das Europäische Parlament und der Rat treffen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses durch Richtlinien oder Verordnungen alle erforderlichen Maßnahmen, um die Freizügigkeit der Arbeitnehmer im Sinne des Artikels 45 herzustellen, insbesondere

- a) durch Sicherstellung einer engen Zusammenarbeit zwischen den einzelstaatlichen Arbeitsverwaltungen;
- b) durch die Beseitigung der Verwaltungsverfahren und -praktiken sowie der für den Zugang zu verfügbaren Arbeitsplätzen vorgeschriebenen Fristen, die sich aus innerstaatlichen Rechtsvorschriften oder vorher zwischen den Mitgliedstaaten geschlossenen Übereinkünften ergeben und deren Beibehaltung die Herstellung der Freizügigkeit der Arbeitnehmer hindert;
- c) durch die Beseitigung aller Fristen und sonstigen Beschränkungen, die in innerstaatlichen Rechtsvorschriften oder vorher zwischen den Mitgliedstaaten geschlossenen Übereinkünften vorgesehen sind und die den Arbeitnehmern der anderen Mitgliedstaaten für die freie Wahl des Arbeitsplatzes andere Bedingungen als den inländischen Arbeitnehmern auferlegen;
- d) durch die Schaffung geeigneter Verfahren für die Zusammenführung und den Ausgleich von Angebot und Nachfrage auf dem Arbeitsmarkt zu Bedingungen, die eine ernstliche Gefährdung der Lebenshaltung und des Beschäftigungsstands in einzelnen Gebieten und Industrien ausschließen.

Artikel 47
(ex-Artikel 41 EGV)

Die Mitgliedstaaten fördern den Austausch junger Arbeitskräfte im Rahmen eines gemeinsamen Programms.

Artikel 48
(ex-Artikel 42 EGV)

Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren die auf dem Gebiet der sozialen Sicherheit für die Herstellung der Freizügigkeit der Arbeitnehmer notwendigen Maßnahmen; zu diesem Zweck führen sie insbesondere ein System ein, das zu- und abwandernden Arbeitnehmern und Selbstständigen sowie deren anspruchsberechtigten Angehörigen Folgendes sichert:

- a) die Zusammenrechnung aller nach den verschiedenen innerstaatlichen Rechtsvorschriften berücksichtigten Zeiten für den Erwerb und die Aufrechterhaltung des Leistungsanspruchs sowie für die Berechnung der Leistungen;
- b) die Zahlung der Leistungen an Personen, die in den Hoheitsgebieten der Mitgliedstaaten wohnen.

Erklärt ein Mitglied des Rates, dass ein Entwurf eines Gesetzgebungsakts nach Absatz 1 wichtige Aspekte seines Systems der sozialen Sicherheit, insbesondere dessen Geltungsbereich, Kosten oder Finanzstruktur, verletzen oder dessen finanzielles Gleichgewicht beeinträchtigen würde, so kann es beantragen, dass der Europäische Rat befasst wird. In diesem Fall wird das ordentliche Gesetzgebungsverfahren ausgesetzt. Nach einer Aussprache geht der Europäische Rat binnen vier Monaten nach Aussetzung des Verfahrens wie folgt vor:

- a) er verweist den Entwurf an den Rat zurück, wodurch die Aussetzung des ordentlichen Gesetzgebungsverfahrens beendet wird, oder
- b) er sieht von einem Tätigwerden ab, oder aber er ersucht die Kommission um Vorlage eines neuen Vorschlags; in diesem Fall gilt der ursprünglich vorgeschlagene Rechtsakt als nicht erlassen.

KAPITEL 2

DAS NIEDERLASSUNGSRECHT

Artikel 49
(ex-Artikel 43 EGV)

Die Beschränkungen der freien Niederlassung von Staatsangehörigen eines Mitgliedstaats im Hoheitsgebiet eines anderen Mitgliedstaats sind nach Maßgabe der folgenden Bestimmungen verboten. Das Gleiche gilt für Beschränkungen der Gründung von Agenturen, Zweigniederlassungen oder Tochtergesellschaften durch Angehörige eines Mitgliedstaats, die im Hoheitsgebiet eines Mitgliedstaats ansässig sind.

Vorbehaltlich des Kapitels über den Kapitalverkehr umfasst die Niederlassungsfreiheit die Aufnahme und Ausübung selbstständiger Erwerbstätigkeiten sowie die Gründung und Leitung von Unternehmen, insbesondere von Gesellschaften im Sinne des Artikels 54 Absatz 2, nach den Bestimmungen des Aufnahmestaats für seine eigenen Angehörigen.

Artikel 50
(ex-Artikel 44 EGV)

- (1) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses Richtlinien zur Verwirklichung der Niederlassungsfreiheit für eine bestimmte Tätigkeit.
- (2) Das Europäische Parlament, der Rat und die Kommission erfüllen die Aufgaben, die ihnen aufgrund der obigen Bestimmungen übertragen sind, indem sie insbesondere
- a) im Allgemeinen diejenigen Tätigkeiten mit Vorrang behandeln, bei denen die Niederlassungsfreiheit die Entwicklung der Produktion und des Handels in besonderer Weise fördert;
 - b) eine enge Zusammenarbeit zwischen den zuständigen Verwaltungen der Mitgliedstaaten sicherstellen, um sich über die besondere Lage auf den verschiedenen Tätigkeitsgebieten innerhalb der Union zu unterrichten;
 - c) die aus innerstaatlichen Rechtsvorschriften oder vorher zwischen den Mitgliedstaaten geschlossenen Übereinkünften abgeleiteten Verwaltungsverfahren und -praktiken ausschalten, deren Beibehaltung der Niederlassungsfreiheit entgegensteht;
 - d) dafür Sorge tragen, dass Arbeitnehmer eines Mitgliedstaats, die im Hoheitsgebiet eines anderen Mitgliedstaats beschäftigt sind, dort verbleiben und eine selbstständige Tätigkeit unter denselben Voraussetzungen ausüben können, die sie erfüllen müssten, wenn sie in diesen Staat erst zu dem Zeitpunkt einreisen würden, in dem sie diese Tätigkeit aufzunehmen beabsichtigen;
 - e) den Erwerb und die Nutzung von Grundbesitz im Hoheitsgebiet eines Mitgliedstaats durch Angehörige eines anderen Mitgliedstaats ermöglichen, soweit hierdurch die Grundsätze des Artikels 39 Absatz 2 nicht beeinträchtigt werden;
 - f) veranlassen, dass bei jedem in Betracht kommenden Wirtschaftszweig die Beschränkungen der Niederlassungsfreiheit in Bezug auf die Voraussetzungen für die Errichtung von Agenturen, Zweigniederlassungen und Tochtergesellschaften im Hoheitsgebiet eines Mitgliedstaats sowie für den Eintritt des Personals der Hauptniederlassung in ihre Leitungs- oder Überwachungsorgane schrittweise aufgehoben werden;
 - g) soweit erforderlich, die Schutzbestimmungen koordinieren, die in den Mitgliedstaaten den Gesellschaften im Sinne des Artikels 54 Absatz 2 im Interesse der Gesellschafter sowie Dritter vorgeschrieben sind, um diese Bestimmungen gleichwertig zu gestalten;
 - h) sicherstellen, dass die Bedingungen für die Niederlassung nicht durch Beihilfen der Mitgliedstaaten verfälscht werden.

Artikel 51
(ex-Artikel 45 EGV)

Auf Tätigkeiten, die in einem Mitgliedstaat dauernd oder zeitweise mit der Ausübung öffentlicher Gewalt verbunden sind, findet dieses Kapitel in dem betreffenden Mitgliedstaat keine Anwendung.

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren beschließen, dass dieses Kapitel auf bestimmte Tätigkeiten keine Anwendung findet.

Artikel 52
(ex-Artikel 46 EGV)

- (1) Dieses Kapitel und die aufgrund desselben getroffenen Maßnahmen beeinträchtigen nicht die Anwendbarkeit der Rechts- und Verwaltungsvorschriften, die eine Sonderregelung für Ausländer vorsehen und aus Gründen der öffentlichen Ordnung, Sicherheit oder Gesundheit gerechtfertigt sind.
- (2) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren Richtlinien für die Koordinierung der genannten Vorschriften.

Artikel 53
(ex-Artikel 47 EGV)

- (1) Um die Aufnahme und Ausübung selbstständiger Tätigkeiten zu erleichtern, erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Richtlinien für die gegenseitige Anerkennung der Diplome, Prüfungszeugnisse und sonstigen Befähigungsnachweise sowie für die Koordinierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten über die Aufnahme und Ausübung selbstständiger Tätigkeiten.
- (2) Die schrittweise Aufhebung der Beschränkungen für die ärztlichen, arztähnlichen und pharmazeutischen Berufe setzt die Koordinierung der Bedingungen für die Ausübung dieser Berufe in den einzelnen Mitgliedstaaten voraus.

Artikel 54
(ex-Artikel 48 EGV)

Für die Anwendung dieses Kapitels stehen die nach den Rechtsvorschriften eines Mitgliedstaats gegründeten Gesellschaften, die ihren satzungsmäßigen Sitz, ihre Hauptverwaltung oder ihre Hauptniederlassung innerhalb der Union haben, den natürlichen Personen gleich, die Angehörige der Mitgliedstaaten sind.

Als Gesellschaften gelten die Gesellschaften des bürgerlichen Rechts und des Handelsrechts einschließlich der Genossenschaften und die sonstigen juristischen Personen des öffentlichen und privaten Rechts mit Ausnahme derjenigen, die keinen Erwerbszweck verfolgen.

Artikel 55
(ex-Artikel 294 EGV)

Unbeschadet der sonstigen Bestimmungen der Verträge stellen die Mitgliedstaaten die Staatsangehörigen der anderen Mitgliedstaaten hinsichtlich ihrer Beteiligung am Kapital von Gesellschaften im Sinne des Artikels 54 den eigenen Staatsangehörigen gleich.

KAPITEL 3

Dienstleistungen

Artikel 56 (ex-Artikel 49 EGV)

Die Beschränkungen des freien Dienstleistungsverkehrs innerhalb der Union für Angehörige der Mitgliedstaaten, die in einem anderen Mitgliedstaat als demjenigen des Leistungsempfängers ansässig sind, sind nach Maßgabe der folgenden Bestimmungen verboten.

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren beschließen, dass dieses Kapitel auch auf Erbringer von Dienstleistungen Anwendung findet, welche die Staatsangehörigkeit eines dritten Landes besitzen und innerhalb der Union ansässig sind.

Artikel 57 (ex-Artikel 50 EGV)

Dienstleistungen im Sinne der Verträge sind Leistungen, die in der Regel gegen Entgelt erbracht werden, soweit sie nicht den Vorschriften über den freien Waren- und Kapitalverkehr und über die Freizügigkeit der Personen unterliegen.

Als Dienstleistungen gelten insbesondere:

- a) gewerbliche Tätigkeiten,
- b) kaufmännische Tätigkeiten,
- c) handwerkliche Tätigkeiten,
- d) freiberufliche Tätigkeiten.

Unbeschadet des Kapitels über die Niederlassungsfreiheit kann der Leistende zwecks Erbringung seiner Leistungen seine Tätigkeit vorübergehend in dem Mitgliedstaat ausüben, in dem die Leistung erbracht wird, und zwar unter den Voraussetzungen, welche dieser Mitgliedstaat für seine eigenen Angehörigen vorschreibt.

Artikel 58 (ex-Artikel 51 EGV)

(1) Für den freien Dienstleistungsverkehr auf dem Gebiet des Verkehrs gelten die Bestimmungen des Titels über den Verkehr.

(2) Die Liberalisierung der mit dem Kapitalverkehr verbundenen Dienstleistungen der Banken und Versicherungen wird im Einklang mit der Liberalisierung des Kapitalverkehrs durchgeführt.

Artikel 59
(ex-Artikel 52 EGV)

(1) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses Richtlinien zur Liberalisierung einer bestimmten Dienstleistung.

(2) Bei den in Absatz 1 genannten Richtlinien sind im Allgemeinen mit Vorrang diejenigen Dienstleistungen zu berücksichtigen, welche die Produktionskosten unmittelbar beeinflussen oder deren Liberalisierung zur Förderung des Warenverkehrs beiträgt.

Artikel 60
(ex-Artikel 53 EGV)

Die Mitgliedstaaten bemühen sich, über das Ausmaß der Liberalisierung der Dienstleistungen, zu dem sie aufgrund der Richtlinien gemäß Artikel 59 Absatz 1 verpflichtet sind, hinauszugehen, falls ihre wirtschaftliche Gesamtlage und die Lage des betreffenden Wirtschaftszweigs dies zulassen.

Die Kommission richtet entsprechende Empfehlungen an die betreffenden Staaten.

Artikel 61
(ex-Artikel 54 EGV)

Solange die Beschränkungen des freien Dienstleistungsverkehrs nicht aufgehoben sind, wendet sie jeder Mitgliedstaat ohne Unterscheidung nach Staatsangehörigkeit oder Aufenthaltsort auf alle in Artikel 56 Absatz 1 bezeichneten Erbringer von Dienstleistungen an.

Artikel 62
(ex-Artikel 55 EGV)

Die Bestimmungen der Artikel 51 bis 54 finden auf das in diesem Kapitel geregelte Sachgebiet Anwendung.

KAPITEL 4
DER KAPITAL- UND ZAHLUNGSVERKEHR

Artikel 63
(ex-Artikel 56 EGV)

(1) Im Rahmen der Bestimmungen dieses Kapitels sind alle Beschränkungen des Kapitalverkehrs zwischen den Mitgliedstaaten sowie zwischen den Mitgliedstaaten und dritten Ländern verboten.

(2) Im Rahmen der Bestimmungen dieses Kapitels sind alle Beschränkungen des Zahlungsverkehrs zwischen den Mitgliedstaaten sowie zwischen den Mitgliedstaaten und dritten Ländern verboten.

Artikel 64
(ex-Artikel 57 EGV)

(1) Artikel 63 berührt nicht die Anwendung derjenigen Beschränkungen auf dritte Länder, die am 31. Dezember 1993 aufgrund einzelstaatlicher Rechtsvorschriften oder aufgrund von Rechtsvorschriften der Union für den Kapitalverkehr mit dritten Ländern im Zusammenhang mit Direktinvestitionen einschließlich Anlagen in Immobilien, mit der Niederlassung, der Erbringung von Finanzdienstleistungen oder der Zulassung von Wertpapieren zu den Kapitalmärkten bestehen. Für in Bulgarien, Estland und Ungarn bestehende Beschränkungen nach innerstaatlichem Recht ist der maßgebliche Zeitpunkt der 31. Dezember 1999.

(2) Unbeschadet der anderen Kapitel der Verträge sowie ihrer Bemühungen um eine möglichst weit gehende Verwirklichung des Zieles eines freien Kapitalverkehrs zwischen den Mitgliedstaaten und dritten Ländern beschließen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen für den Kapitalverkehr mit dritten Ländern im Zusammenhang mit Direktinvestitionen einschließlich Anlagen in Immobilien, mit der Niederlassung, der Erbringung von Finanzdienstleistungen oder der Zulassung von Wertpapieren zu den Kapitalmärkten.

(3) Abweichend von Absatz 2 kann nur der Rat gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments Maßnahmen einstimmig beschließen, die im Rahmen des Unionsrechts für die Liberalisierung des Kapitalverkehrs mit Drittländern einen Rückschritt darstellen.

Artikel 65
(ex-Artikel 58 EGV)

(1) Artikel 63 berührt nicht das Recht der Mitgliedstaaten,

- a) die einschlägigen Vorschriften ihres Steuerrechts anzuwenden, die Steuerpflichtige mit unterschiedlichem Wohnort oder Kapitalanlageort unterschiedlich behandeln,
- b) die unerlässlichen Maßnahmen zu treffen, um Zuwiderhandlungen gegen innerstaatliche Rechts- und Verwaltungsvorschriften, insbesondere auf dem Gebiet des Steuerrechts und der Aufsicht über Finanzinstitute, zu verhindern, sowie Meldeverfahren für den Kapitalverkehr zwecks administrativer oder statistischer Information vorzusehen oder Maßnahmen zu ergreifen, die aus Gründen der öffentlichen Ordnung oder Sicherheit gerechtfertigt sind.

(2) Dieses Kapitel berührt nicht die Anwendbarkeit von Beschränkungen des Niederlassungsrechts, die mit den Verträgen vereinbar sind.

(3) Die in den Absätzen 1 und 2 genannten Maßnahmen und Verfahren dürfen weder ein Mittel zur willkürlichen Diskriminierung noch eine verschleierte Beschränkung des freien Kapital- und Zahlungsverkehrs im Sinne des Artikels 63 darstellen.

(4) Sind keine Maßnahmen nach Artikel 64 Absatz 3 erlassen worden, so kann die Kommission oder, wenn diese binnen drei Monaten nach der Vorlage eines entsprechenden Antrags des betreffenden Mitgliedstaats keinen Beschluss erlassen hat, der Rat einen Beschluss erlassen, mit dem festgelegt wird, dass die von einem Mitgliedstaat in Bezug auf ein oder mehrere Drittländer getroffenen restriktiven steuerlichen Maßnahmen insofern als mit den Verträgen vereinbar anzusehen sind, als sie durch eines der Ziele der Union gerechtfertigt und mit dem ordnungsgemäßen Funktionieren des Binnenmarkts vereinbar sind. Der Rat beschließt einstimmig auf Antrag eines Mitgliedstaats.

Artikel 66
(ex-Artikel 59 EGV)

Falls Kapitalbewegungen nach oder aus dritten Ländern unter außergewöhnlichen Umständen das Funktionieren der Wirtschafts- und Währungsunion schwerwiegend stören oder zu stören drohen, kann der Rat auf Vorschlag der Kommission und nach Anhörung der Europäischen Zentralbank gegenüber dritten Ländern Schutzmaßnahmen mit einer Geltungsdauer von höchstens sechs Monaten treffen, wenn diese unbedingt erforderlich sind.

TITEL V

DER RAUM DER FREIHEIT, DER SICHERHEIT UND DES RECHTS

KAPITEL 1

ALLGEMEINE BESTIMMUNGEN

Artikel 67
(ex-Artikel 61 EGV und ex-Artikel 29 EUV)

(1) Die Union bildet einen Raum der Freiheit, der Sicherheit und des Rechts, in dem die Grundrechte und die verschiedenen Rechtsordnungen und -traditionen der Mitgliedstaaten geachtet werden.

(2) Sie stellt sicher, dass Personen an den Binnengrenzen nicht kontrolliert werden, und entwickelt eine gemeinsame Politik in den Bereichen Asyl, Einwanderung und Kontrollen an den Außengrenzen, die sich auf die Solidarität der Mitgliedstaaten gründet und gegenüber Drittstaatsangehörigen angemessen ist. Für die Zwecke dieses Titels werden Staatenlose den Drittstaatsangehörigen gleichgestellt.

(3) Die Union wirkt darauf hin, durch Maßnahmen zur Verhütung und Bekämpfung von Kriminalität sowie von Rassismus und Fremdenfeindlichkeit, zur Koordinierung und Zusammenarbeit von Polizeibehörden und Organen der Strafrechtspflege und den anderen zuständigen Behörden sowie durch die gegenseitige Anerkennung strafrechtlicher Entscheidungen und erforderlichenfalls durch die Angleichung der strafrechtlichen Rechtsvorschriften ein hohes Maß an Sicherheit zu gewährleisten.

(4) Die Union erleichtert den Zugang zum Recht, insbesondere durch den Grundsatz der gegenseitigen Anerkennung gerichtlicher und außergerichtlicher Entscheidungen in Zivilsachen.

Artikel 68

Der Europäische Rat legt die strategischen Leitlinien für die gesetzgeberische und operative Programmplanung im Raum der Freiheit, der Sicherheit und des Rechts fest.

Artikel 69

Die nationalen Parlamente tragen bei Gesetzgebungsvorschlägen und -initiativen, die im Rahmen der Kapitel 4 und 5 vorgelegt werden, Sorge für die Achtung des Subsidiaritätsprinzips nach Maßgabe des Protokolls über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit.

Artikel 70

Unbeschadet der Artikel 258, 259 und 260 kann der Rat auf Vorschlag der Kommission Maßnahmen erlassen, mit denen Einzelheiten festgelegt werden, nach denen die Mitgliedstaaten in Zusammenarbeit mit der Kommission eine objektive und unparteiische Bewertung der Durchführung der unter diesen Titel fallenden Unionspolitik durch die Behörden der Mitgliedstaaten vornehmen, insbesondere um die umfassende Anwendung des Grundsatzes der gegenseitigen Anerkennung zu fördern. Das Europäische Parlament und die nationalen Parlamente werden vom Inhalt und den Ergebnissen dieser Bewertung unterrichtet.

Artikel 71

(ex-Artikel 36 EUV)

Im Rat wird ein ständiger Ausschuss eingesetzt, um sicherzustellen, dass innerhalb der Union die operative Zusammenarbeit im Bereich der inneren Sicherheit gefördert und verstärkt wird. Er fördert unbeschadet des Artikels 240 die Koordinierung der Maßnahmen der zuständigen Behörden der Mitgliedstaaten. Die Vertreter der betroffenen Einrichtungen und sonstigen Stellen der Union können an den Arbeiten des Ausschusses beteiligt werden. Das Europäische Parlament und die nationalen Parlamente werden über die Arbeiten des Ausschusses auf dem Laufenden gehalten.

Artikel 72

(ex-Artikel 64 Absatz 1 EGV und ex-Artikel 33 EUV)

Dieser Titel berührt nicht die Wahrnehmung der Zuständigkeiten der Mitgliedstaaten für die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit.

Artikel 73

Es steht den Mitgliedstaaten frei, untereinander und in eigener Verantwortung Formen der Zusammenarbeit und Koordinierung zwischen den zuständigen Dienststellen ihrer für den Schutz der nationalen Sicherheit verantwortlichen Verwaltungen einzurichten, die sie für geeignet halten.

Artikel 74
(ex-Artikel 66 EGV)

Der Rat erlässt Maßnahmen, um die Verwaltungszusammenarbeit zwischen den zuständigen Dienststellen der Mitgliedstaaten in den Bereichen dieses Titels sowie die Zusammenarbeit zwischen diesen Dienststellen und der Kommission zu gewährleisten. Dabei beschließt er auf Vorschlag der Kommission vorbehaltlich des Artikels 76 und nach Anhörung des Europäischen Parlaments.

Artikel 75
(ex-Artikel 60 EGV)

Sofern dies notwendig ist, um die Ziele des Artikels 67 in Bezug auf die Verhütung und Bekämpfung von Terrorismus und damit verbundener Aktivitäten zu verwirklichen, schaffen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen einen Rahmen für Verwaltungsmaßnahmen in Bezug auf Kapitalbewegungen und Zahlungen, wozu das Einfrieren von Geldern, finanziellen Vermögenswerten oder wirtschaftlichen Erträgen gehören kann, deren Eigentümer oder Besitzer natürliche oder juristische Personen, Gruppierungen oder nichtstaatliche Einheiten sind.

Der Rat erlässt auf Vorschlag der Kommission Maßnahmen zur Umsetzung des in Absatz 1 genannten Rahmens.

In den Rechtsakten nach diesem Artikel müssen die erforderlichen Bestimmungen über den Rechtsschutz vorgesehen sein.

Artikel 76

Die in den Kapiteln 4 und 5 genannten Rechtsakte sowie die in Artikel 74 genannten Maßnahmen, mit denen die Verwaltungszusammenarbeit in den Bereichen der genannten Kapitel gewährleistet wird, werden wie folgt erlassen:

- a) auf Vorschlag der Kommission oder
- b) auf Initiative eines Viertels der Mitgliedstaaten.

KAPITEL 2

POLITIK IM BEREICH GRENZKONTROLLEN, ASYL UND EINWANDERUNG

Artikel 77
(ex-Artikel 62 EGV)

(1) Die Union entwickelt eine Politik, mit der

- a) sichergestellt werden soll, dass Personen unabhängig von ihrer Staatsangehörigkeit beim Überschreiten der Binnengrenzen nicht kontrolliert werden;

- b) die Personenkontrolle und die wirksame Überwachung des Grenzübertritts an den Außengrenzen sichergestellt werden soll;
- c) schrittweise ein integriertes Grenzschutzsystem an den Außengrenzen eingeführt werden soll.

(2) Für die Zwecke des Absatzes 1 erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen, die folgende Bereiche betreffen:

- a) die gemeinsame Politik in Bezug auf Visa und andere kurzfristige Aufenthaltstitel;
- b) die Kontrollen, denen Personen beim Überschreiten der Außengrenzen unterzogen werden;
- c) die Voraussetzungen, unter denen sich Drittstaatsangehörige innerhalb der Union während eines kurzen Zeitraums frei bewegen können;
- d) alle Maßnahmen, die für die schrittweise Einführung eines integrierten Grenzschutzsystems an den Außengrenzen erforderlich sind;
- e) die Abschaffung der Kontrolle von Personen gleich welcher Staatsangehörigkeit beim Überschreiten der Binnengrenzen.

(3) Erscheint zur Erleichterung der Ausübung des in Artikel 20 Absatz 2 Buchstabe a genannten Rechts ein Tätigwerden der Union erforderlich, so kann der Rat gemäß einem besonderen Gesetzgebungsverfahren Bestimmungen betreffend Pässe, Personalausweise, Aufenthaltstitel oder diesen gleichgestellte Dokumente erlassen, sofern die Verträge hierfür anderweitig keine Befugnisse vorsehen. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

(4) Dieser Artikel berührt nicht die Zuständigkeit der Mitgliedstaaten für die geografische Festlegung ihrer Grenzen nach dem Völkerrecht.

Artikel 78

(ex-Artikel 63 Nummern 1 und 2 und ex-Artikel 64 Absatz 2 EGV)

(1) Die Union entwickelt eine gemeinsame Politik im Bereich Asyl, subsidiärer Schutz und vorübergehender Schutz, mit der jedem Drittstaatsangehörigen, der internationalen Schutz benötigt, ein angemessener Status angeboten und die Einhaltung des Grundsatzes der Nicht-Zurückweisung gewährleistet werden soll. Diese Politik muss mit dem Genfer Abkommen vom 28. Juli 1951 und dem Protokoll vom 31. Januar 1967 über die Rechtsstellung der Flüchtlinge sowie den anderen einschlägigen Verträgen im Einklang stehen.

(2) Für die Zwecke des Absatzes 1 erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen in Bezug auf ein gemeinsames europäisches Asylsystem, das Folgendes umfasst:

- a) einen in der ganzen Union gültigen einheitlichen Asylstatus für Drittstaatsangehörige;
- b) einen einheitlichen subsidiären Schutzstatus für Drittstaatsangehörige, die keinen europäischen Asylstatus erhalten, aber internationalen Schutz benötigen;

- c) eine gemeinsame Regelung für den vorübergehenden Schutz von Vertriebenen im Falle eines Massenzustroms;
 - d) gemeinsame Verfahren für die Gewährung und den Entzug des einheitlichen Asylstatus beziehungsweise des subsidiären Schutzstatus;
 - e) Kriterien und Verfahren zur Bestimmung des Mitgliedstaats, der für die Prüfung eines Antrags auf Asyl oder subsidiären Schutz zuständig ist;
 - f) Normen über die Aufnahmebedingungen von Personen, die Asyl oder subsidiären Schutz beantragen;
 - g) Partnerschaft und Zusammenarbeit mit Drittländern zur Steuerung des Zustroms von Personen, die Asyl oder subsidiären beziehungsweise vorübergehenden Schutz beantragen.
- (3) Befinden sich ein oder mehrere Mitgliedstaaten aufgrund eines plötzlichen Zustroms von Drittstaatsangehörigen in einer Notlage, so kann der Rat auf Vorschlag der Kommission vorläufige Maßnahmen zugunsten der betreffenden Mitgliedstaaten erlassen. Er beschließt nach Anhörung des Europäischen Parlaments.

Artikel 79

(ex-Artikel 63 Nummern 3 und 4 EGV)

- (1) Die Union entwickelt eine gemeinsame Einwanderungspolitik, die in allen Phasen eine wirksame Steuerung der Migrationsströme, eine angemessene Behandlung von Drittstaatsangehörigen, die sich rechtmäßig in einem Mitgliedstaat aufhalten, sowie die Verhütung und verstärkte Bekämpfung von illegaler Einwanderung und Menschenhandel gewährleisten soll.
- (2) Für die Zwecke des Absatzes 1 erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen in folgenden Bereichen:
- a) Einreise- und Aufenthaltsvoraussetzungen sowie Normen für die Erteilung von Visa und Aufenthaltstiteln für einen langfristigen Aufenthalt, einschließlich solcher zur Familienzusammenführung, durch die Mitgliedstaaten;
 - b) Festlegung der Rechte von Drittstaatsangehörigen, die sich rechtmäßig in einem Mitgliedstaat aufhalten, einschließlich der Bedingungen, unter denen sie sich in den anderen Mitgliedstaaten frei bewegen und aufhalten dürfen;
 - c) illegale Einwanderung und illegaler Aufenthalt, einschließlich Abschiebung und Rückführung solcher Personen, die sich illegal in einem Mitgliedstaat aufhalten;
 - d) Bekämpfung des Menschenhandels, insbesondere des Handels mit Frauen und Kindern.
- (3) Die Union kann mit Drittländern Übereinkünfte über eine Rückübernahme von Drittstaatsangehörigen in ihr Ursprungs- oder Herkunftsland schließen, die die Voraussetzungen für die Einreise in das Hoheitsgebiet eines der Mitgliedstaaten oder die Anwesenheit oder den Aufenthalt in diesem Gebiet nicht oder nicht mehr erfüllen.

(4) Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten Maßnahmen festlegen, mit denen die Bemühungen der Mitgliedstaaten um die Integration der sich rechtmäßig in ihrem Hoheitsgebiet aufhaltenden Drittstaatsangehörigen gefördert und unterstützt werden.

(5) Dieser Artikel berührt nicht das Recht der Mitgliedstaaten, festzulegen, wie viele Drittstaatsangehörige aus Drittländern in ihr Hoheitsgebiet einreisen dürfen, um dort als Arbeitnehmer oder Selbstständige Arbeit zu suchen.

Artikel 80

Für die unter dieses Kapitel fallende Politik der Union und ihre Umsetzung gilt der Grundsatz der Solidarität und der gerechten Aufteilung der Verantwortlichkeiten unter den Mitgliedstaaten, einschließlich in finanzieller Hinsicht. Die aufgrund dieses Kapitels erlassenen Rechtsakte der Union enthalten, immer wenn dies erforderlich ist, entsprechende Maßnahmen für die Anwendung dieses Grundsatzes.

KAPITEL 3

JUSTIZIELLE ZUSAMMENARBEIT IN ZIVILSACHEN

Artikel 81

(ex-Artikel 65 EGV)

(1) Die Union entwickelt eine justizielle Zusammenarbeit in Zivilsachen mit grenzüberschreitendem Bezug, die auf dem Grundsatz der gegenseitigen Anerkennung gerichtlicher und außergerichtlicher Entscheidungen beruht. Diese Zusammenarbeit kann den Erlass von Maßnahmen zur Angleichung der Rechtsvorschriften der Mitgliedstaaten umfassen.

(2) Für die Zwecke des Absatzes 1 erlassen das Europäische Parlament und der Rat, insbesondere wenn dies für das reibungslose Funktionieren des Binnenmarkts erforderlich ist, gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen, die Folgendes sicherstellen sollen:

- a) die gegenseitige Anerkennung und die Vollstreckung gerichtlicher und außergerichtlicher Entscheidungen zwischen den Mitgliedstaaten;
- b) die grenzüberschreitende Zustellung gerichtlicher und außergerichtlicher Schriftstücke;
- c) die Vereinbarkeit der in den Mitgliedstaaten geltenden Kollisionsnormen und Vorschriften zur Vermeidung von Kompetenzkonflikten;
- d) die Zusammenarbeit bei der Erhebung von Beweismitteln;
- e) einen effektiven Zugang zum Recht;
- f) die Beseitigung von Hindernissen für die reibungslose Abwicklung von Zivilverfahren, erforderlichenfalls durch Förderung der Vereinbarkeit der in den Mitgliedstaaten geltenden zivilrechtlichen Verfahrensvorschriften;

- g) die Entwicklung von alternativen Methoden für die Beilegung von Streitigkeiten;
- h) die Förderung der Weiterbildung von Richtern und Justizbediensteten.

(3) Abweichend von Absatz 2 werden Maßnahmen zum Familienrecht mit grenzüberschreitendem Bezug vom Rat gemäß einem besonderen Gesetzgebungsverfahren festgelegt. Dieser beschließt einstimmig nach Anhörung des Europäischen Parlaments.

Der Rat kann auf Vorschlag der Kommission einen Beschluss erlassen, durch den die Aspekte des Familienrechts mit grenzüberschreitendem Bezug bestimmt werden, die Gegenstand von Rechtsakten sein können, die gemäß dem ordentlichen Gesetzgebungsverfahren erlassen werden. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

Der in Unterabsatz 2 genannte Vorschlag wird den nationalen Parlamenten übermittelt. Wird dieser Vorschlag innerhalb von sechs Monaten nach der Übermittlung von einem nationalen Parlament abgelehnt, so wird der Beschluss nicht erlassen. Wird der Vorschlag nicht abgelehnt, so kann der Rat den Beschluss erlassen.

KAPITEL 4

JUSTIZIELLE ZUSAMMENARBEIT IN STRAFSACHEN

Artikel 82 (ex-Artikel 31 EUV)

(1) Die justizielle Zusammenarbeit in Strafsachen in der Union beruht auf dem Grundsatz der gegenseitigen Anerkennung gerichtlicher Urteile und Entscheidungen und umfasst die Angleichung der Rechtsvorschriften der Mitgliedstaaten in den in Absatz 2 und in Artikel 83 genannten Bereichen.

Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen, um

- a) Regeln und Verfahren festzulegen, mit denen die Anerkennung aller Arten von Urteilen und gerichtlichen Entscheidungen in der gesamten Union sichergestellt wird;
- b) Kompetenzkonflikte zwischen den Mitgliedstaaten zu verhindern und beizulegen;
- c) die Weiterbildung von Richtern und Staatsanwälten sowie Justizbediensteten zu fördern;
- d) die Zusammenarbeit zwischen den Justizbehörden oder entsprechenden Behörden der Mitgliedstaaten im Rahmen der Strafverfolgung sowie des Vollzugs und der Vollstreckung von Entscheidungen zu erleichtern.

(2) Soweit dies zur Erleichterung der gegenseitigen Anerkennung gerichtlicher Urteile und Entscheidungen und der polizeilichen und justiziellen Zusammenarbeit in Strafsachen mit grenzüberschreitender Dimension erforderlich ist, können das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Richtlinien Mindestvorschriften festlegen. Bei diesen Mindestvorschriften werden die Unterschiede zwischen den Rechtsordnungen und -traditionen der Mitgliedstaaten berücksichtigt.

Die Vorschriften betreffen Folgendes:

- a) die Zulässigkeit von Beweismitteln auf gegenseitiger Basis zwischen den Mitgliedstaaten;
- b) die Rechte des Einzelnen im Strafverfahren;
- c) die Rechte der Opfer von Straftaten;
- d) sonstige spezifische Aspekte des Strafverfahrens, die zuvor vom Rat durch Beschluss bestimmt worden sind; dieser Beschluss wird vom Rat einstimmig nach Zustimmung des Europäischen Parlaments erlassen.

Der Erlass von Mindestvorschriften nach diesem Absatz hindert die Mitgliedstaaten nicht daran, ein höheres Schutzniveau für den Einzelnen beizubehalten oder einzuführen.

(3) Ist ein Mitglied des Rates der Auffassung, dass ein Entwurf einer Richtlinie nach Absatz 2 grundlegende Aspekte seiner Strafrechtsordnung berühren würde, so kann es beantragen, dass der Europäische Rat befasst wird. In diesem Fall wird das ordentliche Gesetzgebungsverfahren ausgesetzt. Nach einer Aussprache verweist der Europäische Rat im Falle eines Einvernehmens den Entwurf binnen vier Monaten nach Aussetzung des Verfahrens an den Rat zurück, wodurch die Aussetzung des ordentlichen Gesetzgebungsverfahrens beendet wird.

Sofern kein Einvernehmen erzielt wird, mindestens neun Mitgliedstaaten aber eine Verstärkte Zusammenarbeit auf der Grundlage des betreffenden Entwurfs einer Richtlinie begründen möchten, teilen diese Mitgliedstaaten dies binnen derselben Frist dem Europäischen Parlament, dem Rat und der Kommission mit. In diesem Fall gilt die Ermächtigung zu einer Verstärkten Zusammenarbeit nach Artikel 20 Absatz 2 des Vertrags über die Europäische Union und Artikel 329 Absatz 1 dieses Vertrags als erteilt, und die Bestimmungen über die Verstärkte Zusammenarbeit finden Anwendung.

Artikel 83
(ex-Artikel 31 EUV)

(1) Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren durch Richtlinien Mindestvorschriften zur Festlegung von Straftaten und Strafen in Bereichen besonders schwerer Kriminalität festlegen, die aufgrund der Art oder der Auswirkungen der Straftaten oder aufgrund einer besonderen Notwendigkeit, sie auf einer gemeinsamen Grundlage zu bekämpfen, eine grenzüberschreitende Dimension haben.

Derartige Kriminalitätsbereiche sind: Terrorismus, Menschenhandel und sexuelle Ausbeutung von Frauen und Kindern, illegaler Drogenhandel, illegaler Waffenhandel, Geldwäsche, Korruption, Fälschung von Zahlungsmitteln, Computerkriminalität und organisierte Kriminalität.

Je nach Entwicklung der Kriminalität kann der Rat einen Beschluss erlassen, in dem andere Kriminalitätsbereiche bestimmt werden, die die Kriterien dieses Absatzes erfüllen. Er beschließt einstimmig nach Zustimmung des Europäischen Parlaments.

(2) Erweist sich die Angleichung der strafrechtlichen Rechtsvorschriften der Mitgliedstaaten als unerlässlich für die wirksame Durchführung der Politik der Union auf einem Gebiet, auf dem Harmonisierungsmaßnahmen erfolgt sind, so können durch Richtlinien Mindestvorschriften für die Festlegung von Straftaten und Strafen auf dem betreffenden Gebiet festgelegt werden. Diese Richtlinien werden unbeschadet des Artikels 76 gemäß dem gleichen ordentlichen oder besonderen Gesetzgebungsverfahren wie die betreffenden Harmonisierungsmaßnahmen erlassen.

(3) Ist ein Mitglied des Rates der Auffassung, dass der Entwurf einer Richtlinie nach den Absätzen 1 oder 2 grundlegende Aspekte seiner Strafrechtsordnung berühren würde, so kann es beantragen, dass der Europäische Rat befasst wird. In diesem Fall wird das ordentliche Gesetzgebungsverfahren ausgesetzt. Nach einer Aussprache verweist der Europäische Rat im Falle eines Einvernehmens den Entwurf binnen vier Monaten nach Aussetzung des Verfahrens an den Rat zurück, wodurch die Aussetzung des ordentlichen Gesetzgebungsverfahrens beendet wird.

Sofern kein Einvernehmen erzielt wird, mindestens neun Mitgliedstaaten aber eine Verstärkte Zusammenarbeit auf der Grundlage des betreffenden Entwurfs einer Richtlinie begründen möchten, teilen diese Mitgliedstaaten dies binnen derselben Frist dem Europäischen Parlament, dem Rat und der Kommission mit. In diesem Fall gilt die Ermächtigung zu einer Verstärkten Zusammenarbeit nach Artikel 20 Absatz 2 des Vertrags über die Europäische Union und Artikel 329 Absatz 1 dieses Vertrags als erteilt, und die Bestimmungen über die Verstärkte Zusammenarbeit finden Anwendung.

Artikel 84

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten Maßnahmen festlegen, um das Vorgehen der Mitgliedstaaten im Bereich der Kriminalprävention zu fördern und zu unterstützen.

Artikel 85 (ex-Artikel 31 EUV)

(1) Eurojust hat den Auftrag, die Koordinierung und Zusammenarbeit zwischen den nationalen Behörden zu unterstützen und zu verstärken, die für die Ermittlung und Verfolgung von schwerer Kriminalität zuständig sind, wenn zwei oder mehr Mitgliedstaaten betroffen sind oder eine Verfolgung auf gemeinsamer Grundlage erforderlich ist; Eurojust stützt sich dabei auf die von den Behörden der Mitgliedstaaten und von Europol durchgeführten Operationen und gelieferten Informationen.

Zu diesem Zweck legen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen den Aufbau, die Arbeitsweise, den Tätigkeitsbereich und die Aufgaben von Eurojust fest. Zu diesen Aufgaben kann Folgendes gehören:

- a) Einleitung von strafrechtlichen Ermittlungsmaßnahmen sowie Vorschläge zur Einleitung von strafrechtlichen Verfolgungsmaßnahmen, die von den zuständigen nationalen Behörden durchgeführt werden, insbesondere bei Straftaten zum Nachteil der finanziellen Interessen der Union;
- b) Koordinierung der unter Buchstabe a genannten Ermittlungs- und Verfolgungsmaßnahmen;
- c) Verstärkung der justiziellen Zusammenarbeit, unter anderem auch durch die Beilegung von Kompetenzkonflikten und eine enge Zusammenarbeit mit dem Europäischen Justiziellen Netz.

Durch diese Verordnungen werden ferner die Einzelheiten für die Beteiligung des Europäischen Parlaments und der nationalen Parlamente an der Bewertung der Tätigkeit von Eurojust festgelegt.

(2) Im Rahmen der Strafverfolgungsmaßnahmen nach Absatz 1 werden die förmlichen Prozesshandlungen unbeschadet des Artikels 86 durch die zuständigen einzelstaatlichen Bediensteten vorgenommen.

Artikel 86

(1) Zur Bekämpfung von Straftaten zum Nachteil der finanziellen Interessen der Union kann der Rat gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen ausgehend von Eurojust eine Europäische Staatsanwaltschaft einsetzen. Der Rat beschließt einstimmig nach Zustimmung des Europäischen Parlaments.

Sofern keine Einstimmigkeit besteht, kann eine Gruppe von mindestens neun Mitgliedstaaten beantragen, dass der Europäische Rat mit dem Entwurf einer Verordnung befasst wird. In diesem Fall wird das Verfahren im Rat ausgesetzt. Nach einer Aussprache verweist der Europäische Rat im Falle eines Einvernehmens den Entwurf binnen vier Monaten nach Aussetzung des Verfahrens an den Rat zur Annahme zurück.

Sofern kein Einvernehmen erzielt wird, mindestens neun Mitgliedstaaten aber eine Verstärkte Zusammenarbeit auf der Grundlage des betreffenden Entwurfs einer Verordnung begründen möchten, teilen diese Mitgliedstaaten dies binnen derselben Frist dem Europäischen Parlament, dem Rat und der Kommission mit. In diesem Fall gilt die Ermächtigung zu einer Verstärkten Zusammenarbeit nach Artikel 20 Absatz 2 des Vertrags über die Europäische Union und Artikel 329 Absatz 1 dieses Vertrags als erteilt, und die Bestimmungen über die Verstärkte Zusammenarbeit finden Anwendung.

(2) Die Europäische Staatsanwaltschaft ist, gegebenenfalls in Verbindung mit Europol, zuständig für die strafrechtliche Untersuchung und Verfolgung sowie die Anklageerhebung in Bezug auf Personen, die als Täter oder Teilnehmer Straftaten zum Nachteil der finanziellen Interessen der Union begangen haben, die in der Verordnung nach Absatz 1 festgelegt sind. Die Europäische Staatsanwaltschaft nimmt bei diesen Straftaten vor den zuständigen Gerichten der Mitgliedstaaten die Aufgaben der Staatsanwaltschaft wahr.

(3) Die in Absatz 1 genannte Verordnung legt die Satzung der Europäischen Staatsanwaltschaft, die Einzelheiten für die Erfüllung ihrer Aufgaben, die für ihre Tätigkeit geltenden Verfahrensvorschriften sowie die Regeln für die Zulässigkeit von Beweismitteln und für die gerichtliche Kontrolle der von der Europäischen Staatsanwaltschaft bei der Erfüllung ihrer Aufgaben vorgenommenen Prozesshandlungen fest.

(4) Der Europäische Rat kann gleichzeitig mit der Annahme der Verordnung oder im Anschluss daran einen Beschluss zur Änderung des Absatzes 1 mit dem Ziel einer Ausdehnung der Befugnisse der Europäischen Staatsanwaltschaft auf die Bekämpfung der schweren Kriminalität mit grenzüberschreitender Dimension und zur entsprechenden Änderung des Absatzes 2 hinsichtlich Personen, die als Täter oder Teilnehmer schwere, mehr als einen Mitgliedstaat betreffende Straftaten begangen haben, erlassen. Der Europäische Rat beschließt einstimmig nach Zustimmung des Europäischen Parlaments und nach Anhörung der Kommission.

KAPITEL 5

POLIZEILICHE ZUSAMMENARBEIT

Artikel 87 (ex-Artikel 30 EUV)

(1) Die Union entwickelt eine polizeiliche Zusammenarbeit zwischen allen zuständigen Behörden der Mitgliedstaaten, einschließlich der Polizei, des Zolls und anderer auf die Verhütung oder die Aufdeckung von Straftaten sowie entsprechende Ermittlungen spezialisierter Strafverfolgungsbehörden.

(2) Für die Zwecke des Absatzes 1 können das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen erlassen, die Folgendes betreffen:

- a) Einholen, Speichern, Verarbeiten, Analysieren und Austauschen sachdienlicher Informationen;
- b) Unterstützung bei der Aus- und Weiterbildung von Personal sowie Zusammenarbeit in Bezug auf den Austausch von Personal, die Ausrüstungsgegenstände und die kriminaltechnische Forschung;
- c) gemeinsame Ermittlungstechniken zur Aufdeckung schwerwiegender Formen der organisierten Kriminalität.

(3) Der Rat kann gemäß einem besonderen Gesetzgebungsverfahren Maßnahmen erlassen, die die operative Zusammenarbeit zwischen den in diesem Artikel genannten Behörden betreffen. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

Sofern keine Einstimmigkeit besteht, kann eine Gruppe von mindestens neun Mitgliedstaaten beantragen, dass der Europäische Rat mit dem Entwurf von Maßnahmen befasst wird. In diesem Fall wird das Verfahren im Rat ausgesetzt. Nach einer Aussprache verweist der Europäische Rat im Falle eines Einvernehmens den Entwurf binnen vier Monaten nach Aussetzung des Verfahrens an den Rat zur Annahme zurück.

Sofern kein Einvernehmen erzielt wird, mindestens neun Mitgliedstaaten aber eine Verstärkte Zusammenarbeit auf der Grundlage des betreffenden Entwurfs von Maßnahmen begründen möchten, teilen diese Mitgliedstaaten dies binnen derselben Frist dem Europäischen Parlament, dem Rat und der Kommission mit. In diesem Fall gilt die Ermächtigung zu einer Verstärkten Zusammenarbeit nach Artikel 20 Absatz 2 des Vertrags über die Europäische Union und Artikel 329 Absatz 1 dieses Vertrags als erteilt, und die Bestimmungen über die Verstärkte Zusammenarbeit finden Anwendung.

Das besondere Verfahren nach den Unterabsätzen 2 und 3 gilt nicht für Rechtsakte, die eine Weiterentwicklung des Schengen-Besitzstands darstellen.

Artikel 88
(ex-Artikel 30 EUV)

(1) Europol hat den Auftrag, die Tätigkeit der Polizeibehörden und der anderen Strafverfolgungsbehörden der Mitgliedstaaten sowie deren gegenseitige Zusammenarbeit bei der Verhütung und Bekämpfung der zwei oder mehr Mitgliedstaaten betreffenden schweren Kriminalität, des Terrorismus und der Kriminalitätsformen, die ein gemeinsames Interesse verletzen, das Gegenstand einer Politik der Union ist, zu unterstützen und zu verstärken.

(2) Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen den Aufbau, die Arbeitsweise, den Tätigkeitsbereich und die Aufgaben von Europol fest. Zu diesen Aufgaben kann Folgendes gehören:

- a) Einholen, Speichern, Verarbeiten, Analysieren und Austauschen von Informationen, die insbesondere von den Behörden der Mitgliedstaaten oder Drittländern beziehungsweise Stellen außerhalb der Union übermittelt werden;
- b) Koordinierung, Organisation und Durchführung von Ermittlungen und von operativen Maßnahmen, die gemeinsam mit den zuständigen Behörden der Mitgliedstaaten oder im Rahmen gemeinsamer Ermittlungsgruppen durchgeführt werden, gegebenenfalls in Verbindung mit Eurojust.

Durch diese Verordnungen werden ferner die Einzelheiten für die Kontrolle der Tätigkeiten von Europol durch das Europäische Parlament festgelegt; an dieser Kontrolle werden die nationalen Parlamente beteiligt.

(3) Europol darf operative Maßnahmen nur in Verbindung und in Absprache mit den Behörden des Mitgliedstaats oder der Mitgliedstaaten ergreifen, deren Hoheitsgebiet betroffen ist. Die Anwendung von Zwangsmaßnahmen bleibt ausschließlich den zuständigen einzelstaatlichen Behörden vorbehalten.

Artikel 89
(ex-Artikel 32 EUV)

Der Rat legt gemäß einem besonderen Gesetzgebungsverfahren fest, unter welchen Bedingungen und innerhalb welcher Grenzen die in den Artikeln 82 und 87 genannten zuständigen Behörden der Mitgliedstaaten im Hoheitsgebiet eines anderen Mitgliedstaats in Verbindung und in Absprache mit dessen Behörden tätig werden dürfen. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

TITEL VI

DER VERKEHR

Artikel 90 (ex-Artikel 70 EGV)

Auf dem in diesem Titel geregelten Sachgebiet werden die Ziele der Verträge im Rahmen einer gemeinsamen Verkehrspolitik verfolgt.

Artikel 91 (ex-Artikel 71 EGV)

(1) Zur Durchführung des Artikels 90 werden das Europäische Parlament und der Rat unter Berücksichtigung der Besonderheiten des Verkehrs gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen

- a) für den internationalen Verkehr aus oder nach dem Hoheitsgebiet eines Mitgliedstaats oder für den Durchgangsverkehr durch das Hoheitsgebiet eines oder mehrerer Mitgliedstaaten gemeinsame Regeln aufstellen;
- b) für die Zulassung von Verkehrsunternehmen zum Verkehr innerhalb eines Mitgliedstaats, in dem sie nicht ansässig sind, die Bedingungen festlegen;
- c) Maßnahmen zur Verbesserung der Verkehrssicherheit erlassen;
- d) alle sonstigen zweckdienlichen Vorschriften erlassen.

(2) Beim Erlass von Maßnahmen nach Absatz 1 wird den Fällen Rechnung getragen, in denen die Anwendung den Lebensstandard und die Beschäftigungslage in bestimmten Regionen sowie den Betrieb der Verkehrseinrichtungen ernstlich beeinträchtigen könnte.

Artikel 92 (ex-Artikel 72 EGV)

Bis zum Erlass der in Artikel 91 Absatz 1 genannten Vorschriften darf ein Mitgliedstaat die verschiedenen, am 1. Januar 1958 oder, im Falle später beigetretener Staaten, zum Zeitpunkt ihres Beitritts auf diesem Gebiet geltenden Vorschriften in ihren unmittelbaren oder mittelbaren Auswirkungen auf die Verkehrsunternehmen anderer Mitgliedstaaten im Vergleich zu den inländischen Verkehrsunternehmen nicht ungünstiger gestalten, es sei denn, dass der Rat einstimmig eine Maßnahme billigt, die eine Ausnahmeregelung gewährt.

Artikel 93
(ex-Artikel 73 EGV)

Mit den Verträgen vereinbar sind Beihilfen, die den Erfordernissen der Koordinierung des Verkehrs oder der Abgeltung bestimmter, mit dem Begriff des öffentlichen Dienstes zusammenhängender Leistungen entsprechen.

Artikel 94
(ex-Artikel 74 EGV)

Jede Maßnahme auf dem Gebiet der Beförderungsentgelte und -bedingungen, die im Rahmen der Verträge getroffen wird, hat der wirtschaftlichen Lage der Verkehrsunternehmer Rechnung zu tragen.

Artikel 95
(ex-Artikel 75 EGV)

(1) Im Verkehr innerhalb der Union sind Diskriminierungen verboten, die darin bestehen, dass ein Verkehrsunternehmer in denselben Verkehrsverbindungen für die gleichen Güter je nach ihrem Herkunfts- oder Bestimmungsland unterschiedliche Frachten und Beförderungsbedingungen anwendet.

(2) Absatz 1 schließt sonstige Maßnahmen nicht aus, die das Europäische Parlament und der Rat gemäß Artikel 91 Absatz 1 treffen können.

(3) Der Rat trifft auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses eine Regelung zur Durchführung des Absatzes 1.

Er kann insbesondere die erforderlichen Vorschriften erlassen, um es den Organen der Union zu ermöglichen, für die Beachtung des Absatzes 1 Sorge zu tragen, und um den Verkehrsnutzern die Vorteile dieser Bestimmung voll zukommen zu lassen.

(4) Die Kommission prüft von sich aus oder auf Antrag eines Mitgliedstaats die Diskriminierungsfälle des Absatzes 1 und erlässt nach Beratung mit jedem in Betracht kommenden Mitgliedstaat die erforderlichen Beschlüsse im Rahmen der gemäß Absatz 3 getroffenen Regelung.

Artikel 96
(ex-Artikel 76 EGV)

(1) Im Verkehr innerhalb der Union sind die von einem Mitgliedstaat auferlegten Frachten und Beförderungsbedingungen verboten, die in irgendeiner Weise der Unterstützung oder dem Schutz eines oder mehrerer bestimmter Unternehmen oder Industrien dienen, es sei denn, dass die Kommission die Genehmigung hierzu erteilt.

(2) Die Kommission prüft von sich aus oder auf Antrag eines Mitgliedstaats die in Absatz 1 bezeichneten Frachten und Beförderungsbedingungen; hierbei berücksichtigt sie insbesondere sowohl die Erfordernisse einer angemessenen Standortpolitik, die Bedürfnisse der unterentwickelten Gebiete und die Probleme der durch politische Umstände schwer betroffenen Gebiete als auch die Auswirkungen dieser Frachten und Beförderungsbedingungen auf den Wettbewerb zwischen den Verkehrsarten.

Die Kommission erlässt die erforderlichen Beschlüsse nach Beratung mit jedem in Betracht kommenden Mitgliedstaat.

(3) Das in Absatz 1 genannte Verbot trifft nicht die Wettbewerbstarife.

Artikel 97
(ex-Artikel 77 EGV)

Die Abgaben oder Gebühren, die ein Verkehrsunternehmer neben den Frachten beim Grenzübergang in Rechnung stellt, dürfen unter Berücksichtigung der hierdurch tatsächlich verursachten Kosten eine angemessene Höhe nicht übersteigen.

Die Mitgliedstaaten werden bemüht sein, diese Kosten schrittweise zu verringern.

Die Kommission kann zur Durchführung dieses Artikels Empfehlungen an die Mitgliedstaaten richten.

Artikel 98
(ex-Artikel 78 EGV)

Die Bestimmungen dieses Titels stehen Maßnahmen in der Bundesrepublik Deutschland nicht entgegen, soweit sie erforderlich sind, um die wirtschaftlichen Nachteile auszugleichen, die der Wirtschaft bestimmter, von der Teilung Deutschlands betroffener Gebiete der Bundesrepublik aus dieser Teilung entstehen. Der Rat kann fünf Jahre nach dem Inkrafttreten des Vertrags von Lissabon auf Vorschlag der Kommission einen Beschluss erlassen, mit dem dieser Artikel aufgehoben wird.

Artikel 99
(ex-Artikel 79 EGV)

Bei der Kommission wird ein beratender Ausschuss gebildet; er besteht aus Sachverständigen, die von den Regierungen der Mitgliedstaaten ernannt werden. Die Kommission hört den Ausschuss je nach Bedarf in Verkehrsfragen an.

Artikel 100
(ex-Artikel 80 EGV)

(1) Dieser Titel gilt für die Beförderungen im Eisenbahn-, Straßen- und Binnenschiffsverkehr.

(2) Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren geeignete Vorschriften für die Seeschifffahrt und die Luftfahrt erlassen. Sie beschließen nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen.

TITEL VII

GEMEINSAME REGELN BETREFFEND WETTBEWERB, STEUERFRAGEN UND ANGLEICHUNG DER RECHTSVORSCHRIFTEN

KAPITEL 1

WETTBEWERBSREGELN

ABSCHNITT 1

VORSCHRIFTEN FÜR UNTERNEHMEN

Artikel 101 (ex-Artikel 81 EGV)

(1) Mit dem Binnenmarkt unvereinbar und verboten sind alle Vereinbarungen zwischen Unternehmen, Beschlüsse von Unternehmensvereinigungen und aufeinander abgestimmte Verhaltensweisen, welche den Handel zwischen Mitgliedstaaten zu beeinträchtigen geeignet sind und eine Verhinderung, Einschränkung oder Verfälschung des Wettbewerbs innerhalb des Binnenmarkts bezwecken oder bewirken, insbesondere

- a) die unmittelbare oder mittelbare Festsetzung der An- oder Verkaufspreise oder sonstiger Geschäftsbedingungen;
- b) die Einschränkung oder Kontrolle der Erzeugung, des Absatzes, der technischen Entwicklung oder der Investitionen;
- c) die Aufteilung der Märkte oder Versorgungsquellen;
- d) die Anwendung unterschiedlicher Bedingungen bei gleichwertigen Leistungen gegenüber Handelspartnern, wodurch diese im Wettbewerb benachteiligt werden;
- e) die an den Abschluss von Verträgen geknüpfte Bedingung, dass die Vertragspartner zusätzliche Leistungen annehmen, die weder sachlich noch nach Handelsbrauch in Beziehung zum Vertragsgegenstand stehen.

(2) Die nach diesem Artikel verbotenen Vereinbarungen oder Beschlüsse sind nichtig.

(3) Die Bestimmungen des Absatzes 1 können für nicht anwendbar erklärt werden auf

- Vereinbarungen oder Gruppen von Vereinbarungen zwischen Unternehmen,
- Beschlüsse oder Gruppen von Beschlüssen von Unternehmensvereinigungen,

— aufeinander abgestimmte Verhaltensweisen oder Gruppen von solchen,

die unter angemessener Beteiligung der Verbraucher an dem entstehenden Gewinn zur Verbesserung der Warenerzeugung oder -verteilung oder zur Förderung des technischen oder wirtschaftlichen Fortschritts beitragen, ohne dass den beteiligten Unternehmen

- a) Beschränkungen auferlegt werden, die für die Verwirklichung dieser Ziele nicht unerlässlich sind, oder
- b) Möglichkeiten eröffnet werden, für einen wesentlichen Teil der betreffenden Waren den Wettbewerb auszuschalten.

Artikel 102
(ex-Artikel 82 EGV)

Mit dem Binnenmarkt unvereinbar und verboten ist die missbräuchliche Ausnutzung einer beherrschenden Stellung auf dem Binnenmarkt oder auf einem wesentlichen Teil desselben durch ein oder mehrere Unternehmen, soweit dies dazu führen kann, den Handel zwischen Mitgliedstaaten zu beeinträchtigen.

Dieser Missbrauch kann insbesondere in Folgendem bestehen:

- a) der unmittelbaren oder mittelbaren Erzwingung von unangemessenen Einkaufs- oder Verkaufspreisen oder sonstigen Geschäftsbedingungen;
- b) der Einschränkung der Erzeugung, des Absatzes oder der technischen Entwicklung zum Schaden der Verbraucher;
- c) der Anwendung unterschiedlicher Bedingungen bei gleichwertigen Leistungen gegenüber Handelspartnern, wodurch diese im Wettbewerb benachteiligt werden;
- d) der an den Abschluss von Verträgen geknüpften Bedingung, dass die Vertragspartner zusätzliche Leistungen annehmen, die weder sachlich noch nach Handelsbrauch in Beziehung zum Vertragsgegenstand stehen.

Artikel 103
(ex-Artikel 83 EGV)

(1) Die zweckdienlichen Verordnungen oder Richtlinien zur Verwirklichung der in den Artikeln 101 und 102 niedergelegten Grundsätze werden vom Rat auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments beschlossen.

(2) Die in Absatz 1 vorgesehenen Vorschriften bezwecken insbesondere,

- a) die Beachtung der in Artikel 101 Absatz 1 und Artikel 102 genannten Verbote durch die Einführung von Geldbußen und Zwangsgeldern zu gewährleisten;

- b) die Einzelheiten der Anwendung des Artikels 101 Absatz 3 festzulegen; dabei ist dem Erfordernis einer wirksamen Überwachung bei möglichst einfacher Verwaltungskontrolle Rechnung zu tragen;
- c) gegebenenfalls den Anwendungsbereich der Artikel 101 und 102 für die einzelnen Wirtschaftszweige näher zu bestimmen;
- d) die Aufgaben der Kommission und des Gerichtshofs der Europäischen Union bei der Anwendung der in diesem Absatz vorgesehenen Vorschriften gegeneinander abzugrenzen;
- e) das Verhältnis zwischen den innerstaatlichen Rechtsvorschriften einerseits und den in diesem Abschnitt enthaltenen oder aufgrund dieses Artikels getroffenen Bestimmungen andererseits festzulegen.

Artikel 104
(ex-Artikel 84 EGV)

Bis zum Inkrafttreten der gemäß Artikel 103 erlassenen Vorschriften entscheiden die Behörden der Mitgliedstaaten im Einklang mit ihren eigenen Rechtsvorschriften und den Bestimmungen der Artikel 101, insbesondere Absatz 3, und 102 über die Zulässigkeit von Vereinbarungen, Beschlüssen und aufeinander abgestimmten Verhaltensweisen sowie über die missbräuchliche Ausnutzung einer beherrschenden Stellung auf dem Binnenmarkt.

Artikel 105
(ex-Artikel 85 EGV)

(1) Unbeschadet des Artikels 104 achtet die Kommission auf die Verwirklichung der in den Artikeln 101 und 102 niedergelegten Grundsätze. Sie untersucht auf Antrag eines Mitgliedstaats oder von Amts wegen in Verbindung mit den zuständigen Behörden der Mitgliedstaaten, die ihr Amtshilfe zu leisten haben, die Fälle, in denen Zuwiderhandlungen gegen diese Grundsätze vermutet werden. Stellt sie eine Zuwiderhandlung fest, so schlägt sie geeignete Mittel vor, um diese abzustellen.

(2) Wird die Zuwiderhandlung nicht abgestellt, so trifft die Kommission in einem mit Gründen versehenen Beschluss die Feststellung, dass eine derartige Zuwiderhandlung vorliegt. Sie kann den Beschluss veröffentlichen und die Mitgliedstaaten ermächtigen, die erforderlichen Abhilfemaßnahmen zu treffen, deren Bedingungen und Einzelheiten sie festlegt.

(3) Die Kommission kann Verordnungen zu den Gruppen von Vereinbarungen erlassen, zu denen der Rat nach Artikel 103 Absatz 2 Buchstabe b eine Verordnung oder Richtlinie erlassen hat.

Artikel 106
(ex-Artikel 86 EGV)

(1) Die Mitgliedstaaten werden in Bezug auf öffentliche Unternehmen und auf Unternehmen, denen sie besondere oder ausschließliche Rechte gewähren, keine den Verträgen und insbesondere den Artikeln 18 und 101 bis 109 widersprechende Maßnahmen treffen oder beibehalten.

(2) Für Unternehmen, die mit Dienstleistungen von allgemeinem wirtschaftlichem Interesse betraut sind oder den Charakter eines Finanzmonopols haben, gelten die Vorschriften der Verträge, insbesondere die Wettbewerbsregeln, soweit die Anwendung dieser Vorschriften nicht die Erfüllung der ihnen übertragenen besonderen Aufgabe rechtlich oder tatsächlich verhindert. Die Entwicklung des Handelsverkehrs darf nicht in einem Ausmaß beeinträchtigt werden, das dem Interesse der Union zuwiderläuft.

(3) Die Kommission achtet auf die Anwendung dieses Artikels und richtet erforderlichenfalls geeignete Richtlinien oder Beschlüsse an die Mitgliedstaaten.

ABSCHNITT 2

STAATLICHE BEIHILFEN

Artikel 107 (ex-Artikel 87 EGV)

(1) Soweit in den Verträgen nicht etwas anderes bestimmt ist, sind staatliche oder aus staatlichen Mitteln gewährte Beihilfen gleich welcher Art, die durch die Begünstigung bestimmter Unternehmen oder Produktionszweige den Wettbewerb verfälschen oder zu verfälschen drohen, mit dem Binnenmarkt unvereinbar, soweit sie den Handel zwischen Mitgliedstaaten beeinträchtigen.

(2) Mit dem Binnenmarkt vereinbar sind:

- a) Beihilfen sozialer Art an einzelne Verbraucher, wenn sie ohne Diskriminierung nach der Herkunft der Waren gewährt werden;
- b) Beihilfen zur Beseitigung von Schäden, die durch Naturkatastrophen oder sonstige außergewöhnliche Ereignisse entstanden sind;
- c) Beihilfen für die Wirtschaft bestimmter, durch die Teilung Deutschlands betroffener Gebiete der Bundesrepublik Deutschland, soweit sie zum Ausgleich der durch die Teilung verursachten wirtschaftlichen Nachteile erforderlich sind. Der Rat kann fünf Jahre nach dem Inkrafttreten des Vertrags von Lissabon auf Vorschlag der Kommission einen Beschluss erlassen, mit dem dieser Buchstabe aufgehoben wird.

(3) Als mit dem Binnenmarkt vereinbar können angesehen werden:

- a) Beihilfen zur Förderung der wirtschaftlichen Entwicklung von Gebieten, in denen die Lebenshaltung außergewöhnlich niedrig ist oder eine erhebliche Unterbeschäftigung herrscht, sowie der in Artikel 349 genannten Gebiete unter Berücksichtigung ihrer strukturellen, wirtschaftlichen und sozialen Lage;
- b) Beihilfen zur Förderung wichtiger Vorhaben von gemeinsamem europäischem Interesse oder zur Behebung einer beträchtlichen Störung im Wirtschaftsleben eines Mitgliedstaats;

- c) Beihilfen zur Förderung der Entwicklung gewisser Wirtschaftszweige oder Wirtschaftsgebiete, soweit sie die Handelsbedingungen nicht in einer Weise verändern, die dem gemeinsamen Interesse zuwiderläuft;
- d) Beihilfen zur Förderung der Kultur und der Erhaltung des kulturellen Erbes, soweit sie die Handels- und Wettbewerbsbedingungen in der Union nicht in einem Maß beeinträchtigen, das dem gemeinsamen Interesse zuwiderläuft;
- e) sonstige Arten von Beihilfen, die der Rat durch einen Beschluss auf Vorschlag der Kommission bestimmt.

Artikel 108
(ex-Artikel 88 EGV)

(1) Die Kommission überprüft fortlaufend in Zusammenarbeit mit den Mitgliedstaaten die in diesen bestehenden Beihilferegulungen. Sie schlägt ihnen die zweckdienlichen Maßnahmen vor, welche die fortschreitende Entwicklung und das Funktionieren des Binnenmarkts erfordern.

(2) Stellt die Kommission fest, nachdem sie den Beteiligten eine Frist zur Äußerung gesetzt hat, dass eine von einem Staat oder aus staatlichen Mitteln gewährte Beihilfe mit dem Binnenmarkt nach Artikel 107 unvereinbar ist oder dass sie missbräuchlich angewandt wird, so beschließt sie, dass der betreffende Staat sie binnen einer von ihr bestimmten Frist aufzuheben oder umzugestalten hat.

Kommt der betreffende Staat diesem Beschluss innerhalb der festgesetzten Frist nicht nach, so kann die Kommission oder jeder betroffene Staat in Abweichung von den Artikeln 258 und 259 den Gerichtshof der Europäischen Union unmittelbar anrufen.

Der Rat kann einstimmig auf Antrag eines Mitgliedstaats beschließen, dass eine von diesem Staat gewährte oder geplante Beihilfe in Abweichung von Artikel 107 oder von den nach Artikel 109 erlassenen Verordnungen als mit dem Binnenmarkt vereinbar gilt, wenn außergewöhnliche Umstände einen solchen Beschluss rechtfertigen. Hat die Kommission bezüglich dieser Beihilfe das in Unterabsatz 1 dieses Absatzes vorgesehene Verfahren bereits eingeleitet, so bewirkt der Antrag des betreffenden Staates an den Rat die Aussetzung dieses Verfahrens, bis der Rat sich geäußert hat.

Äußert sich der Rat nicht binnen drei Monaten nach Antragstellung, so beschließt die Kommission.

(3) Die Kommission wird von jeder beabsichtigten Einführung oder Umgestaltung von Beihilfen so rechtzeitig unterrichtet, dass sie sich dazu äußern kann. Ist sie der Auffassung, dass ein derartiges Vorhaben nach Artikel 107 mit dem Binnenmarkt unvereinbar ist, so leitet sie unverzüglich das in Absatz 2 vorgesehene Verfahren ein. Der betreffende Mitgliedstaat darf die beabsichtigte Maßnahme nicht durchführen, bevor die Kommission einen abschließenden Beschluss erlassen hat.

(4) Die Kommission kann Verordnungen zu den Arten von staatlichen Beihilfen erlassen, für die der Rat nach Artikel 109 festgelegt hat, dass sie von dem Verfahren nach Absatz 3 ausgenommen werden können.

Artikel 109
(ex-Artikel 89 EGV)

Der Rat kann auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments alle zweckdienlichen Durchführungsverordnungen zu den Artikeln 107 und 108 erlassen und insbesondere die Bedingungen für die Anwendung des Artikels 108 Absatz 3 sowie diejenigen Arten von Beihilfen festlegen, die von diesem Verfahren ausgenommen sind.

KAPITEL 2
STEUERLICHE VORSCHRIFTEN

Artikel 110
(ex-Artikel 90 EGV)

Die Mitgliedstaaten erheben auf Waren aus anderen Mitgliedstaaten weder unmittelbar noch mittelbar höhere inländische Abgaben gleich welcher Art, als gleichartige inländische Waren unmittelbar oder mittelbar zu tragen haben.

Die Mitgliedstaaten erheben auf Waren aus anderen Mitgliedstaaten keine inländischen Abgaben, die geeignet sind, andere Produktionen mittelbar zu schützen.

Artikel 111
(ex-Artikel 91 EGV)

Werden Waren in das Hoheitsgebiet eines Mitgliedstaats ausgeführt, so darf die Rückvergütung für inländische Abgaben nicht höher sein als die auf die ausgeführten Waren mittelbar oder unmittelbar erhobenen inländischen Abgaben.

Artikel 112
(ex-Artikel 92 EGV)

Für Abgaben außer Umsatzsteuern, Verbrauchsabgaben und sonstigen indirekten Steuern sind Entlastungen und Rückvergütungen bei der Ausfuhr nach anderen Mitgliedstaaten sowie Ausgleichs-abgaben bei der Einfuhr aus den Mitgliedstaaten nur zulässig, soweit der Rat sie vorher auf Vorschlag der Kommission für eine begrenzte Frist genehmigt hat.

Artikel 113
(ex-Artikel 93 EGV)

Der Rat erlässt gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses einstimmig die Bestimmungen zur Harmonisierung der Rechtsvorschriften über die Umsatzsteuern, die Verbrauchsabgaben und sonstige indirekte Steuern, soweit diese Harmonisierung für die Errichtung und das Funktionieren des Binnenmarkts und die Vermeidung von Wettbewerbsverzerrungen notwendig ist.

KAPITEL 3
ANGLEICHUNG DER RECHTSVORSCHRIFTEN

Artikel 114
(ex-Artikel 95 EGV)

- (1) Soweit in den Verträgen nichts anderes bestimmt ist, gilt für die Verwirklichung der Ziele des Artikels 26 die nachstehende Regelung. Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses die Maßnahmen zur Angleichung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, welche die Errichtung und das Funktionieren des Binnenmarkts zum Gegenstand haben.
- (2) Absatz 1 gilt nicht für die Bestimmungen über die Steuern, die Bestimmungen über die Freizügigkeit und die Bestimmungen über die Rechte und Interessen der Arbeitnehmer.
- (3) Die Kommission geht in ihren Vorschlägen nach Absatz 1 in den Bereichen Gesundheit, Sicherheit, Umweltschutz und Verbraucherschutz von einem hohen Schutzniveau aus und berücksichtigt dabei insbesondere alle auf wissenschaftliche Ergebnisse gestützten neuen Entwicklungen. Im Rahmen ihrer jeweiligen Befugnisse streben das Europäische Parlament und der Rat dieses Ziel ebenfalls an.
- (4) Hält es ein Mitgliedstaat nach dem Erlass einer Harmonisierungsmaßnahme durch das Europäische Parlament und den Rat beziehungsweise durch den Rat oder die Kommission für erforderlich, einzelstaatliche Bestimmungen beizubehalten, die durch wichtige Erfordernisse im Sinne des Artikels 36 oder in Bezug auf den Schutz der Arbeitsumwelt oder den Umweltschutz gerechtfertigt sind, so teilt er diese Bestimmungen sowie die Gründe für ihre Beibehaltung der Kommission mit.
- (5) Unbeschadet des Absatzes 4 teilt ferner ein Mitgliedstaat, der es nach dem Erlass einer Harmonisierungsmaßnahme durch das Europäische Parlament und den Rat beziehungsweise durch den Rat oder die Kommission für erforderlich hält, auf neue wissenschaftliche Erkenntnisse gestützte einzelstaatliche Bestimmungen zum Schutz der Umwelt oder der Arbeitsumwelt aufgrund eines spezifischen Problems für diesen Mitgliedstaat, das sich nach dem Erlass der Harmonisierungsmaßnahme ergibt, einzuführen, die in Aussicht genommenen Bestimmungen sowie die Gründe für ihre Einführung der Kommission mit.

(6) Die Kommission beschließt binnen sechs Monaten nach den Mitteilungen nach den Absätzen 4 und 5, die betreffenden einzelstaatlichen Bestimmungen zu billigen oder abzulehnen, nachdem sie geprüft hat, ob sie ein Mittel zur willkürlichen Diskriminierung und eine verschleierte Beschränkung des Handels zwischen den Mitgliedstaaten darstellen und ob sie das Funktionieren des Binnenmarkts behindern.

Erlässt die Kommission innerhalb dieses Zeitraums keinen Beschluss, so gelten die in den Absätzen 4 und 5 genannten einzelstaatlichen Bestimmungen als gebilligt.

Die Kommission kann, sofern dies aufgrund des schwierigen Sachverhalts gerechtfertigt ist und keine Gefahr für die menschliche Gesundheit besteht, dem betreffenden Mitgliedstaat mitteilen, dass der in diesem Absatz genannte Zeitraum gegebenenfalls um einen weiteren Zeitraum von bis zu sechs Monaten verlängert wird.

(7) Wird es einem Mitgliedstaat nach Absatz 6 gestattet, von der Harmonisierungsmaßnahme abweichende einzelstaatliche Bestimmungen beizubehalten oder einzuführen, so prüft die Kommission unverzüglich, ob sie eine Anpassung dieser Maßnahme vorschlägt.

(8) Wirft ein Mitgliedstaat in einem Bereich, der zuvor bereits Gegenstand von Harmonisierungsmaßnahmen war, ein spezielles Gesundheitsproblem auf, so teilt er dies der Kommission mit, die dann umgehend prüft, ob sie dem Rat entsprechende Maßnahmen vorschlägt.

(9) In Abweichung von dem Verfahren der Artikel 258 und 259 kann die Kommission oder ein Mitgliedstaat den Gerichtshof der Europäischen Union unmittelbar anrufen, wenn die Kommission oder der Staat der Auffassung ist, dass ein anderer Mitgliedstaat die in diesem Artikel vorgesehenen Befugnisse missbraucht.

(10) Die vorgenannten Harmonisierungsmaßnahmen sind in geeigneten Fällen mit einer Schutzklausel verbunden, welche die Mitgliedstaaten ermächtigt, aus einem oder mehreren der in Artikel 36 genannten nicht wirtschaftlichen Gründe vorläufige Maßnahmen zu treffen, die einem Kontrollverfahren der Union unterliegen.

Artikel 115 (ex-Artikel 94 EGV)

Unbeschadet des Artikels 114 erlässt der Rat gemäß einem besonderen Gesetzgebungsverfahren einstimmig und nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses Richtlinien für die Angleichung derjenigen Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, die sich unmittelbar auf die Errichtung oder das Funktionieren des Binnenmarkts auswirken.

Artikel 116 (ex-Artikel 96 EGV)

Stellt die Kommission fest, dass vorhandene Unterschiede in den Rechts- und Verwaltungsvorschriften der Mitgliedstaaten die Wettbewerbsbedingungen auf dem Binnenmarkt verfälschen und dadurch eine Verzerrung hervorrufen, die zu beseitigen ist, so tritt sie mit den betreffenden Mitgliedstaaten in Beratungen ein.

Führen diese Beratungen nicht zur Beseitigung dieser Verzerrung, so erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren die erforderlichen Richtlinien. Es können alle sonstigen in den Verträgen vorgesehenen zweckdienlichen Maßnahmen erlassen werden.

Artikel 117
(ex-Artikel 97 EGV)

(1) Ist zu befürchten, dass der Erlass oder die Änderung einer Rechts- oder Verwaltungsvorschrift eine Verzerrung im Sinne des Artikels 116 verursacht, so setzt sich der Mitgliedstaat, der diese Maßnahme beabsichtigt, mit der Kommission ins Benehmen. Diese empfiehlt nach Beratung mit den Mitgliedstaaten den beteiligten Staaten die zur Vermeidung dieser Verzerrung geeigneten Maßnahmen.

(2) Kommt der Staat, der innerstaatliche Vorschriften erlassen oder ändern will, der an ihn gerichteten Empfehlung der Kommission nicht nach, so kann nicht gemäß Artikel 116 verlangt werden, dass die anderen Mitgliedstaaten ihre innerstaatlichen Vorschriften ändern, um die Verzerrung zu beseitigen. Verursacht ein Mitgliedstaat, der die Empfehlung der Kommission außer Acht lässt, eine Verzerrung lediglich zu seinem eigenen Nachteil, so findet Artikel 116 keine Anwendung.

Artikel 118

Im Rahmen der Verwirklichung oder des Funktionierens des Binnenmarkts erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen zur Schaffung europäischer Rechtstitel über einen einheitlichen Schutz der Rechte des geistigen Eigentums in der Union sowie zur Einführung von zentralisierten Zulassungs-, Koordinierungs- und Kontrollregelungen auf Unionsebene.

Der Rat legt gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen die Sprachenregelungen für die europäischen Rechtstitel fest. Der Rat beschließt einstimmig nach Anhörung des Europäischen Parlaments.

TITEL VIII

DIE WIRTSCHAFTS- UND WÄHRUNGSPOLITIK

Artikel 119
(ex-Artikel 4 EGV)

(1) Die Tätigkeit der Mitgliedstaaten und der Union im Sinne des Artikels 3 des Vertrags über die Europäische Union umfasst nach Maßgabe der Verträge die Einführung einer Wirtschaftspolitik, die auf einer engen Koordinierung der Wirtschaftspolitik der Mitgliedstaaten, dem Binnenmarkt und der Festlegung gemeinsamer Ziele beruht und dem Grundsatz einer offenen Marktwirtschaft mit freiem Wettbewerb verpflichtet ist.

(2) Parallel dazu umfasst diese Tätigkeit nach Maßgabe der Verträge und der darin vorgesehenen Verfahren eine einheitliche Währung, den Euro, sowie die Festlegung und Durchführung einer einheitlichen Geld- sowie Wechselkurspolitik, die beide vorrangig das Ziel der Preisstabilität verfolgen und unbeschadet dieses Zieles die allgemeine Wirtschaftspolitik in der Union unter Beachtung des Grundsatzes einer offenen Marktwirtschaft mit freiem Wettbewerb unterstützen sollen.

(3) Diese Tätigkeit der Mitgliedstaaten und der Union setzt die Einhaltung der folgenden richtungsweisenden Grundsätze voraus: stabile Preise, gesunde öffentliche Finanzen und monetäre Rahmenbedingungen sowie eine dauerhaft finanzierbare Zahlungsbilanz.

KAPITEL 1

DIE WIRTSCHAFTSPOLITIK

Artikel 120 (ex-Artikel 98 EGV)

Die Mitgliedstaaten richten ihre Wirtschaftspolitik so aus, dass sie im Rahmen der in Artikel 121 Absatz 2 genannten Grundzüge zur Verwirklichung der Ziele der Union im Sinne des Artikels 3 des Vertrags über die Europäische Union beitragen. Die Mitgliedstaaten und die Union handeln im Einklang mit dem Grundsatz einer offenen Marktwirtschaft mit freiem Wettbewerb, wodurch ein effizienter Einsatz der Ressourcen gefördert wird, und halten sich dabei an die in Artikel 119 genannten Grundsätze.

Artikel 121 (ex-Artikel 99 EGV)

(1) Die Mitgliedstaaten betrachten ihre Wirtschaftspolitik als eine Angelegenheit von gemeinsamem Interesse und koordinieren sie im Rat nach Maßgabe des Artikels 120.

(2) Der Rat erstellt auf Empfehlung der Kommission einen Entwurf für die Grundzüge der Wirtschaftspolitik der Mitgliedstaaten und der Union und erstattet dem Europäischen Rat hierüber Bericht.

Der Europäische Rat erörtert auf der Grundlage dieses Berichtes des Rates eine Schlussfolgerung zu den Grundzügen der Wirtschaftspolitik der Mitgliedstaaten und der Union.

Auf der Grundlage dieser Schlussfolgerung verabschiedet der Rat eine Empfehlung, in der diese Grundzüge dargelegt werden. Der Rat unterrichtet das Europäische Parlament über seine Empfehlung.

(3) Um eine engere Koordinierung der Wirtschaftspolitik und eine dauerhafte Konvergenz der Wirtschaftsleistungen der Mitgliedstaaten zu gewährleisten, überwacht der Rat anhand von Berichten der Kommission die wirtschaftliche Entwicklung in jedem Mitgliedstaat und in der Union sowie die Vereinbarkeit der Wirtschaftspolitik mit den in Absatz 2 genannten Grundzügen und nimmt in regelmäßigen Abständen eine Gesamtbewertung vor.

Zum Zwecke dieser multilateralen Überwachung übermitteln die Mitgliedstaaten der Kommission Angaben zu wichtigen einzelstaatlichen Maßnahmen auf dem Gebiet ihrer Wirtschaftspolitik sowie weitere von ihnen für erforderlich erachtete Angaben.

(4) Wird im Rahmen des Verfahrens nach Absatz 3 festgestellt, dass die Wirtschaftspolitik eines Mitgliedstaats nicht mit den in Absatz 2 genannten Grundzügen vereinbar ist oder das ordnungsgemäße Funktionieren der Wirtschafts- und Währungsunion zu gefährden droht, so kann die Kommission eine Verwarnung an den betreffenden Mitgliedstaat richten. Der Rat kann auf Empfehlung der Kommission die erforderlichen Empfehlungen an den betreffenden Mitgliedstaat richten. Der Rat kann auf Vorschlag der Kommission beschließen, seine Empfehlungen zu veröffentlichen.

Der Rat beschließt im Rahmen dieses Absatzes ohne Berücksichtigung der Stimme des den betreffenden Mitgliedstaat vertretenden Mitglieds des Rates.

Die qualifizierte Mehrheit der übrigen Mitglieder des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

(5) Der Präsident des Rates und die Kommission erstatten dem Europäischen Parlament über die Ergebnisse der multilateralen Überwachung Bericht. Der Präsident des Rates kann ersucht werden, vor dem zuständigen Ausschuss des Europäischen Parlaments zu erscheinen, wenn der Rat seine Empfehlungen veröffentlicht hat.

(6) Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen die Einzelheiten des Verfahrens der multilateralen Überwachung im Sinne der Absätze 3 und 4 festlegen.

Artikel 122 (ex-Artikel 100 EGV)

(1) Der Rat kann auf Vorschlag der Kommission unbeschadet der sonstigen in den Verträgen vorgesehenen Verfahren im Geiste der Solidarität zwischen den Mitgliedstaaten über die der Wirtschaftslage angemessenen Maßnahmen beschließen, insbesondere falls gravierende Schwierigkeiten in der Versorgung mit bestimmten Waren, vor allem im Energiebereich, auftreten.

(2) Ist ein Mitgliedstaat aufgrund von Naturkatastrophen oder außergewöhnlichen Ereignissen, die sich seiner Kontrolle entziehen, von Schwierigkeiten betroffen oder von gravierenden Schwierigkeiten ernstlich bedroht, so kann der Rat auf Vorschlag der Kommission beschließen, dem betreffenden Mitgliedstaat unter bestimmten Bedingungen einen finanziellen Beistand der Union zu gewähren. Der Präsident des Rates unterrichtet das Europäische Parlament über den Beschluss.

Artikel 123
(ex-Artikel 101 EGV)

(1) Überziehungs- oder andere Kreditfazilitäten bei der Europäischen Zentralbank oder den Zentralbanken der Mitgliedstaaten (im Folgenden als „nationale Zentralbanken“ bezeichnet) für Organe, Einrichtungen oder sonstige Stellen der Union, Zentralregierungen, regionale oder lokale Gebietskörperschaften oder andere öffentlich-rechtliche Körperschaften, sonstige Einrichtungen des öffentlichen Rechts oder öffentliche Unternehmen der Mitgliedstaaten sind ebenso verboten wie der unmittelbare Erwerb von Schuldtiteln von diesen durch die Europäische Zentralbank oder die nationalen Zentralbanken.

(2) Die Bestimmungen des Absatzes 1 gelten nicht für Kreditinstitute in öffentlichem Eigentum; diese werden von der jeweiligen nationalen Zentralbank und der Europäischen Zentralbank, was die Bereitstellung von Zentralbankgeld betrifft, wie private Kreditinstitute behandelt.

Artikel 124
(ex-Artikel 102 EGV)

Maßnahmen, die nicht aus aufsichtsrechtlichen Gründen getroffen werden und einen bevorrechtigten Zugang der Organe, Einrichtungen oder sonstigen Stellen der Union, der Zentralregierungen, der regionalen oder lokalen Gebietskörperschaften oder anderen öffentlich-rechtlichen Körperschaften, sonstiger Einrichtungen des öffentlichen Rechts oder öffentlicher Unternehmen der Mitgliedstaaten zu den Finanzinstituten schaffen, sind verboten.

Artikel 125
(ex-Artikel 103 EGV)

(1) Die Union haftet nicht für die Verbindlichkeiten der Zentralregierungen, der regionalen oder lokalen Gebietskörperschaften oder anderen öffentlich-rechtlichen Körperschaften, sonstiger Einrichtungen des öffentlichen Rechts oder öffentlicher Unternehmen von Mitgliedstaaten und tritt nicht für derartige Verbindlichkeiten ein; dies gilt unbeschadet der gegenseitigen finanziellen Garantien für die gemeinsame Durchführung eines bestimmten Vorhabens. Ein Mitgliedstaat haftet nicht für die Verbindlichkeiten der Zentralregierungen, der regionalen oder lokalen Gebietskörperschaften oder anderen öffentlich-rechtlichen Körperschaften, sonstiger Einrichtungen des öffentlichen Rechts oder öffentlicher Unternehmen eines anderen Mitgliedstaats und tritt nicht für derartige Verbindlichkeiten ein; dies gilt unbeschadet der gegenseitigen finanziellen Garantien für die gemeinsame Durchführung eines bestimmten Vorhabens.

(2) Der Rat kann erforderlichenfalls auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments die Definitionen für die Anwendung der in den Artikeln 123 und 124 sowie in diesem Artikel vorgesehenen Verbote näher bestimmen.

Artikel 126
(ex-Artikel 104 EGV)

(1) Die Mitgliedstaaten vermeiden übermäßige öffentliche Defizite.

(2) Die Kommission überwacht die Entwicklung der Haushaltslage und der Höhe des öffentlichen Schuldenstands in den Mitgliedstaaten im Hinblick auf die Feststellung schwerwiegender Fehler. Insbesondere prüft sie die Einhaltung der Haushaltsdisziplin anhand von zwei Kriterien, nämlich daran,

- a) ob das Verhältnis des geplanten oder tatsächlichen öffentlichen Defizits zum Bruttoinlandsprodukt einen bestimmten Referenzwert überschreitet, es sei denn, dass
 - entweder das Verhältnis erheblich und laufend zurückgegangen ist und einen Wert in der Nähe des Referenzwerts erreicht hat
 - oder der Referenzwert nur ausnahmsweise und vorübergehend überschritten wird und das Verhältnis in der Nähe des Referenzwerts bleibt,
- b) ob das Verhältnis des öffentlichen Schuldenstands zum Bruttoinlandsprodukt einen bestimmten Referenzwert überschreitet, es sei denn, dass das Verhältnis hinreichend rückläufig ist und sich rasch genug dem Referenzwert nähert.

Die Referenzwerte werden in einem den Verträgen beigefügten Protokoll über das Verfahren bei einem übermäßigen Defizit im Einzelnen festgelegt.

(3) Erfüllt ein Mitgliedstaat keines oder nur eines dieser Kriterien, so erstellt die Kommission einen Bericht. In diesem Bericht wird berücksichtigt, ob das öffentliche Defizit die öffentlichen Ausgaben für Investitionen übertrifft; berücksichtigt werden ferner alle sonstigen einschlägigen Faktoren, einschließlich der mittelfristigen Wirtschafts- und Haushaltslage des Mitgliedstaats.

Die Kommission kann ferner einen Bericht erstellen, wenn sie ungeachtet der Erfüllung der Kriterien der Auffassung ist, dass in einem Mitgliedstaat die Gefahr eines übermäßigen Defizits besteht.

(4) Der Wirtschafts- und Finanzausschuss gibt eine Stellungnahme zu dem Bericht der Kommission ab.

(5) Ist die Kommission der Auffassung, dass in einem Mitgliedstaat ein übermäßiges Defizit besteht oder sich ergeben könnte, so legt sie dem betreffenden Mitgliedstaat eine Stellungnahme vor und unterrichtet den Rat.

(6) Der Rat beschließt auf Vorschlag der Kommission und unter Berücksichtigung der Bemerkungen, die der betreffende Mitgliedstaat gegebenenfalls abzugeben wünscht, nach Prüfung der Gesamtlage, ob ein übermäßiges Defizit besteht.

(7) Stellt der Rat nach Absatz 6 ein übermäßiges Defizit fest, so richtet er auf Empfehlung der Kommission unverzüglich Empfehlungen an den betreffenden Mitgliedstaat mit dem Ziel, dieser Lage innerhalb einer bestimmten Frist abzuhelpfen. Vorbehaltlich des Absatzes 8 werden diese Empfehlungen nicht veröffentlicht.

(8) Stellt der Rat fest, dass seine Empfehlungen innerhalb der gesetzten Frist keine wirksamen Maßnahmen ausgelöst haben, so kann er seine Empfehlungen veröffentlichen.

(9) Falls ein Mitgliedstaat den Empfehlungen des Rates weiterhin nicht Folge leistet, kann der Rat beschließen, den Mitgliedstaat mit der Maßgabe in Verzug zu setzen, innerhalb einer bestimmten Frist Maßnahmen für den nach Auffassung des Rates zur Sanierung erforderlichen Defizitabbau zu treffen.

Der Rat kann in diesem Fall den betreffenden Mitgliedstaat ersuchen, nach einem konkreten Zeitplan Berichte vorzulegen, um die Anpassungsbemühungen des Mitgliedstaats überprüfen zu können.

(10) Das Recht auf Klageerhebung nach den Artikeln 258 und 259 kann im Rahmen der Absätze 1 bis 9 dieses Artikels nicht ausgeübt werden.

(11) Solange ein Mitgliedstaat einen Beschluss nach Absatz 9 nicht befolgt, kann der Rat beschließen, eine oder mehrere der nachstehenden Maßnahmen anzuwenden oder gegebenenfalls zu verschärfen, nämlich

- von dem betreffenden Mitgliedstaat verlangen, vor der Emission von Schuldverschreibungen und sonstigen Wertpapieren vom Rat näher zu bezeichnende zusätzliche Angaben zu veröffentlichen,
- die Europäische Investitionsbank ersuchen, ihre Darlehenspolitik gegenüber dem Mitgliedstaat zu überprüfen,
- von dem Mitgliedstaat verlangen, eine unverzinsliche Einlage in angemessener Höhe bei der Union zu hinterlegen, bis das übermäßige Defizit nach Ansicht des Rates korrigiert worden ist,
- Geldbußen in angemessener Höhe verhängen.

Der Präsident des Rates unterrichtet das Europäische Parlament von den Beschlüssen.

(12) Der Rat hebt einige oder sämtliche Beschlüsse oder Empfehlungen nach den Absätzen 6 bis 9 und 11 so weit auf, wie das übermäßige Defizit in dem betreffenden Mitgliedstaat nach Ansicht des Rates korrigiert worden ist. Hat der Rat zuvor Empfehlungen veröffentlicht, so stellt er, sobald der Beschluss nach Absatz 8 aufgehoben worden ist, in einer öffentlichen Erklärung fest, dass in dem betreffenden Mitgliedstaat kein übermäßiges Defizit mehr besteht.

(13) Die Beschlussfassung und die Empfehlungen des Rates nach den Absätzen 8, 9, 11 und 12 erfolgen auf Empfehlung der Kommission.

Erlässt der Rat Maßnahmen nach den Absätzen 6 bis 9 sowie den Absätzen 11 und 12, so beschließt er ohne Berücksichtigung der Stimme des den betreffenden Mitgliedstaat vertretenden Mitglieds des Rates.

Die qualifizierte Mehrheit der übrigen Mitglieder des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

(14) Weitere Bestimmungen über die Durchführung des in diesem Artikel beschriebenen Verfahrens sind in dem den Verträgen beigefügten Protokoll über das Verfahren bei einem übermäßigen Defizit enthalten.

Der Rat verabschiedet gemäß einem besonderen Gesetzgebungsverfahren einstimmig und nach Anhörung des Europäischen Parlaments sowie der Europäischen Zentralbank die geeigneten Bestimmungen, die sodann das genannte Protokoll ablösen.

Der Rat beschließt vorbehaltlich der sonstigen Bestimmungen dieses Absatzes auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments nähere Einzelheiten und Begriffsbestimmungen für die Durchführung des genannten Protokolls.

KAPITEL 2

DIE WÄHRUNGSPOLITIK

Artikel 127

(ex-Artikel 105 EGV)

(1) Das vorrangige Ziel des Europäischen Systems der Zentralbanken (im Folgenden „ESZB“) ist es, die Preisstabilität zu gewährleisten. Soweit dies ohne Beeinträchtigung des Zieles der Preisstabilität möglich ist, unterstützt das ESZB die allgemeine Wirtschaftspolitik in der Union, um zur Verwirklichung der in Artikel 3 des Vertrags über die Europäische Union festgelegten Ziele der Union beizutragen. Das ESZB handelt im Einklang mit dem Grundsatz einer offenen Marktwirtschaft mit freiem Wettbewerb, wodurch ein effizienter Einsatz der Ressourcen gefördert wird, und hält sich dabei an die in Artikel 119 genannten Grundsätze.

(2) Die grundlegenden Aufgaben des ESZB bestehen darin,

- die Geldpolitik der Union festzulegen und auszuführen,
- Devisengeschäfte im Einklang mit Artikel 219 durchzuführen,
- die offiziellen Währungsreserven der Mitgliedstaaten zu halten und zu verwalten,
- das reibungslose Funktionieren der Zahlungssysteme zu fördern.

(3) Absatz 2 dritter Gedankenstrich berührt nicht die Haltung und Verwaltung von Arbeitsguthaben in Fremdwährungen durch die Regierungen der Mitgliedstaaten.

(4) Die Europäische Zentralbank wird gehört

- zu allen Vorschlägen für Rechtsakte der Union im Zuständigkeitsbereich der Europäischen Zentralbank,
- von den nationalen Behörden zu allen Entwürfen für Rechtsvorschriften im Zuständigkeitsbereich der Europäischen Zentralbank, und zwar innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 129 Absatz 4 festlegt.

Die Europäische Zentralbank kann gegenüber den zuständigen Organen, Einrichtungen oder sonstigen Stellen der Union und gegenüber den nationalen Behörden Stellungnahmen zu in ihren Zuständigkeitsbereich fallenden Fragen abgeben.

(5) Das ESZB trägt zur reibungslosen Durchführung der von den zuständigen Behörden auf dem Gebiet der Aufsicht über die Kreditinstitute und der Stabilität des Finanzsystems ergriffenen Maßnahmen bei.

(6) Der Rat kann einstimmig durch Verordnungen gemäß einem besonderen Gesetzgebungsverfahren und nach Anhörung des Europäischen Parlaments und der Europäischen Zentralbank besondere Aufgaben im Zusammenhang mit der Aufsicht über Kreditinstitute und sonstige Finanzinstitute mit Ausnahme von Versicherungsunternehmen der Europäischen Zentralbank übertragen.

Artikel 128
(ex-Artikel 106 EGV)

(1) Die Europäische Zentralbank hat das ausschließliche Recht, die Ausgabe von Euro-Banknoten innerhalb der Union zu genehmigen. Die Europäische Zentralbank und die nationalen Zentralbanken sind zur Ausgabe dieser Banknoten berechtigt. Die von der Europäischen Zentralbank und den nationalen Zentralbanken ausgegebenen Banknoten sind die einzigen Banknoten, die in der Union als gesetzliches Zahlungsmittel gelten.

(2) Die Mitgliedstaaten haben das Recht zur Ausgabe von Euro-Münzen, wobei der Umfang dieser Ausgabe der Genehmigung durch die Europäische Zentralbank bedarf. Der Rat kann auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und der Europäischen Zentralbank Maßnahmen erlassen, um die Stückelung und die technischen Merkmale aller für den Umlauf bestimmten Münzen so weit zu harmonisieren, wie dies für deren reibungslosen Umlauf innerhalb der Union erforderlich ist.

Artikel 129
(ex-Artikel 107 EGV)

(1) Das ESZB wird von den Beschlussorganen der Europäischen Zentralbank, nämlich dem Rat der Europäischen Zentralbank und dem Direktorium, geleitet.

(2) Die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank (im Folgenden „Satzung des ESZB und der EZB“) ist in einem den Verträgen beigefügten Protokoll festgelegt.

(3) Das Europäische Parlament und der Rat können die Artikel 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1 Buchstabe a und 36 der Satzung des ESZB und der EZB gemäß dem ordentlichen Gesetzgebungsverfahren ändern. Sie beschließen entweder auf Empfehlung der Europäischen Zentralbank nach Anhörung der Kommission oder auf Empfehlung der Kommission nach Anhörung der Europäischen Zentralbank.

(4) Der Rat erlässt entweder auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und der Europäischen Zentralbank oder auf Empfehlung der Europäischen Zentralbank und nach Anhörung des Europäischen Parlaments und der Kommission die in den Artikeln 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 und 34.3 der Satzung des ESZB und der EZB genannten Bestimmungen.

Artikel 130
(ex-Artikel 108 EGV)

Bei der Wahrnehmung der ihnen durch die Verträge und die Satzung des ESZB und der EZB übertragenen Befugnisse, Aufgaben und Pflichten darf weder die Europäische Zentralbank noch eine nationale Zentralbank noch ein Mitglied ihrer Beschlussorgane Weisungen von Organen, Einrichtungen oder sonstigen Stellen der Union, Regierungen der Mitgliedstaaten oder anderen Stellen einholen oder entgegennehmen. Die Organe, Einrichtungen oder sonstigen Stellen der Union sowie die Regierungen der Mitgliedstaaten verpflichten sich, diesen Grundsatz zu beachten und nicht zu versuchen, die Mitglieder der Beschlussorgane der Europäischen Zentralbank oder der nationalen Zentralbanken bei der Wahrnehmung ihrer Aufgaben zu beeinflussen.

Artikel 131
(ex-Artikel 109 EGV)

Jeder Mitgliedstaat stellt sicher, dass seine innerstaatlichen Rechtsvorschriften einschließlich der Satzung seiner nationalen Zentralbank mit den Verträgen sowie mit der Satzung des ESZB und der EZB im Einklang stehen.

Artikel 132
(ex-Artikel 110 EGV)

(1) Zur Erfüllung der dem ESZB übertragenen Aufgaben werden von der Europäischen Zentralbank gemäß den Verträgen und unter den in der Satzung des ESZB und der EZB vorgesehenen Bedingungen

- Verordnungen erlassen, insoweit dies für die Erfüllung der in Artikel 3.1 erster Gedankenstrich, Artikel 19.1, Artikel 22 oder Artikel 25.2 der Satzung des ESZB und der EZB festgelegten Aufgaben erforderlich ist; sie erlässt Verordnungen ferner in den Fällen, die in den Rechtsakten des Rates nach Artikel 129 Absatz 4 vorgesehen werden,
- Beschlüsse erlassen, die zur Erfüllung der dem ESZB nach den Verträgen und der Satzung des ESZB und der EZB übertragenen Aufgaben erforderlich sind,
- Empfehlungen und Stellungnahmen abgeben.

(2) Die Europäische Zentralbank kann die Veröffentlichung ihrer Beschlüsse, Empfehlungen und Stellungnahmen beschließen.

(3) Innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 129 Absatz 4 festlegt, ist die Europäische Zentralbank befugt, Unternehmen bei Nichteinhaltung der Verpflichtungen, die sich aus ihren Verordnungen und Beschlüssen ergeben, mit Geldbußen oder in regelmäßigen Abständen zu zahlenden Zwangsgeldern zu belegen.

Artikel 133

Unbeschadet der Befugnisse der Europäischen Zentralbank erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren die Maßnahmen, die für die Verwendung des Euro als einheitliche Währung erforderlich sind. Diese Maßnahmen werden nach Anhörung der Europäischen Zentralbank erlassen.

KAPITEL 3

INSTITUTIONELLE BESTIMMUNGEN

Artikel 134

(ex-Artikel 114 EGV)

(1) Um die Koordinierung der Politiken der Mitgliedstaaten in dem für das Funktionieren des Binnenmarkts erforderlichen Umfang zu fördern, wird ein Wirtschafts- und Finanzausschuss eingesetzt.

(2) Der Wirtschafts- und Finanzausschuss hat die Aufgabe,

- auf Ersuchen des Rates oder der Kommission oder von sich aus Stellungnahmen an diese Organe abzugeben;
- die Wirtschafts- und Finanzlage der Mitgliedstaaten und der Union zu beobachten und dem Rat und der Kommission regelmäßig darüber Bericht zu erstatten, insbesondere über die finanziellen Beziehungen zu dritten Ländern und internationalen Einrichtungen;
- unbeschadet des Artikels 240 an der Vorbereitung der in Artikel 66, Artikel 75, Artikel 121 Absätze 2, 3, 4 und 6, Artikel 122, Artikel 124, Artikel 125, Artikel 126, Artikel 127 Absatz 6, Artikel 128 Absatz 2, Artikel 129 Absätze 3 und 4, Artikel 138, Artikel 140 Absätze 2 und 3, Artikel 143, Artikel 144 Absätze 2 und 3 und Artikel 219 genannten Arbeiten des Rates mitzuwirken und die sonstigen ihm vom Rat übertragenen Beratungsaufgaben und vorbereitenden Arbeiten auszuführen;
- mindestens einmal jährlich die Lage hinsichtlich des Kapitalverkehrs und der Freiheit des Zahlungsverkehrs, wie sie sich aus der Anwendung der Verträge und der Maßnahmen des Rates ergeben, zu prüfen; die Prüfung erstreckt sich auf alle Maßnahmen im Zusammenhang mit dem Kapital- und Zahlungsverkehr; der Ausschuss erstattet der Kommission und dem Rat Bericht über das Ergebnis dieser Prüfung.

Jeder Mitgliedstaat sowie die Kommission und die Europäische Zentralbank ernennen jeweils höchstens zwei Mitglieder des Ausschusses.

(3) Der Rat legt auf Vorschlag der Kommission und nach Anhörung der Europäischen Zentralbank und des in diesem Artikel genannten Ausschusses im Einzelnen fest, wie sich der Wirtschafts- und Finanzausschuss zusammensetzt. Der Präsident des Rates unterrichtet das Europäische Parlament über diesen Beschluss.

(4) Sofern und solange es Mitgliedstaaten gibt, für die eine Ausnahmeregelung nach Artikel 139 gilt, hat der Ausschuss zusätzlich zu den in Absatz 2 beschriebenen Aufgaben die Währungs- und Finanzlage sowie den allgemeinen Zahlungsverkehr der betreffenden Mitgliedstaaten zu beobachten und dem Rat und der Kommission regelmäßig darüber Bericht zu erstatten.

Artikel 135 (ex-Artikel 115 EGV)

Bei Fragen, die in den Geltungsbereich von Artikel 121 Absatz 4, Artikel 126 mit Ausnahme von Absatz 14, Artikel 138, Artikel 140 Absatz 1, Artikel 140 Absatz 2 Unterabsatz 1, Artikel 140 Absatz 3 und Artikel 219 fallen, kann der Rat oder ein Mitgliedstaat die Kommission ersuchen, je nach Zweckmäßigkeit eine Empfehlung oder einen Vorschlag zu unterbreiten. Die Kommission prüft dieses Ersuchen und unterbreitet dem Rat umgehend ihre Schlussfolgerungen.

KAPITEL 4

BESONDERE BESTIMMUNGEN FÜR DIE MITGLIEDSTAATEN, DEREN WÄHRUNG DER EURO IST

Artikel 136

(1) Im Hinblick auf das reibungslose Funktionieren der Wirtschafts- und Währungsunion erlässt der Rat für die Mitgliedstaaten, deren Währung der Euro ist, Maßnahmen nach den einschlägigen Bestimmungen der Verträge und dem entsprechenden Verfahren unter den in den Artikeln 121 und 126 genannten Verfahren, mit Ausnahme des in Artikel 126 Absatz 14 genannten Verfahrens, um

- a) die Koordinierung und Überwachung ihrer Haushaltsdisziplin zu verstärken,
- b) für diese Staaten Grundzüge der Wirtschaftspolitik auszuarbeiten, wobei darauf zu achten ist, dass diese mit den für die gesamte Union angenommenen Grundzügen der Wirtschaftspolitik vereinbar sind, und ihre Einhaltung zu überwachen.

(2) Bei den in Absatz 1 genannten Maßnahmen sind nur die Mitglieder des Rates stimmberechtigt, die die Mitgliedstaaten vertreten, deren Währung der Euro ist.

Die qualifizierte Mehrheit dieser Mitglieder bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

Artikel 137

Die Einzelheiten für die Tagungen der Minister der Mitgliedstaaten, deren Währung der Euro ist, sind in dem Protokoll betreffend die Euro-Gruppe festgelegt.

Artikel 138

(ex-Artikel 111 Absatz 4 EGV)

(1) Zur Gewährleistung der Stellung des Euro im internationalen Währungssystem erlässt der Rat auf Vorschlag der Kommission einen Beschluss zur Festlegung der innerhalb der zuständigen internationalen Einrichtungen und Konferenzen im Finanzbereich einzunehmenden gemeinsamen Standpunkte zu den Fragen, die von besonderer Bedeutung für die Wirtschafts- und Währungsunion sind. Der Rat beschließt nach Anhörung der Europäischen Zentralbank.

(2) Der Rat kann auf Vorschlag der Kommission geeignete Maßnahmen mit dem Ziel erlassen, eine einheitliche Vertretung bei den internationalen Einrichtungen und Konferenzen im Finanzbereich sicherzustellen. Der Rat beschließt nach Anhörung der Europäischen Zentralbank.

(3) Bei den in den Absätzen 1 und 2 genannten Maßnahmen sind nur die Mitglieder des Rates stimmberechtigt, die die Mitgliedstaaten vertreten, deren Währung der Euro ist.

Die qualifizierte Mehrheit dieser Mitglieder bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

KAPITEL 5

ÜBERGANGSBESTIMMUNGEN

Artikel 139

(1) Die Mitgliedstaaten, für die der Rat nicht beschlossen hat, dass sie die erforderlichen Voraussetzungen für die Einführung des Euro erfüllen, werden im Folgenden als „Mitgliedstaaten, für die eine Ausnahmeregelung gilt“ oder „Mitgliedstaaten mit Ausnahmeregelung“ bezeichnet.

(2) Auf die Mitgliedstaaten, für die eine Ausnahmeregelung gilt, finden die im Folgenden aufgeführten Bestimmungen der Verträge keine Anwendung:

- a) Annahme der das Euro-Währungsgebiet generell betreffenden Teile der Grundzüge der Wirtschaftspolitik (Artikel 121 Absatz 2);
- b) Zwangsmittel zum Abbau eines übermäßigen Defizits (Artikel 126 Absätze 9 und 11);
- c) Ziele und Aufgaben des ESZB (Artikel 127 Absätze 1, 2, 3 und 5);
- d) Ausgabe des Euro (Artikel 128);
- e) Rechtsakte der Europäischen Zentralbank (Artikel 132);

- f) Maßnahmen bezüglich der Verwendung des Euro (Artikel 133);
- g) Währungsvereinbarungen und andere Maßnahmen bezüglich der Wechselkurspolitik (Artikel 219);
- h) Ernennung der Mitglieder des Direktoriums der Europäischen Zentralbank (Artikel 283 Absatz 2);
- i) Beschlüsse zur Festlegung der innerhalb der zuständigen internationalen Einrichtungen und Konferenzen im Finanzbereich einzunehmenden gemeinsamen Standpunkte zu den Fragen, die von besonderer Bedeutung für die Wirtschafts- und Währungsunion sind (Artikel 138 Absatz 1);
- j) Maßnahmen zur Sicherstellung einer einheitlichen Vertretung bei den internationalen Einrichtungen und Konferenzen im Finanzbereich (Artikel 138 Absatz 2).

Somit sind „Mitgliedstaaten“ im Sinne der in den Buchstaben a bis j genannten Artikel die Mitgliedstaaten, deren Währung der Euro ist.

(3) Die Mitgliedstaaten, für die eine Ausnahmeregelung gilt, und deren nationale Zentralbanken sind nach Kapitel IX der Satzung des ESZB und der EZB von den Rechten und Pflichten im Rahmen des ESZB ausgeschlossen.

(4) Das Stimmrecht der Mitglieder des Rates, die Mitgliedstaaten mit Ausnahmeregelung vertreten, ruht beim Erlass von Maßnahmen nach den in Absatz 2 genannten Artikeln durch den Rat sowie bei

- a) Empfehlungen an die Mitgliedstaaten, deren Währung der Euro ist, im Rahmen der multilateralen Überwachung, einschließlich Empfehlungen zu den Stabilitätsprogrammen und Verwarnungen (Artikel 121 Absatz 4);
- b) Maßnahmen bei übermäßigem Defizit von Mitgliedstaaten, deren Währung der Euro ist (Artikel 126 Absätze 6, 7, 8, 12 und 13).

Die qualifizierte Mehrheit der übrigen Mitglieder des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

Artikel 140

(ex-Artikel 121 Absatz 1, ex-Artikel 122 Absatz 2 Satz 2 und ex-Artikel 123 Absatz 5 EGV)

(1) Mindestens einmal alle zwei Jahre oder auf Antrag eines Mitgliedstaats, für den eine Ausnahmeregelung gilt, berichten die Kommission und die Europäische Zentralbank dem Rat, inwieweit die Mitgliedstaaten, für die eine Ausnahmeregelung gilt, bei der Verwirklichung der Wirtschafts- und Währungsunion ihren Verpflichtungen bereits nachgekommen sind. In ihren

Berichten wird auch die Frage geprüft, inwieweit die innerstaatlichen Rechtsvorschriften jedes einzelnen dieser Mitgliedstaaten einschließlich der Satzung der jeweiligen nationalen Zentralbank mit Artikel 130 und Artikel 131 sowie der Satzung des ESZB und der EZB vereinbar sind. Ferner wird darin geprüft, ob ein hoher Grad an dauerhafter Konvergenz erreicht ist; Maßstab hierfür ist, ob die einzelnen Mitgliedstaaten folgende Kriterien erfüllen:

- Erreichung eines hohen Grades an Preisstabilität, ersichtlich aus einer Inflationsrate, die der Inflationsrate jener — höchstens drei — Mitgliedstaaten nahe kommt, die auf dem Gebiet der Preisstabilität das beste Ergebnis erzielt haben;
- eine auf Dauer tragbare Finanzlage der öffentlichen Hand, ersichtlich aus einer öffentlichen Haushaltslage ohne übermäßiges Defizit im Sinne des Artikels 126 Absatz 6;
- Einhaltung der normalen Bandbreiten des Wechselkursmechanismus des Europäischen Währungssystems seit mindestens zwei Jahren ohne Abwertung gegenüber dem Euro;
- Dauerhaftigkeit der von dem Mitgliedstaat mit Ausnahmeregelung erreichten Konvergenz und seiner Teilnahme am Wechselkursmechanismus, die im Niveau der langfristigen Zinssätze zum Ausdruck kommt.

Die vier Kriterien in diesem Absatz sowie die jeweils erforderliche Dauer ihrer Einhaltung sind in einem den Verträgen beigefügten Protokoll näher festgelegt. Die Berichte der Kommission und der Europäischen Zentralbank berücksichtigen auch die Ergebnisse bei der Integration der Märkte, den Stand und die Entwicklung der Leistungsbilanzen, die Entwicklung bei den Lohnstückkosten und andere Preisindizes.

(2) Der Rat beschließt nach Anhörung des Europäischen Parlaments und nach Aussprache im Europäischen Rat auf Vorschlag der Kommission, welche der Mitgliedstaaten, für die eine Ausnahmeregelung gilt, die auf den Kriterien des Absatzes 1 beruhenden Voraussetzungen erfüllen, und hebt die Ausnahmeregelungen der betreffenden Mitgliedstaaten auf.

Der Rat beschließt auf Empfehlung einer qualifizierten Mehrheit derjenigen seiner Mitglieder, die Mitgliedstaaten vertreten, deren Währung der Euro ist. Diese Mitglieder beschließen innerhalb von sechs Monaten nach Eingang des Vorschlags der Kommission beim Rat.

Die in Unterabsatz 2 genannte qualifizierte Mehrheit dieser Mitglieder bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a.

(3) Wird nach dem Verfahren des Absatzes 2 beschlossen, eine Ausnahmeregelung aufzuheben, so legt der Rat aufgrund eines einstimmigen Beschlusses der Mitgliedstaaten, deren Währung der Euro ist, und des betreffenden Mitgliedstaats auf Vorschlag der Kommission und nach Anhörung der

Europäischen Zentralbank den Kurs, zu dem dessen Währung durch den Euro ersetzt wird, unwiderruflich fest und ergreift die sonstigen erforderlichen Maßnahmen zur Einführung des Euro als einheitliche Währung in dem betreffenden Mitgliedstaat.

Artikel 141

(ex-Artikel 123 Absatz 3 und ex-Artikel 117 Absatz 2 erster bis fünfter Gedankenstrich EGV)

(1) Sofern und solange es Mitgliedstaaten gibt, für die eine Ausnahmeregelung gilt, wird unbeschadet des Artikels 129 Absatz 1 der in Artikel 44 der Satzung des ESZB und der EZB bezeichnete Erweiterte Rat der Europäischen Zentralbank als drittes Beschlussorgan der Europäischen Zentralbank errichtet.

(2) Sofern und solange es Mitgliedstaaten gibt, für die eine Ausnahmeregelung gilt, ist es die Aufgabe der Europäischen Zentralbank, in Bezug auf diese Mitgliedstaaten

- die Zusammenarbeit zwischen den nationalen Zentralbanken zu verstärken;
- die Koordinierung der Geldpolitiken der Mitgliedstaaten mit dem Ziel zu verstärken, die Preisstabilität aufrechtzuerhalten;
- das Funktionieren des Wechselkursmechanismus zu überwachen;
- Konsultationen zu Fragen durchzuführen, die in die Zuständigkeit der nationalen Zentralbanken fallen und die Stabilität der Finanzinstitute und -märkte berühren;
- die seinerzeitigen Aufgaben des Europäischen Fonds für währungspolitische Zusammenarbeit, die zuvor vom Europäischen Währungsinstitut übernommen worden waren, wahrzunehmen.

Artikel 142

(ex-Artikel 124 Absatz 1 EGV)

Jeder Mitgliedstaat, für den eine Ausnahmeregelung gilt, behandelt seine Wechselkurspolitik als eine Angelegenheit von gemeinsamem Interesse. Er berücksichtigt dabei die Erfahrungen, die bei der Zusammenarbeit im Rahmen des Wechselkursmechanismus gesammelt worden sind.

Artikel 143

(ex-Artikel 119 EGV)

(1) Ist ein Mitgliedstaat, für den eine Ausnahmeregelung gilt, hinsichtlich seiner Zahlungsbilanz von Schwierigkeiten betroffen oder ernstlich bedroht, die sich entweder aus einem Ungleichgewicht seiner Gesamtzahlungsbilanz oder aus der Art der ihm zur Verfügung stehenden Devisen ergeben, und sind diese Schwierigkeiten geeignet, insbesondere das Funktionieren des Binnenmarkts oder die Verwirklichung der gemeinsamen Handelspolitik zu gefährden, so prüft die Kommission unverzüglich die Lage dieses Staates sowie die Maßnahmen, die er getroffen hat oder unter Einsatz aller ihm zur Verfügung stehenden Mittel nach den Verträgen treffen kann. Die Kommission gibt die Maßnahmen an, die sie dem betreffenden Mitgliedstaat empfiehlt.

Erweisen sich die von einem Mitgliedstaat mit Ausnahmeregelung ergriffenen und die von der Kommission angeregten Maßnahmen als unzureichend, die aufgetretenen oder drohenden Schwierigkeiten zu beheben, so empfiehlt die Kommission dem Rat nach Anhörung des Wirtschafts- und Finanzausschusses einen gegenseitigen Beistand und die dafür geeigneten Methoden.

Die Kommission unterrichtet den Rat regelmäßig über die Lage und ihre Entwicklung.

(2) Der Rat gewährt den gegenseitigen Beistand; er erlässt Richtlinien oder Beschlüsse, welche die Bedingungen und Einzelheiten hierfür festlegen. Der gegenseitige Beistand kann insbesondere erfolgen

- a) durch ein abgestimmtes Vorgehen bei anderen internationalen Organisationen, an die sich die Mitgliedstaaten, für die eine Ausnahmeregelung gilt, wenden können;
- b) durch Maßnahmen, die notwendig sind, um Verlagerungen von Handelsströmen zu vermeiden, falls der in Schwierigkeiten befindliche Mitgliedstaat mit Ausnahmeregelung mengenmäßige Beschränkungen gegenüber dritten Ländern beibehält oder wieder einführt;
- c) durch Bereitstellung von Krediten in begrenzter Höhe seitens anderer Mitgliedstaaten; hierzu ist ihr Einverständnis erforderlich.

(3) Stimmt der Rat dem von der Kommission empfohlenen gegenseitigen Beistand nicht zu oder sind der gewährte Beistand und die getroffenen Maßnahmen unzureichend, so ermächtigt die Kommission den in Schwierigkeiten befindlichen Mitgliedstaat mit Ausnahmeregelung, Schutzmaßnahmen zu treffen, deren Bedingungen und Einzelheiten sie festlegt.

Der Rat kann diese Ermächtigung aufheben und die Bedingungen und Einzelheiten ändern.

Artikel 144 (ex-Artikel 120 EGV)

(1) Gerät ein Mitgliedstaat, für den eine Ausnahmeregelung gilt, in eine plötzliche Zahlungsbilanzkrise und wird ein Beschluss im Sinne des Artikels 143 Absatz 2 nicht unverzüglich getroffen, so kann der betreffende Staat vorsorglich die erforderlichen Schutzmaßnahmen ergreifen. Sie dürfen nur ein Mindestmaß an Störungen im Funktionieren des Binnenmarkts hervorrufen und nicht über das zur Behebung der plötzlich aufgetretenen Schwierigkeiten unbedingt erforderliche Ausmaß hinausgehen.

(2) Die Kommission und die anderen Mitgliedstaaten werden über die Schutzmaßnahmen spätestens bei deren Inkrafttreten unterrichtet. Die Kommission kann dem Rat den gegenseitigen Beistand nach Artikel 143 empfehlen.

(3) Auf Empfehlung der Kommission und nach Anhörung des Wirtschafts- und Finanzausschusses kann der Rat beschließen, dass der betreffende Mitgliedstaat diese Schutzmaßnahmen zu ändern, auszusetzen oder aufzuheben hat.

TITEL IX

BESCHÄFTIGUNG

Artikel 145 (ex-Artikel 125 EGV)

Die Mitgliedstaaten und die Union arbeiten nach diesem Titel auf die Entwicklung einer koordinierten Beschäftigungsstrategie und insbesondere auf die Förderung der Qualifizierung, Ausbildung und Anpassungsfähigkeit der Arbeitnehmer sowie der Fähigkeit der Arbeitsmärkte hin, auf die Erfordernisse des wirtschaftlichen Wandels zu reagieren, um die Ziele des Artikels 3 des Vertrags über die Europäische Union zu erreichen.

Artikel 146 (ex-Artikel 126 EGV)

(1) Die Mitgliedstaaten tragen durch ihre Beschäftigungspolitik im Einklang mit den nach Artikel 121 Absatz 2 verabschiedeten Grundzügen der Wirtschaftspolitik der Mitgliedstaaten und der Union zur Erreichung der in Artikel 145 genannten Ziele bei.

(2) Die Mitgliedstaaten betrachten die Förderung der Beschäftigung als Angelegenheit von gemeinsamem Interesse und stimmen ihre diesbezüglichen Tätigkeiten nach Maßgabe des Artikels 148 im Rat aufeinander ab, wobei die einzelstaatlichen Gepflogenheiten in Bezug auf die Verantwortung der Sozialpartner berücksichtigt werden.

Artikel 147 (ex-Artikel 127 EGV)

(1) Die Union trägt zu einem hohen Beschäftigungsniveau bei, indem sie die Zusammenarbeit zwischen den Mitgliedstaaten fördert und deren Maßnahmen in diesem Bereich unterstützt und erforderlichenfalls ergänzt. Hierbei wird die Zuständigkeit der Mitgliedstaaten beachtet.

(2) Das Ziel eines hohen Beschäftigungsniveaus wird bei der Festlegung und Durchführung der Unionspolitiken und -maßnahmen berücksichtigt.

Artikel 148 (ex-Artikel 128 EGV)

(1) Anhand eines gemeinsamen Jahresberichts des Rates und der Kommission prüft der Europäische Rat jährlich die Beschäftigungslage in der Union und nimmt hierzu Schlussfolgerungen an.

(2) Anhand der Schlussfolgerungen des Europäischen Rates legt der Rat auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments, des Wirtschafts- und Sozialausschusses, des Ausschusses der Regionen und des in Artikel 150 genannten Beschäftigungsausschusses jährlich Leitlinien fest, welche die Mitgliedstaaten in ihrer Beschäftigungspolitik berücksichtigen. Diese Leitlinien müssen mit den nach Artikel 121 Absatz 2 verabschiedeten Grundzügen in Einklang stehen.

- (3) Jeder Mitgliedstaat übermittelt dem Rat und der Kommission jährlich einen Bericht über die wichtigsten Maßnahmen, die er zur Durchführung seiner Beschäftigungspolitik im Lichte der beschäftigungspolitischen Leitlinien nach Absatz 2 getroffen hat.
- (4) Anhand der in Absatz 3 genannten Berichte und nach Stellungnahme des Beschäftigungsausschusses unterzieht der Rat die Durchführung der Beschäftigungspolitik der Mitgliedstaaten im Lichte der beschäftigungspolitischen Leitlinien jährlich einer Prüfung. Der Rat kann dabei auf Empfehlung der Kommission Empfehlungen an die Mitgliedstaaten richten, wenn er dies aufgrund der Ergebnisse dieser Prüfung für angebracht hält.
- (5) Auf der Grundlage der Ergebnisse der genannten Prüfung erstellen der Rat und die Kommission einen gemeinsamen Jahresbericht für den Europäischen Rat über die Beschäftigungslage in der Union und über die Umsetzung der beschäftigungspolitischen Leitlinien.

Artikel 149
(ex-Artikel 129 EGV)

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen Anreizmaßnahmen zur Förderung der Zusammenarbeit zwischen den Mitgliedstaaten und zur Unterstützung ihrer Beschäftigungsmaßnahmen durch Initiativen beschließen, die darauf abzielen, den Austausch von Informationen und bewährten Verfahren zu entwickeln, vergleichende Analysen und Gutachten bereitzustellen sowie innovative Ansätze zu fördern und Erfahrungen zu bewerten, und zwar insbesondere durch den Rückgriff auf Pilotvorhaben.

Diese Maßnahmen schließen keinerlei Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten ein.

Artikel 150
(ex-Artikel 130 EGV)

Der Rat, der mit einfacher Mehrheit beschließt, setzt nach Anhörung des Europäischen Parlaments einen Beschäftigungsausschuss mit beratender Funktion zur Förderung der Koordinierung der Beschäftigungs- und Arbeitsmarktpolitik der Mitgliedstaaten ein. Der Ausschuss hat folgende Aufgaben:

- Er verfolgt die Beschäftigungslage und die Beschäftigungspolitik in den Mitgliedstaaten und der Union;
- er gibt unbeschadet des Artikels 240 auf Ersuchen des Rates oder der Kommission oder von sich aus Stellungnahmen ab und trägt zur Vorbereitung der in Artikel 148 genannten Beratungen des Rates bei.

Bei der Erfüllung seines Auftrags hört der Ausschuss die Sozialpartner.

Jeder Mitgliedstaat und die Kommission entsenden zwei Mitglieder in den Ausschuss.

TITEL X

SOZIALPOLITIK

Artikel 151 (ex-Artikel 136 EGV)

Die Union und die Mitgliedstaaten verfolgen eingedenk der sozialen Grundrechte, wie sie in der am 18. Oktober 1961 in Turin unterzeichneten Europäischen Sozialcharta und in der Gemeinschaftscharta der sozialen Grundrechte der Arbeitnehmer von 1989 festgelegt sind, folgende Ziele: die Förderung der Beschäftigung, die Verbesserung der Lebens- und Arbeitsbedingungen, um dadurch auf dem Wege des Fortschritts ihre Angleichung zu ermöglichen, einen angemessenen sozialen Schutz, den sozialen Dialog, die Entwicklung des Arbeitskräftepotenzials im Hinblick auf ein dauerhaft hohes Beschäftigungsniveau und die Bekämpfung von Ausgrenzungen.

Zu diesem Zweck führen die Union und die Mitgliedstaaten Maßnahmen durch, die der Vielfalt der einzelstaatlichen Gepflogenheiten, insbesondere in den vertraglichen Beziehungen, sowie der Notwendigkeit, die Wettbewerbsfähigkeit der Wirtschaft der Union zu erhalten, Rechnung tragen.

Sie sind der Auffassung, dass sich eine solche Entwicklung sowohl aus dem eine Abstimmung der Sozialordnungen begünstigenden Wirken des Binnenmarkts als auch aus den in den Verträgen vorgesehenen Verfahren sowie aus der Angleichung ihrer Rechts- und Verwaltungsvorschriften ergeben wird.

Artikel 152

Die Union anerkennt und fördert die Rolle der Sozialpartner auf Ebene der Union unter Berücksichtigung der Unterschiedlichkeit der nationalen Systeme. Sie fördert den sozialen Dialog und achtet dabei die Autonomie der Sozialpartner.

Der Dreigliedrige Sozialgipfel für Wachstum und Beschäftigung trägt zum sozialen Dialog bei.

Artikel 153 (ex-Artikel 137 EGV)

(1) Zur Verwirklichung der Ziele des Artikels 151 unterstützt und ergänzt die Union die Tätigkeit der Mitgliedstaaten auf folgenden Gebieten:

- a) Verbesserung insbesondere der Arbeitsumwelt zum Schutz der Gesundheit und der Sicherheit der Arbeitnehmer,
- b) Arbeitsbedingungen,
- c) soziale Sicherheit und sozialer Schutz der Arbeitnehmer,
- d) Schutz der Arbeitnehmer bei Beendigung des Arbeitsvertrags,
- e) Unterrichtung und Anhörung der Arbeitnehmer,

- f) Vertretung und kollektive Wahrnehmung der Arbeitnehmer- und Arbeitgeberinteressen, einschließlich der Mitbestimmung, vorbehaltlich des Absatzes 5,
- g) Beschäftigungsbedingungen der Staatsangehörigen dritter Länder, die sich rechtmäßig im Gebiet der Union aufhalten,
- h) berufliche Eingliederung der aus dem Arbeitsmarkt ausgegrenzten Personen, unbeschadet des Artikels 166,
- i) Chancengleichheit von Männern und Frauen auf dem Arbeitsmarkt und Gleichbehandlung am Arbeitsplatz,
- j) Bekämpfung der sozialen Ausgrenzung,
- k) Modernisierung der Systeme des sozialen Schutzes, unbeschadet des Buchstabens c.

(2) Zu diesem Zweck können das Europäische Parlament und der Rat

- a) unter Ausschluss jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten Maßnahmen annehmen, die dazu bestimmt sind, die Zusammenarbeit zwischen den Mitgliedstaaten durch Initiativen zu fördern, die die Verbesserung des Wissensstands, die Entwicklung des Austauschs von Informationen und bewährten Verfahren, die Förderung innovativer Ansätze und die Bewertung von Erfahrungen zum Ziel haben;
- b) in den in Absatz 1 Buchstaben a bis i genannten Bereichen unter Berücksichtigung der in den einzelnen Mitgliedstaaten bestehenden Bedingungen und technischen Regelungen durch Richtlinien Mindestvorschriften erlassen, die schrittweise anzuwenden sind. Diese Richtlinien sollen keine verwaltungsmäßigen, finanziellen oder rechtlichen Auflagen vorschreiben, die der Gründung und Entwicklung von kleinen und mittleren Unternehmen entgegenstehen.

Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen.

In den in Absatz 1 Buchstaben c, d, f und g genannten Bereichen beschließt der Rat einstimmig gemäß einem besonderen Gesetzgebungsverfahren nach Anhörung des Europäischen Parlaments und der genannten Ausschüsse.

Der Rat kann einstimmig auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments beschließen, dass das ordentliche Gesetzgebungsverfahren auf Absatz 1 Buchstaben d, f und g angewandt wird.

(3) Ein Mitgliedstaat kann den Sozialpartnern auf deren gemeinsamen Antrag die Durchführung von aufgrund des Absatzes 2 angenommenen Richtlinien oder gegebenenfalls die Durchführung eines nach Artikel 155 erlassenen Beschlusses des Rates übertragen.

In diesem Fall vergewissert sich der Mitgliedstaat, dass die Sozialpartner spätestens zu dem Zeitpunkt, zu dem eine Richtlinie umgesetzt oder ein Beschluss durchgeführt sein muss, im Wege einer Vereinbarung die erforderlichen Vorkehrungen getroffen haben; dabei hat der Mitgliedstaat alle erforderlichen Maßnahmen zu treffen, um jederzeit gewährleisten zu können, dass die durch diese Richtlinie oder diesen Beschluss vorgeschriebenen Ergebnisse erzielt werden.

(4) Die aufgrund dieses Artikels erlassenen Bestimmungen

- berühren nicht die anerkannte Befugnis der Mitgliedstaaten, die Grundprinzipien ihres Systems der sozialen Sicherheit festzulegen, und dürfen das finanzielle Gleichgewicht dieser Systeme nicht erheblich beeinträchtigen;
- hindern die Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder zu treffen, die mit den Verträgen vereinbar sind.

(5) Dieser Artikel gilt nicht für das Arbeitsentgelt, das Koalitionsrecht, das Streikrecht sowie das Aussperrungsrecht.

Artikel 154
(ex-Artikel 138 EGV)

(1) Die Kommission hat die Aufgabe, die Anhörung der Sozialpartner auf Unionsebene zu fördern, und erlässt alle zweckdienlichen Maßnahmen, um den Dialog zwischen den Sozialpartnern zu erleichtern, wobei sie für Ausgewogenheit bei der Unterstützung der Parteien sorgt.

(2) Zu diesem Zweck hört die Kommission vor Unterbreitung von Vorschlägen im Bereich der Sozialpolitik die Sozialpartner zu der Frage, wie eine Unionsaktion gegebenenfalls ausgerichtet werden sollte.

(3) Hält die Kommission nach dieser Anhörung eine Unionsmaßnahme für zweckmäßig, so hört sie die Sozialpartner zum Inhalt des in Aussicht genommenen Vorschlags. Die Sozialpartner übermitteln der Kommission eine Stellungnahme oder gegebenenfalls eine Empfehlung.

(4) Bei den Anhörungen nach den Absätzen 2 und 3 können die Sozialpartner der Kommission mitteilen, dass sie den Prozess nach Artikel 155 in Gang setzen wollen. Die Dauer dieses Prozesses darf höchstens neun Monate betragen, sofern die betroffenen Sozialpartner und die Kommission nicht gemeinsam eine Verlängerung beschließen.

Artikel 155
(ex-Artikel 139 EGV)

(1) Der Dialog zwischen den Sozialpartnern auf Unionsebene kann, falls sie es wünschen, zur Herstellung vertraglicher Beziehungen einschließlich des Abschlusses von Vereinbarungen führen.

(2) Die Durchführung der auf Unionsebene geschlossenen Vereinbarungen erfolgt entweder nach den jeweiligen Verfahren und Gepflogenheiten der Sozialpartner und der Mitgliedstaaten oder — in den durch Artikel 153 erfassten Bereichen — auf gemeinsamen Antrag der Unterzeichnerparteien durch einen Beschluss des Rates auf Vorschlag der Kommission. Das Europäische Parlament wird unterrichtet.

Der Rat beschließt einstimmig, sofern die betreffende Vereinbarung eine oder mehrere Bestimmungen betreffend einen der Bereiche enthält, für die nach Artikel 153 Absatz 2 Einstimmigkeit erforderlich ist.

Artikel 156
(ex-Artikel 140 EGV)

Unbeschadet der sonstigen Bestimmungen der Verträge fördert die Kommission im Hinblick auf die Erreichung der Ziele des Artikels 151 die Zusammenarbeit zwischen den Mitgliedstaaten und erleichtert die Abstimmung ihres Vorgehens in allen unter dieses Kapitel fallenden Bereichen der Sozialpolitik, insbesondere auf dem Gebiet

- der Beschäftigung,
- des Arbeitsrechts und der Arbeitsbedingungen,
- der beruflichen Ausbildung und Fortbildung,
- der sozialen Sicherheit,
- der Verhütung von Berufsunfällen und Berufskrankheiten,
- des Gesundheitsschutzes bei der Arbeit,
- des Koalitionsrechts und der Kollektivverhandlungen zwischen Arbeitgebern und Arbeitnehmern.

Zu diesem Zweck wird die Kommission in enger Verbindung mit den Mitgliedstaaten durch Untersuchungen, Stellungnahmen und die Durchführung von Konsultationen in Bezug auf innerstaatlich oder in den internationalen Organisationen zu behandelnde Fragen tätig, und zwar insbesondere im Wege von Initiativen, die darauf abzielen, Leitlinien und Indikatoren festzulegen, den Austausch bewährter Verfahren durchzuführen und die erforderlichen Elemente für eine regelmäßige Überwachung und Bewertung auszuarbeiten. Das Europäische Parlament wird in vollem Umfang unterrichtet.

Vor Abgabe der in diesem Artikel vorgesehenen Stellungnahmen hört die Kommission den Wirtschafts- und Sozialausschuss.

Artikel 157
(ex-Artikel 141 EGV)

(1) Jeder Mitgliedstaat stellt die Anwendung des Grundsatzes des gleichen Entgelts für Männer und Frauen bei gleicher oder gleichwertiger Arbeit sicher.

(2) Unter „Entgelt“ im Sinne dieses Artikels sind die üblichen Grund- oder Mindestlöhne und -gehälter sowie alle sonstigen Vergütungen zu verstehen, die der Arbeitgeber aufgrund des Dienstverhältnisses dem Arbeitnehmer unmittelbar oder mittelbar in bar oder in Sachleistungen zahlt.

Gleichheit des Arbeitsentgelts ohne Diskriminierung aufgrund des Geschlechts bedeutet,

- a) dass das Entgelt für eine gleiche nach Akkord bezahlte Arbeit aufgrund der gleichen Maßeinheit festgesetzt wird,

b) dass für eine nach Zeit bezahlte Arbeit das Entgelt bei gleichem Arbeitsplatz gleich ist.

(3) Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses Maßnahmen zur Gewährleistung der Anwendung des Grundsatzes der Chancengleichheit und der Gleichbehandlung von Männern und Frauen in Arbeits- und Beschäftigungsfragen, einschließlich des Grundsatzes des gleichen Entgelts bei gleicher oder gleichwertiger Arbeit.

(4) Im Hinblick auf die effektive Gewährleistung der vollen Gleichstellung von Männern und Frauen im Arbeitsleben hindert der Grundsatz der Gleichbehandlung die Mitgliedstaaten nicht daran, zur Erleichterung der Berufstätigkeit des unterrepräsentierten Geschlechts oder zur Verhinderung bzw. zum Ausgleich von Benachteiligungen in der beruflichen Laufbahn spezifische Vergünstigungen beizubehalten oder zu beschließen.

Artikel 158
(ex-Artikel 142 EGV)

Die Mitgliedstaaten sind bestrebt, die bestehende Gleichwertigkeit der Ordnungen über die bezahlte Freizeit beizubehalten.

Artikel 159
(ex-Artikel 143 EGV)

Die Kommission erstellt jährlich einen Bericht über den Stand der Verwirklichung der in Artikel 151 genannten Ziele sowie über die demografische Lage in der Union. Sie übermittelt diesen Bericht dem Europäischen Parlament, dem Rat und dem Wirtschafts- und Sozialausschuss.

Artikel 160
(ex-Artikel 144 EGV)

Der Rat, der mit einfacher Mehrheit beschließt, setzt nach Anhörung des Europäischen Parlaments einen Ausschuss für Sozialschutz mit beratender Aufgabe ein, um die Zusammenarbeit im Bereich des sozialen Schutzes zwischen den Mitgliedstaaten und mit der Kommission zu fördern. Der Ausschuss hat folgende Aufgaben:

- Er verfolgt die soziale Lage und die Entwicklung der Politiken im Bereich des sozialen Schutzes in den Mitgliedstaaten und der Union;
- er fördert den Austausch von Informationen, Erfahrungen und bewährten Verfahren zwischen den Mitgliedstaaten und mit der Kommission;
- unbeschadet des Artikels 240 arbeitet er auf Ersuchen des Rates oder der Kommission oder von sich aus in seinem Zuständigkeitsbereich Berichte aus, gibt Stellungnahmen ab oder wird auf andere Weise tätig.

Bei der Erfüllung seines Auftrags stellt der Ausschuss geeignete Kontakte zu den Sozialpartnern her.

Jeder Mitgliedstaat und die Kommission ernennen zwei Mitglieder des Ausschusses.

Artikel 161
(ex-Artikel 145 EGV)

Der Jahresbericht der Kommission an das Europäische Parlament hat stets ein besonderes Kapitel über die Entwicklung der sozialen Lage in der Union zu enthalten.

Das Europäische Parlament kann die Kommission auffordern, Berichte über besondere, die soziale Lage betreffende Fragen auszuarbeiten.

TITEL XI
DER EUROPÄISCHE SOZIALFONDS

Artikel 162
(ex-Artikel 146 EGV)

Um die Beschäftigungsmöglichkeiten der Arbeitskräfte im Binnenmarkt zu verbessern und damit zur Hebung der Lebenshaltung beizutragen, wird nach Maßgabe der folgenden Bestimmungen ein Europäischer Sozialfonds errichtet, dessen Ziel es ist, innerhalb der Union die berufliche Verwendbarkeit und die örtliche und berufliche Mobilität der Arbeitskräfte zu fördern sowie die Anpassung an die industriellen Wandlungsprozesse und an Veränderungen der Produktionssysteme insbesondere durch berufliche Bildung und Umschulung zu erleichtern.

Artikel 163
(ex-Artikel 147 EGV)

Die Verwaltung des Fonds obliegt der Kommission.

Die Kommission wird hierbei von einem Ausschuss unterstützt, der aus Vertretern der Regierungen sowie der Arbeitgeber- und der Arbeitnehmerverbände besteht; den Vorsitz führt ein Mitglied der Kommission.

Artikel 164
(ex-Artikel 148 EGV)

Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen die den Europäischen Sozialfonds betreffenden Durchführungsverordnungen.

TITEL XII

ALLGEMEINE UND BERUFLICHE BILDUNG, JUGEND UND SPORT*Artikel 165*

(ex-Artikel 149 EGV)

(1) Die Union trägt zur Entwicklung einer qualitativ hoch stehenden Bildung dadurch bei, dass sie die Zusammenarbeit zwischen den Mitgliedstaaten fördert und die Tätigkeit der Mitgliedstaaten unter strikter Beachtung der Verantwortung der Mitgliedstaaten für die Lehrinhalte und die Gestaltung des Bildungssystems sowie der Vielfalt ihrer Kulturen und Sprachen erforderlichenfalls unterstützt und ergänzt.

Die Union trägt zur Förderung der europäischen Dimension des Sports bei und berücksichtigt dabei dessen besondere Merkmale, dessen auf freiwilligem Engagement basierende Strukturen sowie dessen soziale und pädagogische Funktion.

(2) Die Tätigkeit der Union hat folgende Ziele:

- Entwicklung der europäischen Dimension im Bildungswesen, insbesondere durch Erlernen und Verbreitung der Sprachen der Mitgliedstaaten;
- Förderung der Mobilität von Lernenden und Lehrenden, auch durch die Förderung der akademischen Anerkennung der Diplome und Studienzeiten;
- Förderung der Zusammenarbeit zwischen den Bildungseinrichtungen;
- Ausbau des Informations- und Erfahrungsaustauschs über gemeinsame Probleme im Rahmen der Bildungssysteme der Mitgliedstaaten;
- Förderung des Ausbaus des Jugendaustauschs und des Austauschs sozialpädagogischer Betreuer und verstärkte Beteiligung der Jugendlichen am demokratischen Leben in Europa;
- Förderung der Entwicklung der Fernlehre;
- Entwicklung der europäischen Dimension des Sports durch Förderung der Fairness und der Offenheit von Sportwettkämpfen und der Zusammenarbeit zwischen den für den Sport verantwortlichen Organisationen sowie durch den Schutz der körperlichen und seelischen Unversehrtheit der Sportler, insbesondere der jüngeren Sportler.

(3) Die Union und die Mitgliedstaaten fördern die Zusammenarbeit mit dritten Ländern und den für den Bildungsbereich und den Sport zuständigen internationalen Organisationen, insbesondere dem Europarat.

(4) Als Beitrag zur Verwirklichung der Ziele dieses Artikels

- erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen Fördermaßnahmen unter Ausschluss jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten;

— erlässt der Rat auf Vorschlag der Kommission Empfehlungen.

Artikel 166
(ex-Artikel 150 EGV)

(1) Die Union führt eine Politik der beruflichen Bildung, welche die Maßnahmen der Mitgliedstaaten unter strikter Beachtung der Verantwortung der Mitgliedstaaten für Inhalt und Gestaltung der beruflichen Bildung unterstützt und ergänzt.

(2) Die Tätigkeit der Union hat folgende Ziele:

- Erleichterung der Anpassung an die industriellen Wandlungsprozesse, insbesondere durch berufliche Bildung und Umschulung;
- Verbesserung der beruflichen Erstausbildung und Weiterbildung zur Erleichterung der beruflichen Eingliederung und Wiedereingliederung in den Arbeitsmarkt;
- Erleichterung der Aufnahme einer beruflichen Bildung sowie Förderung der Mobilität der Ausbilder und der in beruflicher Bildung befindlichen Personen, insbesondere der Jugendlichen;
- Förderung der Zusammenarbeit in Fragen der beruflichen Bildung zwischen Unterrichtsanstalten und Unternehmen;
- Ausbau des Informations- und Erfahrungsaustauschs über gemeinsame Probleme im Rahmen der Berufsbildungssysteme der Mitgliedstaaten.

(3) Die Union und die Mitgliedstaaten fördern die Zusammenarbeit mit dritten Ländern und den für die berufliche Bildung zuständigen internationalen Organisationen.

(4) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen Maßnahmen, die zur Verwirklichung der Ziele dieses Artikels beitragen, unter Ausschluss jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, und der Rat erlässt auf Vorschlag der Kommission Empfehlungen.

TITEL XIII

KULTUR

Artikel 167
(ex-Artikel 151 EGV)

(1) Die Union leistet einen Beitrag zur Entfaltung der Kulturen der Mitgliedstaaten unter Wahrung ihrer nationalen und regionalen Vielfalt sowie gleichzeitiger Hervorhebung des gemeinsamen kulturellen Erbes.

(2) Die Union fördert durch ihre Tätigkeit die Zusammenarbeit zwischen den Mitgliedstaaten und unterstützt und ergänzt erforderlichenfalls deren Tätigkeit in folgenden Bereichen:

- Verbesserung der Kenntnis und Verbreitung der Kultur und Geschichte der europäischen Völker,
- Erhaltung und Schutz des kulturellen Erbes von europäischer Bedeutung,
- nichtkommerzieller Kulturaustausch,
- künstlerisches und literarisches Schaffen, einschließlich im audiovisuellen Bereich.

(3) Die Union und die Mitgliedstaaten fördern die Zusammenarbeit mit dritten Ländern und den für den Kulturbereich zuständigen internationalen Organisationen, insbesondere mit dem Europarat.

(4) Die Union trägt bei ihrer Tätigkeit aufgrund anderer Bestimmungen der Verträge den kulturellen Aspekten Rechnung, insbesondere zur Wahrung und Förderung der Vielfalt ihrer Kulturen.

(5) Als Beitrag zur Verwirklichung der Ziele dieses Artikels

- erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Ausschusses der Regionen Fördermaßnahmen unter Ausschluss jeglicher Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten.
- erlässt der Rat auf Vorschlag der Kommission Empfehlungen.

TITEL XIV

GESUNDHEITSWESEN

Artikel 168

(ex-Artikel 152 EGV)

(1) Bei der Festlegung und Durchführung aller Unionspolitiken und -maßnahmen wird ein hohes Gesundheitsschutzniveau sichergestellt.

Die Tätigkeit der Union ergänzt die Politik der Mitgliedstaaten und ist auf die Verbesserung der Gesundheit der Bevölkerung, die Verhütung von Humankrankheiten und die Beseitigung von Ursachen für die Gefährdung der körperlichen und geistigen Gesundheit gerichtet. Sie umfasst die Bekämpfung der weit verbreiteten schweren Krankheiten, wobei die Erforschung der Ursachen, der Übertragung und der Verhütung dieser Krankheiten sowie Gesundheitsinformation und -erziehung gefördert werden; außerdem umfasst sie die Beobachtung, frühzeitige Meldung und Bekämpfung schwerwiegender grenzüberschreitender Gesundheitsgefahren.

Die Union ergänzt die Maßnahmen der Mitgliedstaaten zur Verringerung drogenkonsumbedingter Gesundheitsschäden einschließlich der Informations- und Vorbeugungsmaßnahmen.

(2) Die Union fördert die Zusammenarbeit zwischen den Mitgliedstaaten in den in diesem Artikel genannten Bereichen und unterstützt erforderlichenfalls deren Tätigkeit. Sie fördert insbesondere die Zusammenarbeit zwischen den Mitgliedstaaten, die darauf abzielt, die Komplementarität ihrer Gesundheitsdienste in den Grenzgebieten zu verbessern.

Die Mitgliedstaaten koordinieren untereinander im Benehmen mit der Kommission ihre Politiken und Programme in den in Absatz 1 genannten Bereichen. Die Kommission kann in enger Verbindung mit den Mitgliedstaaten alle Initiativen ergreifen, die dieser Koordinierung förderlich sind, insbesondere Initiativen, die darauf abzielen, Leitlinien und Indikatoren festzulegen, den Austausch bewährter Verfahren durchzuführen und die erforderlichen Elemente für eine regelmäßige Überwachung und Bewertung auszuarbeiten. Das Europäische Parlament wird in vollem Umfang unterrichtet.

(3) Die Union und die Mitgliedstaaten fördern die Zusammenarbeit mit dritten Ländern und den für das Gesundheitswesen zuständigen internationalen Organisationen.

(4) Abweichend von Artikel 2 Absatz 5 und Artikel 6 Buchstabe a tragen das Europäische Parlament und der Rat nach Artikel 4 Absatz 2 Buchstabe k gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen mit folgenden Maßnahmen zur Verwirklichung der Ziele dieses Artikels bei, um den gemeinsamen Sicherheitsanliegen Rechnung zu tragen:

- a) Maßnahmen zur Festlegung hoher Qualitäts- und Sicherheitsstandards für Organe und Substanzen menschlichen Ursprungs sowie für Blut und Blutderivate; diese Maßnahmen hindern die Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder einzuführen;
- b) Maßnahmen in den Bereichen Veterinärwesen und Pflanzenschutz, die unmittelbar den Schutz der Gesundheit der Bevölkerung zum Ziel haben;
- c) Maßnahmen zur Festlegung hoher Qualitäts- und Sicherheitsstandards für Arzneimittel und Medizinprodukte.

(5) Das Europäische Parlament und der Rat können unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen auch Fördermaßnahmen zum Schutz und zur Verbesserung der menschlichen Gesundheit sowie insbesondere zur Bekämpfung der weit verbreiteten schweren grenzüberschreitenden Krankheiten, Maßnahmen zur Beobachtung, frühzeitigen Meldung und Bekämpfung schwerwiegender grenzüberschreitender Gesundheitsgefahren sowie Maßnahmen, die unmittelbar den Schutz der Gesundheit der Bevölkerung vor Tabakkonsum und Alkoholmissbrauch zum Ziel haben, erlassen.

(6) Der Rat kann ferner auf Vorschlag der Kommission für die in diesem Artikel genannten Zwecke Empfehlungen erlassen.

(7) Bei der Tätigkeit der Union wird die Verantwortung der Mitgliedstaaten für die Festlegung ihrer Gesundheitspolitik sowie für die Organisation des Gesundheitswesens und die medizinische Versorgung gewahrt. Die Verantwortung der Mitgliedstaaten umfasst die Verwaltung des

Gesundheitswesens und der medizinischen Versorgung sowie die Zuweisung der dafür bereitgestellten Mittel. Die Maßnahmen nach Absatz 4 Buchstabe a lassen die einzelstaatlichen Regelungen über die Spende oder die medizinische Verwendung von Organen und Blut unberührt.

TITEL XV

VERBRAUCHERSCHUTZ

Artikel 169

(ex-Artikel 153 EGV)

(1) Zur Förderung der Interessen der Verbraucher und zur Gewährleistung eines hohen Verbraucherschutzniveaus leistet die Union einen Beitrag zum Schutz der Gesundheit, der Sicherheit und der wirtschaftlichen Interessen der Verbraucher sowie zur Förderung ihres Rechtes auf Information, Erziehung und Bildung von Vereinigungen zur Wahrung ihrer Interessen.

(2) Die Union leistet einen Beitrag zur Erreichung der in Absatz 1 genannten Ziele durch

- a) Maßnahmen, die sie im Rahmen der Verwirklichung des Binnenmarkts nach Artikel 114 erlässt;
- b) Maßnahmen zur Unterstützung, Ergänzung und Überwachung der Politik der Mitgliedstaaten.

(3) Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses die Maßnahmen nach Absatz 2 Buchstabe b.

(4) Die nach Absatz 3 beschlossenen Maßnahmen hindern die einzelnen Mitgliedstaaten nicht daran, strengere Schutzmaßnahmen beizubehalten oder zu ergreifen. Diese Maßnahmen müssen mit den Verträgen vereinbar sein. Sie werden der Kommission mitgeteilt.

TITEL XVI

TRANSEUROPÄISCHE NETZE

Artikel 170

(ex-Artikel 154 EGV)

(1) Um einen Beitrag zur Verwirklichung der Ziele der Artikel 26 und 174 zu leisten und den Bürgern der Union, den Wirtschaftsbeteiligten sowie den regionalen und lokalen Gebietskörperschaften in vollem Umfang die Vorteile zugute kommen zu lassen, die sich aus der Schaffung eines Raumes ohne Binnengrenzen ergeben, trägt die Union zum Auf- und Ausbau transeuropäischer Netze in den Bereichen der Verkehrs-, Telekommunikations- und Energieinfrastruktur bei.

(2) Die Tätigkeit der Union zielt im Rahmen eines Systems offener und wettbewerbsorientierter Märkte auf die Förderung des Verbunds und der Interoperabilität der einzelstaatlichen Netze sowie des Zugangs zu diesen Netzen ab. Sie trägt insbesondere der Notwendigkeit Rechnung, insulare, eingeschlossene und am Rande gelegene Gebiete mit den zentralen Gebieten der Union zu verbinden.

Artikel 171
(ex-Artikel 155 EGV)

(1) Zur Erreichung der Ziele des Artikels 170 geht die Union wie folgt vor:

- Sie stellt eine Reihe von Leitlinien auf, in denen die Ziele, die Prioritäten und die Grundzüge der im Bereich der transeuropäischen Netze in Betracht gezogenen Aktionen erfasst werden; in diesen Leitlinien werden Vorhaben von gemeinsamem Interesse ausgewiesen;
- sie führt jede Aktion durch, die sich gegebenenfalls als notwendig erweist, um die Interoperabilität der Netze zu gewährleisten, insbesondere im Bereich der Harmonisierung der technischen Normen;
- sie kann von den Mitgliedstaaten unterstützte Vorhaben von gemeinsamem Interesse, die im Rahmen der Leitlinien gemäß dem ersten Gedankenstrich ausgewiesen sind, insbesondere in Form von Durchführbarkeitsstudien, Anleihebürgschaften oder Zinszuschüssen unterstützen; die Union kann auch über den nach Artikel 177 errichteten Kohäsionsfonds zu spezifischen Verkehrsinfrastrukturvorhaben in den Mitgliedstaaten finanziell beitragen.

Die Union berücksichtigt bei ihren Maßnahmen die potenzielle wirtschaftliche Lebensfähigkeit der Vorhaben.

(2) Die Mitgliedstaaten koordinieren untereinander in Verbindung mit der Kommission die einzelstaatlichen Politiken, die sich erheblich auf die Verwirklichung der Ziele des Artikels 170 auswirken können. Die Kommission kann in enger Zusammenarbeit mit den Mitgliedstaaten alle Initiativen ergreifen, die dieser Koordinierung förderlich sind.

(3) Die Union kann beschließen, mit dritten Ländern zur Förderung von Vorhaben von gemeinsamem Interesse sowie zur Sicherstellung der Interoperabilität der Netze zusammenzuarbeiten.

Artikel 172
(ex-Artikel 156 EGV)

Die Leitlinien und die übrigen Maßnahmen nach Artikel 171 Absatz 1 werden vom Europäischen Parlament und vom Rat gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen festgelegt.

Leitlinien und Vorhaben von gemeinsamem Interesse, die das Hoheitsgebiet eines Mitgliedstaats betreffen, bedürfen der Billigung des betroffenen Mitgliedstaats.

TITEL XVII

INDUSTRIE

Artikel 173
(ex-Artikel 157 EGV)

(1) Die Union und die Mitgliedstaaten sorgen dafür, dass die notwendigen Voraussetzungen für die Wettbewerbsfähigkeit der Industrie der Union gewährleistet sind.

Zu diesem Zweck zielt ihre Tätigkeit entsprechend einem System offener und wettbewerbsorientierter Märkte auf Folgendes ab:

- Erleichterung der Anpassung der Industrie an die strukturellen Veränderungen;
- Förderung eines für die Initiative und Weiterentwicklung der Unternehmen in der gesamten Union, insbesondere der kleinen und mittleren Unternehmen, günstigen Umfelds;
- Förderung eines für die Zusammenarbeit zwischen Unternehmen günstigen Umfelds;
- Förderung einer besseren Nutzung des industriellen Potenzials der Politik in den Bereichen Innovation, Forschung und technologische Entwicklung.

(2) Die Mitgliedstaaten konsultieren einander in Verbindung mit der Kommission und koordinieren, soweit erforderlich, ihre Maßnahmen. Die Kommission kann alle Initiativen ergreifen, die dieser Koordinierung förderlich sind, insbesondere Initiativen, die darauf abzielen, Leitlinien und Indikatoren festzulegen, den Austausch bewährter Verfahren durchzuführen und die erforderlichen Elemente für eine regelmäßige Überwachung und Bewertung auszuarbeiten. Das Europäische Parlament wird in vollem Umfang unterrichtet.

(3) Die Union trägt durch die Politik und die Maßnahmen, die sie aufgrund anderer Bestimmungen der Verträge durchführt, zur Erreichung der Ziele des Absatzes 1 bei. Das Europäische Parlament und der Rat können unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses spezifische Maßnahmen zur Unterstützung der in den Mitgliedstaaten durchgeführten Maßnahmen im Hinblick auf die Verwirklichung der Ziele des Absatzes 1 beschließen.

Dieser Titel bietet keine Grundlage dafür, dass die Union irgendeine Maßnahme einführt, die zu Wettbewerbsverzerrungen führen könnte oder steuerliche Vorschriften oder Bestimmungen betreffend die Rechte und Interessen der Arbeitnehmer enthält.

TITEL XVIII

WIRTSCHAFTLICHER, SOZIALER UND TERRITORIALER ZUSAMMENHALT*Artikel 174*
(ex-Artikel 158 EGV)

Die Union entwickelt und verfolgt weiterhin ihre Politik zur Stärkung ihres wirtschaftlichen, sozialen und territorialen Zusammenhalts, um eine harmonische Entwicklung der Union als Ganzes zu fördern.

Die Union setzt sich insbesondere zum Ziel, die Unterschiede im Entwicklungsstand der verschiedenen Regionen und den Rückstand der am stärksten benachteiligten Gebiete zu verringern.

Unter den betreffenden Gebieten gilt besondere Aufmerksamkeit den ländlichen Gebieten, den vom industriellen Wandel betroffenen Gebieten und den Gebieten mit schweren und dauerhaften natürlichen oder demografischen Nachteilen, wie den nördlichsten Regionen mit sehr geringer Bevölkerungsdichte sowie den Insel-, Grenz- und Bergregionen.

Artikel 175
(ex-Artikel 159 EGV)

Die Mitgliedstaaten führen und koordinieren ihre Wirtschaftspolitik in der Weise, dass auch die in Artikel 174 genannten Ziele erreicht werden. Die Festlegung und Durchführung der Politiken und Aktionen der Union sowie die Errichtung des Binnenmarkts berücksichtigen die Ziele des Artikels 174 und tragen zu deren Verwirklichung bei. Die Union unterstützt auch diese Bemühungen durch die Politik, die sie mit Hilfe der Strukturfonds (Europäischer Ausrichtungs- und Garantiefonds für die Landwirtschaft — Abteilung Ausrichtung, Europäischer Sozialfonds, Europäischer Fonds für regionale Entwicklung), der Europäischen Investitionsbank und der sonstigen vorhandenen Finanzierungsinstrumente führt.

Die Kommission erstattet dem Europäischen Parlament, dem Rat, dem Wirtschafts- und Sozialausschuss und dem Ausschuss der Regionen alle drei Jahre Bericht über die Fortschritte bei der Verwirklichung des wirtschaftlichen, sozialen und territorialen Zusammenhalts und über die Art und Weise, in der die in diesem Artikel vorgesehenen Mittel hierzu beigetragen haben. Diesem Bericht werden erforderlichenfalls entsprechende Vorschläge beigelegt.

Falls sich spezifische Aktionen außerhalb der Fonds und unbeschadet der im Rahmen der anderen Politiken der Union beschlossenen Maßnahmen als erforderlich erweisen, so können sie vom Europäischen Parlament und vom Rat gemäß dem ordentlichen Gesetzgebungsverfahren nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen beschlossen werden.

Artikel 176
(ex-Artikel 160 EGV)

Aufgabe des Europäischen Fonds für regionale Entwicklung ist es, durch Beteiligung an der Entwicklung und an der strukturellen Anpassung der rückständigen Gebiete und an der Umstellung der Industriegebiete mit rückläufiger Entwicklung zum Ausgleich der wichtigsten regionalen Ungleichgewichte in der Union beizutragen.

Artikel 177
(ex-Artikel 161 EGV)

Unbeschadet des Artikels 178 legen das Europäische Parlament und der Rat durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen die Aufgaben, die vorrangigen Ziele und die Organisation der Strukturfonds fest, was ihre Neuordnung einschließen kann. Nach demselben Verfahren werden ferner die für die Fonds geltenden allgemeinen Regeln sowie die Bestimmungen festgelegt, die zur Gewährleistung einer wirksamen Arbeitsweise und zur Koordinierung der Fonds sowohl untereinander als auch mit den anderen vorhandenen Finanzierungsinstrumenten erforderlich sind.

Ein nach demselben Verfahren errichteter Kohäsionsfonds trägt zu Vorhaben in den Bereichen Umwelt und transeuropäische Netze auf dem Gebiet der Verkehrsinfrastruktur finanziell bei.

Artikel 178
(ex-Artikel 162 EGV)

Die den Europäischen Fonds für regionale Entwicklung betreffenden Durchführungsverordnungen werden vom Europäischen Parlament und vom Rat gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen gefasst.

Für den Europäischen Ausrichtungs- und Garantiefonds für die Landwirtschaft, Abteilung Ausrichtung, und den Europäischen Sozialfonds sind die Artikel 43 bzw. 164 weiterhin anwendbar.

TITEL XIX

FORSCHUNG, TECHNOLOGISCHE ENTWICKLUNG UND RAUMFAHRT

Artikel 179
(ex-Artikel 163 EGV)

(1) Die Union hat zum Ziel, ihre wissenschaftlichen und technologischen Grundlagen dadurch zu stärken, dass ein europäischer Raum der Forschung geschaffen wird, in dem Freizügigkeit für Forscher herrscht und wissenschaftliche Erkenntnisse und Technologien frei ausgetauscht werden, die Entwicklung ihrer Wettbewerbsfähigkeit einschließlich der ihrer Industrie zu fördern sowie alle Forschungsmaßnahmen zu unterstützen, die aufgrund anderer Kapitel der Verträge für erforderlich gehalten werden.

(2) In diesem Sinne unterstützt sie in der gesamten Union die Unternehmen — einschließlich der kleinen und mittleren Unternehmen –, die Forschungszentren und die Hochschulen bei ihren Bemühungen auf dem Gebiet der Forschung und technologischen Entwicklung von hoher Qualität; sie fördert ihre Zusammenarbeitsbestrebungen, damit vor allem die Forscher ungehindert über die Grenzen hinweg zusammenarbeiten und die Unternehmen die Möglichkeiten des Binnenmarkts in vollem Umfang nutzen können, und zwar insbesondere durch Öffnen des einzelstaatlichen öffentlichen Auftragswesens, Festlegung gemeinsamer Normen und Beseitigung der dieser Zusammenarbeit entgegenstehenden rechtlichen und steuerlichen Hindernisse.

(3) Alle Maßnahmen der Union aufgrund der Verträge auf dem Gebiet der Forschung und der technologischen Entwicklung einschließlich der Demonstrationsvorhaben werden nach Maßgabe dieses Titels beschlossen und durchgeführt.

Artikel 180
(ex-Artikel 164 EGV)

Zur Erreichung dieser Ziele trifft die Union folgende Maßnahmen, welche die in den Mitgliedstaaten durchgeführten Aktionen ergänzen:

- a) Durchführung von Programmen für Forschung, technologische Entwicklung und Demonstration unter Förderung der Zusammenarbeit mit und zwischen Unternehmen, Forschungszentren und Hochschulen;
- b) Förderung der Zusammenarbeit mit dritten Ländern und internationalen Organisationen auf dem Gebiet der Forschung der Union, technologischen Entwicklung und Demonstration;
- c) Verbreitung und Auswertung der Ergebnisse der Tätigkeiten auf dem Gebiet der Forschung der Union, technologischen Entwicklung und Demonstration;
- d) Förderung der Ausbildung und der Mobilität der Forscher aus der Union.

Artikel 181
(ex-Artikel 165 EGV)

(1) Die Union und die Mitgliedstaaten koordinieren ihre Tätigkeiten auf dem Gebiet der Forschung und der technologischen Entwicklung, um die Kohärenz der einzelstaatlichen Politiken und der Politik der Union sicherzustellen.

(2) Die Kommission kann in enger Zusammenarbeit mit den Mitgliedstaaten alle Initiativen ergreifen, die der Koordinierung nach Absatz 1 förderlich sind, insbesondere Initiativen, die darauf abzielen, Leitlinien und Indikatoren festzulegen, den Austausch bewährter Verfahren durchzuführen und die erforderlichen Elemente für eine regelmäßige Überwachung und Bewertung auszuarbeiten. Das Europäische Parlament wird in vollem Umfang unterrichtet.

Artikel 182
(ex-Artikel 166 EGV)

(1) Das Europäische Parlament und der Rat stellen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses ein mehrjähriges Rahmenprogramm auf, in dem alle Aktionen der Union zusammengefasst werden.

In dem Rahmenprogramm werden

- die wissenschaftlichen und technologischen Ziele, die mit den Maßnahmen nach Artikel 180 erreicht werden sollen, sowie die jeweiligen Prioritäten festgelegt;

- die Grundzüge dieser Maßnahmen angeben;
 - der Gesamthöchstbetrag und die Einzelheiten der finanziellen Beteiligung der Union am Rahmenprogramm sowie die jeweiligen Anteile der vorgesehenen Maßnahmen festgelegt.
- (2) Das Rahmenprogramm wird je nach Entwicklung der Lage angepasst oder ergänzt.
- (3) Die Durchführung des Rahmenprogramms erfolgt durch spezifische Programme, die innerhalb einer jeden Aktion entwickelt werden. In jedem spezifischen Programm werden die Einzelheiten seiner Durchführung, seine Laufzeit und die für notwendig erachteten Mittel festgelegt. Die Summe der in den spezifischen Programmen für notwendig erachteten Beträge darf den für das Rahmenprogramm und für jede Aktion festgesetzten Gesamthöchstbetrag nicht überschreiten.
- (4) Die spezifischen Programme werden vom Rat gemäß einem besonderen Gesetzgebungsverfahren nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses beschlossen.
- (5) Ergänzend zu den in dem mehrjährigen Rahmenprogramm vorgesehenen Aktionen erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses die Maßnahmen, die für die Verwirklichung des Europäischen Raums der Forschung notwendig sind.

Artikel 183
(ex-Artikel 167 EGV)

Zur Durchführung des mehrjährigen Rahmenprogramms legt die Union Folgendes fest:

- die Regeln für die Beteiligung der Unternehmen, der Forschungszentren und der Hochschulen;
- die Regeln für die Verbreitung der Forschungsergebnisse.

Artikel 184
(ex-Artikel 168 EGV)

Bei der Durchführung des mehrjährigen Rahmenprogramms können Zusatzprogramme beschlossen werden, an denen nur bestimmte Mitgliedstaaten teilnehmen, die sie vorbehaltlich einer etwaigen Beteiligung der Union auch finanzieren.

Die Union legt die Regeln für die Zusatzprogramme fest, insbesondere hinsichtlich der Verbreitung der Kenntnisse und des Zugangs anderer Mitgliedstaaten.

Artikel 185
(ex-Artikel 169 EGV)

Die Union kann im Einvernehmen mit den betreffenden Mitgliedstaaten bei der Durchführung des mehrjährigen Rahmenprogramms eine Beteiligung an Forschungs- und Entwicklungsprogrammen mehrerer Mitgliedstaaten, einschließlich der Beteiligung an den zu ihrer Durchführung geschaffenen Strukturen, vorsehen.

Artikel 186
(ex-Artikel 170 EGV)

Die Union kann bei der Durchführung des mehrjährigen Rahmenprogramms eine Zusammenarbeit auf dem Gebiet der Forschung, technologischen Entwicklung und Demonstration der Union mit dritten Ländern oder internationalen Organisationen vorsehen.

Die Einzelheiten dieser Zusammenarbeit können Gegenstand von Abkommen zwischen der Union und den betreffenden dritten Parteien sein.

Artikel 187
(ex-Artikel 171 EGV)

Die Union kann gemeinsame Unternehmen gründen oder andere Strukturen schaffen, die für die ordnungsgemäße Durchführung der Programme für Forschung, technologische Entwicklung und Demonstration der Union erforderlich sind.

Artikel 188
(ex-Artikel 172)

Der Rat legt auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und des Wirtschafts- und Sozialausschusses die in Artikel 187 vorgesehenen Bestimmungen fest.

Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses die in den Artikeln 183, 184 und 185 vorgesehenen Bestimmungen fest. Für die Verabschiedung der Zusatzprogramme ist die Zustimmung der daran beteiligten Mitgliedstaaten erforderlich.

Artikel 189

(1) Zur Förderung des wissenschaftlichen und technischen Fortschritts, der Wettbewerbsfähigkeit der Industrie und der Durchführung ihrer Politik arbeitet die Union eine europäische Raumfahrtpolitik aus. Sie kann zu diesem Zweck gemeinsame Initiativen fördern, die Forschung und technologische Entwicklung unterstützen und die Anstrengungen zur Erforschung und Nutzung des Weltraums koordinieren.

- (2) Als Beitrag zur Erreichung der Ziele des Absatzes 1 werden vom Europäischen Parlament und vom Rat unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten gemäß dem ordentlichen Gesetzgebungsverfahren die notwendigen Maßnahmen erlassen, was in Form eines europäischen Raumfahrtprogramms geschehen kann.
- (3) Die Union stellt die zweckdienlichen Verbindungen zur Europäischen Weltraumorganisation her.
- (4) Dieser Artikel gilt unbeschadet der sonstigen Bestimmungen dieses Titels.

Artikel 190
(ex-Artikel 173 EGV)

Zu Beginn jedes Jahres unterbreitet die Kommission dem Europäischen Parlament und dem Rat einen Bericht. Dieser Bericht erstreckt sich insbesondere auf die Tätigkeiten auf dem Gebiet der Forschung und technologischen Entwicklung und der Verbreitung der Ergebnisse dieser Tätigkeiten während des Vorjahres sowie auf das Arbeitsprogramm des laufenden Jahres.

TITEL XX

UMWELT

Artikel 191
(ex-Artikel 174 EGV)

- (1) Die Umweltpolitik der Union trägt zur Verfolgung der nachstehenden Ziele bei:
- Erhaltung und Schutz der Umwelt sowie Verbesserung ihrer Qualität;
 - Schutz der menschlichen Gesundheit;
 - umsichtige und rationelle Verwendung der natürlichen Ressourcen;
 - Förderung von Maßnahmen auf internationaler Ebene zur Bewältigung regionaler oder globaler Umweltprobleme und insbesondere zur Bekämpfung des Klimawandels.
- (2) Die Umweltpolitik der Union zielt unter Berücksichtigung der unterschiedlichen Gegebenheiten in den einzelnen Regionen der Union auf ein hohes Schutzniveau ab. Sie beruht auf den Grundsätzen der Vorsorge und Vorbeugung, auf dem Grundsatz, Umweltbeeinträchtigungen mit Vorrang an ihrem Ursprung zu bekämpfen, sowie auf dem Verursacherprinzip.

Im Hinblick hierauf umfassen die den Erfordernissen des Umweltschutzes entsprechenden Harmonisierungsmaßnahmen gegebenenfalls eine Schutzklausel, mit der die Mitgliedstaaten ermächtigt werden, aus nicht wirtschaftlich bedingten umweltpolitischen Gründen vorläufige Maßnahmen zu treffen, die einem Kontrollverfahren der Union unterliegen.

(3) Bei der Erarbeitung ihrer Umweltpolitik berücksichtigt die Union

- die verfügbaren wissenschaftlichen und technischen Daten;
- die Umweltbedingungen in den einzelnen Regionen der Union;
- die Vorteile und die Belastung aufgrund des Tätigwerdens bzw. eines Nichttätigwerdens;
- die wirtschaftliche und soziale Entwicklung der Union insgesamt sowie die ausgewogene Entwicklung ihrer Regionen.

(4) Die Union und die Mitgliedstaaten arbeiten im Rahmen ihrer jeweiligen Befugnisse mit dritten Ländern und den zuständigen internationalen Organisationen zusammen. Die Einzelheiten der Zusammenarbeit der Union können Gegenstand von Abkommen zwischen dieser und den betreffenden dritten Parteien sein.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und internationale Abkommen zu schließen.

Artikel 192
(ex-Artikel 175 EGV)

(1) Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen über das Tätigwerden der Union zur Erreichung der in Artikel 191 genannten Ziele.

(2) Abweichend von dem Beschlussverfahren des Absatzes 1 und unbeschadet des Artikels 114 erlässt der Rat gemäß einem besonderen Gesetzgebungsverfahren nach Anhörung des Europäischen Parlaments, des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen einstimmig

- a) Vorschriften überwiegend steuerlicher Art;
- b) Maßnahmen, die
 - die Raumordnung berühren,
 - die mengenmäßige Bewirtschaftung der Wasserressourcen berühren oder die Verfügbarkeit dieser Ressourcen mittelbar oder unmittelbar betreffen,
 - die Bodennutzung mit Ausnahme der Abfallbewirtschaftung berühren;
- c) Maßnahmen, welche die Wahl eines Mitgliedstaats zwischen verschiedenen Energiequellen und die allgemeine Struktur seiner Energieversorgung erheblich berühren.

Der Rat kann auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments, des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen einstimmig festlegen, dass für die in Unterabsatz 1 genannten Bereiche das ordentliche Gesetzgebungsverfahren gilt.

(3) Das Europäische Parlament und der Rat beschließen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung des Wirtschafts- und Sozialausschusses sowie des Ausschusses der Regionen allgemeine Aktionsprogramme, in denen die vorrangigen Ziele festgelegt werden.

Die zur Durchführung dieser Programme erforderlichen Maßnahmen werden, je nach Fall, nach dem in Absatz 1 beziehungsweise Absatz 2 vorgesehenen Verfahren erlassen.

(4) Unbeschadet bestimmter Maßnahmen der Union tragen die Mitgliedstaaten für die Finanzierung und Durchführung der Umweltpolitik Sorge.

(5) Sofern eine Maßnahme nach Absatz 1 mit unverhältnismäßig hohen Kosten für die Behörden eines Mitgliedstaats verbunden ist, werden darin unbeschadet des Verursacherprinzips geeignete Bestimmungen in folgender Form vorgesehen:

- vorübergehende Ausnahmeregelungen und/oder
- eine finanzielle Unterstützung aus dem nach Artikel 177 errichteten Kohäsionsfonds.

Artikel 193 (ex-Artikel 176 EGV)

Die Schutzmaßnahmen, die aufgrund des Artikels 192 getroffen werden, hindern die einzelnen Mitgliedstaaten nicht daran, verstärkte Schutzmaßnahmen beizubehalten oder zu ergreifen. Die betreffenden Maßnahmen müssen mit den Verträgen vereinbar sein. Sie werden der Kommission notifiziert.

TITEL XXI **ENERGIE**

Artikel 194

(1) Die Energiepolitik der Union verfolgt im Geiste der Solidarität zwischen den Mitgliedstaaten im Rahmen der Verwirklichung oder des Funktionierens des Binnenmarkts und unter Berücksichtigung der Notwendigkeit der Erhaltung und Verbesserung der Umwelt folgende Ziele:

- a) Sicherstellung des Funktionierens des Energiemarkts;
- b) Gewährleistung der Energieversorgungssicherheit in der Union;
- c) Förderung der Energieeffizienz und von Energieeinsparungen sowie Entwicklung neuer und erneuerbarer Energiequellen und
- d) Förderung der Interkonnektion der Energienetze.

(2) Unbeschadet der Anwendung anderer Bestimmungen der Verträge erlassen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren die Maßnahmen, die erforderlich sind, um die Ziele nach Absatz 1 zu verwirklichen. Der Erlass dieser Maßnahmen erfolgt nach Anhörung des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen.

Diese Maßnahmen berühren unbeschadet des Artikels 192 Absatz 2 Buchstabe c nicht das Recht eines Mitgliedstaats, die Bedingungen für die Nutzung seiner Energieressourcen, seine Wahl zwischen verschiedenen Energiequellen und die allgemeine Struktur seiner Energieversorgung zu bestimmen.

(3) Abweichend von Absatz 2 erlässt der Rat die darin genannten Maßnahmen gemäß einem besonderen Gesetzgebungsverfahren einstimmig nach Anhörung des Europäischen Parlaments, wenn sie überwiegend steuerlicher Art sind.

TITEL XXII

TOURISMUS

Artikel 195

(1) Die Union ergänzt die Maßnahmen der Mitgliedstaaten im Tourismussektor, insbesondere durch die Förderung der Wettbewerbsfähigkeit der Unternehmen der Union in diesem Sektor.

Die Union verfolgt zu diesem Zweck mit ihrer Tätigkeit das Ziel,

- a) die Schaffung eines günstigen Umfelds für die Entwicklung der Unternehmen in diesem Sektor anzuregen;
- b) die Zusammenarbeit zwischen den Mitgliedstaaten insbesondere durch den Austausch bewährter Praktiken zu unterstützen.

(2) Das Europäische Parlament und der Rat erlassen unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten gemäß dem ordentlichen Gesetzgebungsverfahren die spezifischen Maßnahmen zur Ergänzung der Maßnahmen, die die Mitgliedstaaten zur Verwirklichung der in diesem Artikel genannten Ziele durchführen.

TITEL XXIII

KATASTROPHENSCHUTZ

Artikel 196

(1) Die Union fördert die Zusammenarbeit zwischen den Mitgliedstaaten, um die Systeme zur Verhütung von Naturkatastrophen oder von vom Menschen verursachten Katastrophen und zum Schutz vor solchen Katastrophen wirksamer zu gestalten.

Die Tätigkeit der Union hat folgende Ziele:

- a) Unterstützung und Ergänzung der Tätigkeit der Mitgliedstaaten auf nationaler, regionaler und kommunaler Ebene im Hinblick auf die Risikoprävention, auf die Ausbildung der in den Mitgliedstaaten am Katastrophenschutz Beteiligten und auf Einsätze im Falle von Naturkatastrophen oder von vom Menschen verursachten Katastrophen in der Union;
- b) Förderung einer schnellen und effizienten Zusammenarbeit in der Union zwischen den einzelstaatlichen Katastrophenschutzstellen;
- c) Verbesserung der Kohärenz der Katastrophenschutzmaßnahmen auf internationaler Ebene.

(2) Das Europäische Parlament und der Rat erlassen unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten gemäß dem ordentlichen Gesetzgebungsverfahren die erforderlichen Maßnahmen zur Verfolgung der Ziele des Absatzes 1.

TITEL XXIV

VERWALTUNGSZUSAMMENARBEIT

Artikel 197

(1) Die für das ordnungsgemäße Funktionieren der Union entscheidende effektive Durchführung des Unionsrechts durch die Mitgliedstaaten ist als Frage von gemeinsamem Interesse anzusehen.

(2) Die Union kann die Mitgliedstaaten in ihren Bemühungen um eine Verbesserung der Fähigkeit ihrer Verwaltung zur Durchführung des Unionsrechts unterstützen. Dies kann insbesondere die Erleichterung des Austauschs von Informationen und von Beamten sowie die Unterstützung von Aus- und Weiterbildungsprogrammen beinhalten. Die Mitgliedstaaten müssen diese Unterstützung nicht in Anspruch nehmen. Das Europäische Parlament und der Rat erlassen die erforderlichen Maßnahmen unter Ausschluss jeglicher Harmonisierung der Rechtsvorschriften der Mitgliedstaaten durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren.

(3) Dieser Artikel berührt weder die Verpflichtung der Mitgliedstaaten, das Unionsrecht durchzuführen, noch die Befugnisse und Pflichten der Kommission. Er berührt auch nicht die übrigen Bestimmungen der Verträge, in denen eine Verwaltungszusammenarbeit unter den Mitgliedstaaten sowie zwischen diesen und der Union vorgesehen ist.

VIERTER TEIL

DIE ASSOZIIERUNG DER ÜBERSEEISCHEN LÄNDER UND HOHEITSGEBIETE

Artikel 198 (ex-Artikel 182 EGV)

Die Mitgliedstaaten kommen überein, die außereuropäischen Länder und Hoheitsgebiete, die mit Dänemark, Frankreich, den Niederlanden und dem Vereinigten Königreich besondere Beziehungen unterhalten, der Union zu assoziieren. Diese Länder und Hoheitsgebiete, im Folgenden als „Länder und Hoheitsgebiete“ bezeichnet, sind in Anhang II aufgeführt.

Ziel der Assoziierung ist die Förderung der wirtschaftlichen und sozialen Entwicklung der Länder und Hoheitsgebiete und die Herstellung enger Wirtschaftsbeziehungen zwischen ihnen und der gesamten Union.

Entsprechend den in der Präambel dieses Vertrags aufgestellten Grundsätzen soll die Assoziierung in erster Linie den Interessen der Einwohner dieser Länder und Hoheitsgebiete dienen und ihren Wohlstand fördern, um sie der von ihnen erstrebten wirtschaftlichen, sozialen und kulturellen Entwicklung entgegenzuführen.

Artikel 199 (ex-Artikel 183 EGV)

Mit der Assoziierung werden folgende Zwecke verfolgt:

1. Die Mitgliedstaaten wenden auf ihren Handelsverkehr mit den Ländern und Hoheitsgebieten das System an, das sie aufgrund der Verträge untereinander anwenden.
2. Jedes Land oder Hoheitsgebiet wendet auf seinen Handelsverkehr mit den Mitgliedstaaten und den anderen Ländern und Hoheitsgebieten das System an, das es auf den europäischen Staat anwendet, mit dem es besondere Beziehungen unterhält.
3. Die Mitgliedstaaten beteiligen sich an den Investitionen, welche die fortschreitende Entwicklung dieser Länder und Hoheitsgebiete erfordert.
4. Bei Ausschreibungen und Lieferungen für Investitionen, die von der Union finanziert werden, steht die Beteiligung zu gleichen Bedingungen allen natürlichen und juristischen Personen offen, welche die Staatsangehörigkeit der Mitgliedstaaten oder der Länder oder Hoheitsgebiete besitzen.
5. Soweit aufgrund des Artikels 203 nicht Sonderregelungen getroffen werden, gelten zwischen den Mitgliedstaaten und den Ländern und Hoheitsgebieten für das Niederlassungsrecht ihrer Staatsangehörigen und Gesellschaften die Bestimmungen und Verfahrensregeln des Kapitels Niederlassungsfreiheit, und zwar unter Ausschluss jeder Diskriminierung.

Artikel 200
(ex-Artikel 184 EGV)

(1) Zölle bei der Einfuhr von Waren aus den Ländern und Hoheitsgebieten in die Mitgliedstaaten sind verboten; dies geschieht nach Maßgabe des in den Verträgen vorgesehenen Verbots von Zöllen zwischen den Mitgliedstaaten.

(2) In jedem Land und Hoheitsgebiet sind Zölle bei der Einfuhr von Waren aus den Mitgliedstaaten und den anderen Ländern und Hoheitsgebieten nach Maßgabe des Artikels 30 verboten.

(3) Die Länder und Hoheitsgebiete können jedoch Zölle erheben, die den Erfordernissen ihrer Entwicklung und Industrialisierung entsprechen oder als Finanzaufschläge der Finanzierung ihres Haushalts dienen.

Die in Unterabsatz 1 genannten Zölle dürfen nicht höher sein als diejenigen, die für die Einfuhr von Waren aus dem Mitgliedstaat gelten, mit dem das entsprechende Land oder Hoheitsgebiet besondere Beziehungen unterhält.

(4) Absatz 2 gilt nicht für die Länder und Hoheitsgebiete, die aufgrund besonderer internationaler Verpflichtungen bereits einen nichtdiskriminierenden Zolltarif anwenden.

(5) Die Festlegung oder Änderung der Zollsätze für Waren, die in die Länder und Hoheitsgebiete eingeführt werden, darf weder rechtlich noch tatsächlich zu einer mittelbaren oder unmittelbaren Diskriminierung zwischen den Einfuhren aus den einzelnen Mitgliedstaaten führen.

Artikel 201
(ex-Artikel 185 EGV)

Ist die Höhe der Zollsätze, die bei der Einfuhr in ein Land oder Hoheitsgebiet für Waren aus einem dritten Land gelten, bei Anwendung des Artikels 200 Absatz 1 geeignet, Verkehrsverlagerungen zum Nachteil eines Mitgliedstaats hervorzurufen, so kann dieser die Kommission ersuchen, den anderen Mitgliedstaaten die erforderlichen Abhilfemaßnahmen vorzuschlagen.

Artikel 202
(ex-Artikel 186 EGV)

Vorbehaltlich der Bestimmungen über die Volksgesundheit und die öffentliche Sicherheit und Ordnung werden für die Freizügigkeit der Arbeitskräfte aus den Ländern und Hoheitsgebieten in den Mitgliedstaaten und der Arbeitskräfte aus den Mitgliedstaaten in den Ländern und Hoheitsgebieten Rechtsakte nach Artikel 203 erlassen.

Artikel 203
(ex-Artikel 187 EGV)

Der Rat erlässt einstimmig auf Vorschlag der Kommission und aufgrund der im Rahmen der Assoziierung der Länder und Hoheitsgebiete an die Union erzielten Ergebnisse und der Grundsätze der Verträge die Bestimmungen über die Einzelheiten und das Verfahren für die Assoziierung der Länder und Hoheitsgebiete an die Union. Werden diese Bestimmungen vom Rat gemäß einem besonderen Gesetzgebungsverfahren angenommen, so beschließt er einstimmig auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments.

Artikel 204
(ex-Artikel 188 EGV)

Die Artikel 198 bis 203 sind auf Grönland anwendbar, vorbehaltlich der spezifischen Bestimmungen für Grönland in dem Protokoll über die Sonderregelung für Grönland im Anhang zu den Verträgen.

FÜNFTER TEIL
DAS AUSWÄRTIGE HANDELN DER UNION

TITEL I
ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION

Artikel 205

Das Handeln der Union auf internationaler Ebene im Rahmen dieses Teils wird von den Grundsätzen bestimmt, von den Zielen geleitet und an den allgemeinen Bestimmungen ausgerichtet, die in Titel V Kapitel 1 des Vertrags über die Europäische Union niedergelegt sind.

TITEL II
GEMEINSAME HANDELSPOLITIK

Artikel 206
(ex-Artikel 131 EGV)

Durch die Schaffung einer Zollunion nach den Artikeln 28 bis 32 trägt die Union im gemeinsamen Interesse zur harmonischen Entwicklung des Welthandels, zur schrittweisen Beseitigung der Beschränkungen im internationalen Handelsverkehr und bei den ausländischen Direktinvestitionen sowie zum Abbau der Zollschränken und anderer Schranken bei.

Artikel 207
(ex-Artikel 133 EGV)

(1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; dies gilt insbesondere für die Änderung von Zollsätzen, für den Abschluss von Zoll- und Handelsabkommen, die den Handel mit Waren und Dienstleistungen betreffen, und für die Handelsaspekte des geistigen Eigentums, die ausländischen Direktinvestitionen, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik sowie die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen. Die gemeinsame Handelspolitik wird im Rahmen der Grundsätze und Ziele des auswärtigen Handelns der Union gestaltet.

(2) Das Europäische Parlament und der Rat erlassen durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren die Maßnahmen, mit denen der Rahmen für die Umsetzung der gemeinsamen Handelspolitik bestimmt wird.

(3) Sind mit einem oder mehreren Drittländern oder internationalen Organisationen Abkommen auszuhandeln und zu schließen, so findet Artikel 218 vorbehaltlich der besonderen Bestimmungen dieses Artikels Anwendung.

Die Kommission legt dem Rat Empfehlungen vor; dieser ermächtigt die Kommission zur Aufnahme der erforderlichen Verhandlungen. Der Rat und die Kommission haben dafür Sorge zu tragen, dass die ausgehandelten Abkommen mit der internen Politik und den internen Vorschriften der Union vereinbar sind.

Die Kommission führt diese Verhandlungen im Benehmen mit einem zu ihrer Unterstützung vom Rat bestellten Sonderausschuss und nach Maßgabe der Richtlinien, die ihr der Rat erteilen kann. Die Kommission erstattet dem Sonderausschuss sowie dem Europäischen Parlament regelmäßig Bericht über den Stand der Verhandlungen.

(4) Über die Aushandlung und den Abschluss der in Absatz 3 genannten Abkommen beschließt der Rat mit qualifizierter Mehrheit.

Über die Aushandlung und den Abschluss eines Abkommens über den Dienstleistungsverkehr, über Handelsaspekte des geistigen Eigentums oder über ausländische Direktinvestitionen beschließt der Rat einstimmig, wenn das betreffende Abkommen Bestimmungen enthält, bei denen für die Annahme interner Vorschriften Einstimmigkeit erforderlich ist.

Der Rat beschließt ebenfalls einstimmig über die Aushandlung und den Abschluss von Abkommen in den folgenden Bereichen:

- a) Handel mit kulturellen und audiovisuellen Dienstleistungen, wenn diese Abkommen die kulturelle und sprachliche Vielfalt in der Union beeinträchtigen könnten;
- b) Handel mit Dienstleistungen des Sozial-, des Bildungs- und des Gesundheitssektors, wenn diese Abkommen die einzelstaatliche Organisation dieser Dienstleistungen ernsthaft stören und die Verantwortlichkeit der Mitgliedstaaten für ihre Erbringung beeinträchtigen könnten.

(5) Für die Aushandlung und den Abschluss von internationalen Abkommen im Bereich des Verkehrs gelten der Dritte Teil Titel VI sowie Artikel 218.

(6) Die Ausübung der durch diesen Artikel übertragenen Zuständigkeiten im Bereich der gemeinsamen Handelspolitik hat keine Auswirkungen auf die Abgrenzung der Zuständigkeiten zwischen der Union und den Mitgliedstaaten und führt nicht zu einer Harmonisierung der Rechtsvorschriften der Mitgliedstaaten, soweit eine solche Harmonisierung in den Verträgen ausgeschlossen wird.

TITEL III

ZUSAMMENARBEIT MIT DRITTLÄNDERN UND HUMANITÄRE HILFE

KAPITEL 1

ENTWICKLUNGSZUSAMMENARBEIT

Artikel 208 (ex-Artikel 177 EGV)

(1) Die Politik der Union auf dem Gebiet der Entwicklungszusammenarbeit wird im Rahmen der Grundsätze und Ziele des auswärtigen Handelns der Union durchgeführt. Die Politik der Union und die Politik der Mitgliedstaaten auf dem Gebiet der Entwicklungszusammenarbeit ergänzen und verstärken sich gegenseitig.

Hauptziel der Unionspolitik in diesem Bereich ist die Bekämpfung und auf längere Sicht die Beseitigung der Armut. Bei der Durchführung politischer Maßnahmen, die sich auf die Entwicklungsländer auswirken können, trägt die Union den Zielen der Entwicklungszusammenarbeit Rechnung.

(2) Die Union und die Mitgliedstaaten kommen den im Rahmen der Vereinten Nationen und anderer zuständiger internationaler Organisationen gegebenen Zusagen nach und berücksichtigen die in diesem Rahmen gebilligten Zielsetzungen.

Artikel 209 (ex-Artikel 179 EGV)

(1) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren die zur Durchführung der Politik im Bereich der Entwicklungszusammenarbeit erforderlichen Maßnahmen; diese Maßnahmen können Mehrjahresprogramme für die Zusammenarbeit mit Entwicklungsländern oder thematische Programme betreffen.

(2) Die Union kann mit Drittländern und den zuständigen internationalen Organisationen alle Übereinkünfte schließen, die zur Verwirklichung der Ziele des Artikels 21 des Vertrags über die Europäische Union und des Artikels 208 dieses Vertrags beitragen.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und Übereinkünfte zu schließen.

(3) Die Europäische Investitionsbank trägt nach Maßgabe ihrer Satzung zur Durchführung der Maßnahmen im Sinne des Absatzes 1 bei.

Artikel 210
(ex-Artikel 180 EGV)

(1) Die Union und die Mitgliedstaaten koordinieren ihre Politik auf dem Gebiet der Entwicklungszusammenarbeit und stimmen ihre Hilfsprogramme aufeinander ab, auch in internationalen Organisationen und auf internationalen Konferenzen, damit ihre Maßnahmen einander besser ergänzen und wirksamer sind. Sie können gemeinsame Maßnahmen ergreifen. Die Mitgliedstaaten tragen erforderlichenfalls zur Durchführung der Hilfsprogramme der Union bei.

(2) Die Kommission kann alle Initiativen ergreifen, die der in Absatz 1 genannten Koordinierung förderlich sind.

Artikel 211
(ex-Artikel 181 EGV)

Die Union und die Mitgliedstaaten arbeiten im Rahmen ihrer jeweiligen Befugnisse mit dritten Ländern und den zuständigen internationalen Organisationen zusammen.

KAPITEL 2

WIRTSCHAFTLICHE, FINANZIELLE UND TECHNISCHE ZUSAMMENARBEIT
MIT DRITTLÄNDERN

Artikel 212
(ex-Artikel 181a EGV)

(1) Unbeschadet der übrigen Bestimmungen der Verträge, insbesondere der Artikel 208 bis 211, führt die Union mit Drittländern, die keine Entwicklungsländer sind, Maßnahmen der wirtschaftlichen, finanziellen und technischen Zusammenarbeit durch, die auch Unterstützung, insbesondere im finanziellen Bereich, einschließen. Diese Maßnahmen stehen mit der Entwicklungspolitik der Union im Einklang und werden im Rahmen der Grundsätze und Ziele ihres auswärtigen Handelns durchgeführt. Die Maßnahmen der Union und die Maßnahmen der Mitgliedstaaten ergänzen und verstärken sich gegenseitig.

(2) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren die zur Durchführung des Absatzes 1 erforderlichen Maßnahmen.

(3) Die Union und die Mitgliedstaaten arbeiten im Rahmen ihrer jeweiligen Zuständigkeiten mit Drittländern und den zuständigen internationalen Organisationen zusammen. Die Einzelheiten der Zusammenarbeit der Union können in Abkommen zwischen dieser und den betreffenden dritten Parteien geregelt werden.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und internationale Abkommen zu schließen.

Artikel 213

Ist es aufgrund der Lage in einem Drittland notwendig, dass die Union umgehend finanzielle Hilfe leistet, so erlässt der Rat auf Vorschlag der Kommission die erforderlichen Beschlüsse.

KAPITEL 3

HUMANITÄRE HILFE

Artikel 214

(1) Den Rahmen für die Maßnahmen der Union im Bereich der humanitären Hilfe bilden die Grundsätze und Ziele des auswärtigen Handelns der Union. Die Maßnahmen dienen dazu, Einwohnern von Drittländern, die von Naturkatastrophen oder von vom Menschen verursachten Katastrophen betroffen sind, gezielt Hilfe, Rettung und Schutz zu bringen, damit die aus diesen Notständen resultierenden humanitären Bedürfnisse gedeckt werden können. Die Maßnahmen der Union und die Maßnahmen der Mitgliedstaaten ergänzen und verstärken sich gegenseitig.

(2) Die Maßnahmen der humanitären Hilfe werden im Einklang mit den Grundsätzen des Völkerrechts sowie den Grundsätzen der Unparteilichkeit, der Neutralität und der Nichtdiskriminierung durchgeführt.

(3) Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren die Maßnahmen zur Festlegung des Rahmens fest, innerhalb dessen die Maßnahmen der humanitären Hilfe der Union durchgeführt werden.

(4) Die Union kann mit Drittländern und den zuständigen internationalen Organisationen alle Übereinkünfte schließen, die zur Verwirklichung der Ziele des Absatzes 1 und des Artikels 21 des Vertrags über die Europäische Union beitragen.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und Übereinkünfte zu schließen.

(5) Als Rahmen für gemeinsame Beiträge der jungen Europäer zu den Maßnahmen der humanitären Hilfe der Union wird ein Europäisches Freiwilligenkorps für humanitäre Hilfe geschaffen. Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen die Rechtsstellung und die Einzelheiten der Arbeitsweise des Korps fest.

(6) Die Kommission kann alle Initiativen ergreifen, die der Koordinierung zwischen den Maßnahmen der Union und denen der Mitgliedstaaten förderlich sind, damit die Programme der Union und der Mitgliedstaaten im Bereich der humanitären Hilfe wirksamer sind und einander besser ergänzen.

(7) Die Union trägt dafür Sorge, dass ihre Maßnahmen der humanitären Hilfe mit den Maßnahmen der internationalen Organisationen und Einrichtungen, insbesondere derer, die zum System der Vereinten Nationen gehören, abgestimmt werden und im Einklang mit ihnen stehen.

TITEL IV

RESTRIKTIVE MASSNAHMEN

Artikel 215 (ex-Artikel 301 EGV)

- (1) Sieht ein nach Titel V Kapitel 2 des Vertrags über die Europäische Union erlassener Beschluss die Aussetzung, Einschränkung oder vollständige Einstellung der Wirtschafts- und Finanzbeziehungen zu einem oder mehreren Drittländern vor, so erlässt der Rat die erforderlichen Maßnahmen mit qualifizierter Mehrheit auf gemeinsamen Vorschlag des Hohen Vertreters der Union für Außen- und Sicherheitspolitik und der Kommission. Er unterrichtet hierüber das Europäische Parlament.
- (2) Sieht ein nach Titel V Kapitel 2 des Vertrags über die Europäische Union erlassener Beschluss dies vor, so kann der Rat nach dem Verfahren des Absatzes 1 restriktive Maßnahmen gegen natürliche oder juristische Personen sowie Gruppierungen oder nichtstaatliche Einheiten erlassen.
- (3) In den Rechtsakten nach diesem Artikel müssen die erforderlichen Bestimmungen über den Rechtsschutz vorgesehen sein.

TITEL V

INTERNATIONALE ÜBEREINKÜNFTE

Artikel 216

- (1) Die Union kann mit einem oder mehreren Drittländern oder einer oder mehreren internationalen Organisationen eine Übereinkunft schließen, wenn dies in den Verträgen vorgesehen ist oder wenn der Abschluss einer Übereinkunft im Rahmen der Politik der Union entweder zur Verwirklichung eines der in den Verträgen festgesetzten Ziele erforderlich oder in einem verbindlichen Rechtsakt der Union vorgesehen ist oder aber gemeinsame Vorschriften beeinträchtigen oder deren Anwendungsbereich ändern könnte.
- (2) Die von der Union geschlossenen Übereinkünfte binden die Organe der Union und die Mitgliedstaaten.

Artikel 217 (ex-Artikel 310 EGV)

Die Union kann mit einem oder mehreren Drittländern oder einer oder mehreren internationalen Organisationen Abkommen schließen, die eine Assoziierung mit gegenseitigen Rechten und Pflichten, gemeinsamem Vorgehen und besonderen Verfahren herstellen.

Artikel 218 (ex-Artikel 300 EGV)

- (1) Unbeschadet der besonderen Bestimmungen des Artikels 207 werden Übereinkünfte zwischen der Union und Drittländern oder internationalen Organisationen nach dem im Folgenden beschriebenen Verfahren ausgehandelt und geschlossen.

- (2) Der Rat erteilt eine Ermächtigung zur Aufnahme von Verhandlungen, legt Verhandlungsrichtlinien fest, genehmigt die Unterzeichnung und schließt die Übereinkünfte.
- (3) Die Kommission oder, wenn sich die geplante Übereinkunft ausschließlich oder hauptsächlich auf die Gemeinsame Außen- und Sicherheitspolitik bezieht, der Hohe Vertreter der Union für Außen- und Sicherheitspolitik legt dem Rat Empfehlungen vor; dieser erlässt einen Beschluss über die Ermächtigung zur Aufnahme von Verhandlungen und über die Benennung, je nach dem Gegenstand der geplanten Übereinkunft, des Verhandlungsführers oder des Leiters des Verhandlungsteams der Union.
- (4) Der Rat kann dem Verhandlungsführer Richtlinien erteilen und einen Sonderausschuss bestellen; die Verhandlungen sind im Benehmen mit diesem Ausschuss zu führen.
- (5) Der Rat erlässt auf Vorschlag des Verhandlungsführers einen Beschluss, mit dem die Unterzeichnung der Übereinkunft und gegebenenfalls deren vorläufige Anwendung vor dem Inkrafttreten genehmigt werden.
- (6) Der Rat erlässt auf Vorschlag des Verhandlungsführers einen Beschluss über den Abschluss der Übereinkunft.

Mit Ausnahme der Übereinkünfte, die ausschließlich die Gemeinsame Außen- und Sicherheitspolitik betreffen, erlässt der Rat den Beschluss über den Abschluss der Übereinkunft

- a) nach Zustimmung des Europäischen Parlaments in folgenden Fällen:
- i) Assoziierungsabkommen;
 - ii) Übereinkunft über den Beitritt der Union zur Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten;
 - iii) Übereinkünfte, die durch die Einführung von Zusammenarbeitsverfahren einen besonderen institutionellen Rahmen schaffen;
 - iv) Übereinkünfte mit erheblichen finanziellen Folgen für die Union;
 - v) Übereinkünfte in Bereichen, für die entweder das ordentliche Gesetzgebungsverfahren oder, wenn die Zustimmung des Europäischen Parlaments erforderlich ist, das besondere Gesetzgebungsverfahren gilt.

Das Europäische Parlament und der Rat können in dringenden Fällen eine Frist für die Zustimmung vereinbaren.

- b) nach Anhörung des Europäischen Parlaments in den übrigen Fällen. Das Europäische Parlament gibt seine Stellungnahme innerhalb einer Frist ab, die der Rat entsprechend der Dringlichkeit festlegen kann. Ergeht innerhalb dieser Frist keine Stellungnahme, so kann der Rat einen Beschluss fassen.

(7) Abweichend von den Absätzen 5, 6 und 9 kann der Rat den Verhandlungsführer bei Abschluss einer Übereinkunft ermächtigen, im Namen der Union Änderungen der Übereinkunft zu billigen, wenn die Übereinkunft vorsieht, dass diese Änderungen im Wege eines vereinfachten Verfahrens oder durch ein durch die Übereinkunft eingesetztes Gremium anzunehmen sind. Der Rat kann diese Ermächtigung gegebenenfalls mit besonderen Bedingungen verbinden.

(8) Der Rat beschließt während des gesamten Verfahrens mit qualifizierter Mehrheit.

Er beschließt jedoch einstimmig, wenn die Übereinkunft einen Bereich betrifft, in dem für den Erlass eines Rechtsakts der Union Einstimmigkeit erforderlich ist, sowie bei Assoziierungsabkommen und Übereinkünften nach Artikel 212 mit beitrittswilligen Staaten. Auch über die Übereinkunft über den Beitritt der Union zur Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten beschließt der Rat einstimmig; der Beschluss zum Abschluss dieser Übereinkunft tritt in Kraft, nachdem die Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften zugestimmt haben.

(9) Der Rat erlässt auf Vorschlag der Kommission oder des Hohen Vertreters der Union für Außen- und Sicherheitspolitik einen Beschluss über die Aussetzung der Anwendung einer Übereinkunft und zur Festlegung der Standpunkte, die im Namen der Union in einem durch eine Übereinkunft eingesetzten Gremium zu vertreten sind, sofern dieses Gremium rechtswirksame Akte, mit Ausnahme von Rechtsakten zur Ergänzung oder Änderung des institutionellen Rahmens der betreffenden Übereinkunft, zu erlassen hat.

(10) Das Europäische Parlament wird in allen Phasen des Verfahrens unverzüglich und umfassend unterrichtet.

(11) Ein Mitgliedstaat, das Europäische Parlament, der Rat oder die Kommission können ein Gutachten des Gerichtshofs über die Vereinbarkeit einer geplanten Übereinkunft mit den Verträgen einholen. Ist das Gutachten des Gerichtshofs ablehnend, so kann die geplante Übereinkunft nur in Kraft treten, wenn sie oder die Verträge geändert werden.

Artikel 219

(ex-Artikel 111 Absätze 1 bis 3 und Absatz 5 EGV)

(1) Abweichend von Artikel 218 kann der Rat entweder auf Empfehlung der Europäischen Zentralbank oder auf Empfehlung der Kommission und nach Anhörung der Europäischen Zentralbank in dem Bemühen, zu einem mit dem Ziel der Preisstabilität im Einklang stehenden Konsens zu gelangen, förmliche Vereinbarungen über ein Wechselkurssystem für den Euro gegenüber den Währungen von Drittstaaten treffen. Der Rat beschließt nach dem Verfahren des Absatzes 3 einstimmig nach Anhörung des Europäischen Parlaments.

Der Rat kann entweder auf Empfehlung der Europäischen Zentralbank oder auf Empfehlung der Kommission und nach Anhörung der Europäischen Zentralbank in dem Bemühen, zu einem mit dem Ziel der Preisstabilität im Einklang stehenden Konsens zu gelangen, die Euro-Leitkurse innerhalb des Wechselkurssystems festlegen, ändern oder aufgeben. Der Präsident des Rates unterrichtet das Europäische Parlament von der Festlegung, Änderung oder Aufgabe der Euro-Leitkurse.

(2) Besteht gegenüber einer oder mehreren Währungen von Drittstaaten kein Wechselkurssystem nach Absatz 1, so kann der Rat entweder auf Empfehlung der Kommission und nach Anhörung der Europäischen Zentralbank oder auf Empfehlung der Europäischen Zentralbank allgemeine Orientierungen für die Wechselkurspolitik gegenüber diesen Währungen aufstellen. Diese allgemeinen Orientierungen dürfen das vorrangige Ziel des ESZB, die Preisstabilität zu gewährleisten, nicht beeinträchtigen.

(3) Wenn von der Union mit einem oder mehreren Drittstaaten oder internationalen Organisationen Vereinbarungen im Zusammenhang mit Währungsfragen oder Devisenregelungen auszuhandeln sind, beschließt der Rat abweichend von Artikel 218 auf Empfehlung der Kommission und nach Anhörung der Europäischen Zentralbank die Modalitäten für die Aushandlung und den Abschluss solcher Vereinbarungen. Mit diesen Modalitäten wird gewährleistet, dass die Union einen einheitlichen Standpunkt vertritt. Die Kommission wird an den Verhandlungen in vollem Umfang beteiligt.

(4) Die Mitgliedstaaten haben das Recht, unbeschadet der Unionszuständigkeit und der Unionsvereinbarungen über die Wirtschafts- und Währungsunion in internationalen Gremien Verhandlungen zu führen und internationale Vereinbarungen zu treffen.

TITEL VI

BEZIEHUNGEN DER UNION ZU INTERNATIONALEN ORGANISATIONEN UND DRITTLÄNDERN SOWIE DELEGATIONEN DER UNION

Artikel 220

(ex-Artikel 302 bis 304 EGV)

(1) Die Union betreibt jede zweckdienliche Zusammenarbeit mit den Organen der Vereinten Nationen und ihrer Sonderorganisationen, dem Europarat, der Organisation für Sicherheit und Zusammenarbeit in Europa und der Organisation für wirtschaftliche Zusammenarbeit und Entwicklung.

Die Union unterhält ferner, soweit zweckdienlich, Beziehungen zu anderen internationalen Organisationen.

(2) Die Durchführung dieses Artikels obliegt dem Hohen Vertreter der Union für Außen- und Sicherheitspolitik und der Kommission.

Artikel 221

(1) Die Delegationen der Union in Drittländern und bei internationalen Organisationen sorgen für die Vertretung der Union.

(2) Die Delegationen der Union unterstehen der Leitung des Hohen Vertreters der Union für Außen- und Sicherheitspolitik. Sie werden in enger Zusammenarbeit mit den diplomatischen und konsularischen Vertretungen der Mitgliedstaaten tätig.

TITEL VII

SOLIDARITÄTSKLAUSEL

Artikel 222

(1) Die Union und ihre Mitgliedstaaten handeln gemeinsam im Geiste der Solidarität, wenn ein Mitgliedstaat von einem Terroranschlag, einer Naturkatastrophe oder einer vom Menschen verursachten Katastrophe betroffen ist. Die Union mobilisiert alle ihr zur Verfügung stehenden Mittel, einschließlich der ihr von den Mitgliedstaaten bereitgestellten militärischen Mittel, um

- a) — terroristische Bedrohungen im Hoheitsgebiet von Mitgliedstaaten abzuwenden;
- die demokratischen Institutionen und die Zivilbevölkerung vor etwaigen Terroranschlägen zu schützen;
- im Falle eines Terroranschlags einen Mitgliedstaat auf Ersuchen seiner politischen Organe innerhalb seines Hoheitsgebiets zu unterstützen;
- b) im Falle einer Naturkatastrophe oder einer vom Menschen verursachten Katastrophe einen Mitgliedstaat auf Ersuchen seiner politischen Organe innerhalb seines Hoheitsgebiets zu unterstützen.

(2) Ist ein Mitgliedstaat von einem Terroranschlag, einer Naturkatastrophe oder einer vom Menschen verursachten Katastrophe betroffen, so leisten die anderen Mitgliedstaaten ihm auf Ersuchen seiner politischen Organe Unterstützung. Zu diesem Zweck sprechen die Mitgliedstaaten sich im Rat ab.

(3) Die Einzelheiten für die Anwendung dieser Solidaritätsklausel durch die Union werden durch einen Beschluss festgelegt, den der Rat aufgrund eines gemeinsamen Vorschlags der Kommission und des Hohen Vertreters der Union für Außen- und Sicherheitspolitik erlässt. Hat dieser Beschluss Auswirkungen im Bereich der Verteidigung, so beschließt der Rat nach Artikel 31 Absatz 1 des Vertrags über die Europäische Union. Das Europäische Parlament wird darüber unterrichtet.

Für die Zwecke dieses Absatzes unterstützen den Rat unbeschadet des Artikels 240 das Politische und Sicherheitspolitische Komitee, das sich hierbei auf die im Rahmen der Gemeinsamen Sicherheits- und Verteidigungspolitik entwickelten Strukturen stützt, sowie der Ausschuss nach Artikel 71, die dem Rat gegebenenfalls gemeinsame Stellungnahmen vorlegen.

(4) Damit die Union und ihre Mitgliedstaaten auf effiziente Weise tätig werden können, nimmt der Europäische Rat regelmäßig eine Einschätzung der Bedrohungen vor, denen die Union ausgesetzt ist.

SECHSTER TEIL

INSTITUTIONELLE BESTIMMUNGEN UND FINANZVORSCHRIFTEN

TITEL I

VORSCHRIFTEN ÜBER DIE ORGANE

KAPITEL 1

DIE ORGANE

ABSCHNITT 1

DAS EUROPÄISCHE PARLAMENT

Artikel 223

(ex-Artikel 190 Absätze 4 und 5 EGV)

(1) Das Europäische Parlament erstellt einen Entwurf der erforderlichen Bestimmungen für die allgemeine unmittelbare Wahl seiner Mitglieder nach einem einheitlichen Verfahren in allen Mitgliedstaaten oder im Einklang mit den allen Mitgliedstaaten gemeinsamen Grundsätzen.

Der Rat erlässt die erforderlichen Bestimmungen einstimmig gemäß einem besonderen Gesetzgebungsverfahren und nach Zustimmung des Europäischen Parlaments, die mit der Mehrheit seiner Mitglieder erteilt wird. Diese Bestimmungen treten nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

(2) Das Europäische Parlament legt aus eigener Initiative gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen nach Anhörung der Kommission und mit Zustimmung des Rates die Regelungen und allgemeinen Bedingungen für die Wahrnehmung der Aufgaben seiner Mitglieder fest. Alle Vorschriften und Bedingungen, die die Steuerregelung für die Mitglieder oder ehemaligen Mitglieder betreffen, sind vom Rat einstimmig festzulegen.

Artikel 224

(ex-Artikel 191 Absatz 2 EGV)

Das Europäische Parlament und der Rat legen gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen die Regelungen für die politischen Parteien auf europäischer Ebene nach Artikel 10 Absatz 4 des Vertrags über die Europäische Union und insbesondere die Vorschriften über ihre Finanzierung fest.

Artikel 225
(ex-Artikel 192 Absatz 2 EGV)

Das Europäische Parlament kann mit der Mehrheit seiner Mitglieder die Kommission auffordern, geeignete Vorschläge zu Fragen zu unterbreiten, die nach seiner Auffassung die Ausarbeitung eines Unionsakts zur Durchführung der Verträge erfordern. Legt die Kommission keinen Vorschlag vor, so teilt sie dem Europäischen Parlament die Gründe dafür mit.

Artikel 226
(ex-Artikel 193 EGV)

Das Europäische Parlament kann bei der Erfüllung seiner Aufgaben auf Antrag eines Viertels seiner Mitglieder die Einsetzung eines nichtständigen Untersuchungsausschusses beschließen, der unbeschadet der Befugnisse, die anderen Organen oder Einrichtungen durch die Verträge übertragen sind, behauptete Verstöße gegen das Unionsrecht oder Missstände bei der Anwendung desselben prüft; dies gilt nicht, wenn ein Gericht mit den behaupteten Sachverhalten befasst ist, solange das Gerichtsverfahren nicht abgeschlossen ist.

Mit der Vorlage seines Berichtes hört der nichtständige Untersuchungsausschuss auf zu bestehen.

Die Einzelheiten der Ausübung des Untersuchungsrechts werden vom Europäischen Parlament festgelegt, das aus eigener Initiative gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen nach Zustimmung des Rates und der Kommission beschließt.

Artikel 227
(ex-Artikel 194 EGV)

Jeder Bürger der Union sowie jede natürliche oder juristische Person mit Wohnort oder satzungsmäßigem Sitz in einem Mitgliedstaat kann allein oder zusammen mit anderen Bürgern oder Personen in Angelegenheiten, die in die Tätigkeitsbereiche der Union fallen und die ihn oder sie unmittelbar betreffen, eine Petition an das Europäische Parlament richten.

Artikel 228
(ex-Artikel 195 EGV)

(1) Ein vom Europäischen Parlament gewählter Europäischer Bürgerbeauftragter ist befugt, Beschwerden von jedem Bürger der Union oder von jeder natürlichen oder juristischen Person mit Wohnort oder satzungsmäßigem Sitz in einem Mitgliedstaat über Missstände bei der Tätigkeit der Organe, Einrichtungen oder sonstigen Stellen der Union, mit Ausnahme des Gerichtshofs der Europäischen Union in Ausübung seiner Rechtsprechungsbefugnisse, entgegenzunehmen. Er untersucht diese Beschwerden und erstattet darüber Bericht.

Der Bürgerbeauftragte führt im Rahmen seines Auftrags von sich aus oder aufgrund von Beschwerden, die ihm unmittelbar oder über ein Mitglied des Europäischen Parlaments zugehen, Untersuchungen durch, die er für gerechtfertigt hält; dies gilt nicht, wenn die behaupteten Sachverhalte Gegenstand eines Gerichtsverfahrens sind oder waren. Hat der Bürgerbeauftragte einen Missstand festgestellt, so befasst

er das betreffende Organ, die betreffende Einrichtung oder sonstige Stelle, das bzw. die über eine Frist von drei Monaten verfügt, um ihm seine bzw. ihre Stellungnahme zu übermitteln. Der Bürgerbeauftragte legt anschließend dem Europäischen Parlament und dem betreffenden Organ, der betreffenden Einrichtung oder sonstigen Stelle einen Bericht vor. Der Beschwerdeführer wird über das Ergebnis dieser Untersuchungen unterrichtet.

Der Bürgerbeauftragte legt dem Europäischen Parlament jährlich einen Bericht über die Ergebnisse seiner Untersuchungen vor.

(2) Der Bürgerbeauftragte wird nach jeder Wahl des Europäischen Parlaments für die Dauer der Wahlperiode gewählt. Wiederwahl ist zulässig.

Der Bürgerbeauftragte kann auf Antrag des Europäischen Parlaments vom Gerichtshof seines Amtes enthoben werden, wenn er die Voraussetzungen für die Ausübung seines Amtes nicht mehr erfüllt oder eine schwere Verfehlung begangen hat.

(3) Der Bürgerbeauftragte übt sein Amt in völliger Unabhängigkeit aus. Er darf bei der Erfüllung seiner Pflichten von keiner Regierung, keinem Organ, keiner Einrichtung oder sonstigen Stelle Weisungen einholen oder entgegennehmen. Der Bürgerbeauftragte darf während seiner Amtszeit keine andere entgeltliche oder unentgeltliche Berufstätigkeit ausüben.

(4) Das Europäische Parlament legt aus eigener Initiative gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen nach Stellungnahme der Kommission und nach Zustimmung des Rates die Regelungen und allgemeinen Bedingungen für die Ausübung der Aufgaben des Bürgerbeauftragten fest.

Artikel 229 (ex-Artikel 196 EGV)

Das Europäische Parlament hält jährlich eine Sitzungsperiode ab. Es tritt, ohne dass es einer Einberufung bedarf, am zweiten Dienstag des Monats März zusammen.

Das Europäische Parlament kann auf Antrag der Mehrheit seiner Mitglieder sowie auf Antrag des Rates oder der Kommission zu einer außerordentlichen Sitzungsperiode zusammentreten.

Artikel 230 (ex-Artikel 197 Absätze 2, 3 und 4 EGV)

Die Kommission kann an allen Sitzungen des Europäischen Parlaments teilnehmen und wird auf ihren Antrag gehört.

Die Kommission antwortet mündlich oder schriftlich auf die ihr vom Europäischen Parlament oder von dessen Mitgliedern gestellten Fragen.

Der Europäische Rat und der Rat werden vom Europäischen Parlament nach Maßgabe der Geschäftsordnung des Europäischen Rates und der Geschäftsordnung des Rates gehört.

Artikel 231
(ex-Artikel 198 EGV)

Soweit die Verträge nicht etwas anderes bestimmen, beschließt das Europäische Parlament mit der Mehrheit der abgegebenen Stimmen.

Die Geschäftsordnung legt die Beschlussfähigkeit fest.

Artikel 232
(ex-Artikel 199 EGV)

Das Europäische Parlament gibt sich seine Geschäftsordnung; hierzu sind die Stimmen der Mehrheit seiner Mitglieder erforderlich.

Die Verhandlungsniederschriften des Europäischen Parlaments werden nach Maßgabe der Verträge und seiner Geschäftsordnung veröffentlicht.

Artikel 233
(ex-Artikel 200 EGV)

Das Europäische Parlament erörtert in öffentlicher Sitzung den jährlichen Gesamtbericht, der ihm von der Kommission vorgelegt wird.

Artikel 234
(ex-Artikel 201 EGV)

Wird wegen der Tätigkeit der Kommission ein Misstrauensantrag eingebracht, so darf das Europäische Parlament nicht vor Ablauf von drei Tagen nach seiner Einbringung und nur in offener Abstimmung darüber entscheiden.

Wird der Misstrauensantrag mit der Mehrheit von zwei Dritteln der abgegebenen Stimmen und mit der Mehrheit der Mitglieder des Europäischen Parlaments angenommen, so legen die Mitglieder der Kommission geschlossen ihr Amt nieder, und der Hohe Vertreter der Union für Außen- und Sicherheitspolitik legt sein im Rahmen der Kommission ausgeübtes Amt nieder. Sie bleiben im Amt und führen die laufenden Geschäfte bis zu ihrer Ersetzung nach Artikel 17 des Vertrags über die Europäische Union weiter. In diesem Fall endet die Amtszeit der zu ihrer Ersetzung ernannten Mitglieder der Kommission zu dem Zeitpunkt, zu dem die Amtszeit der Mitglieder der Kommission, die ihr Amt geschlossen niederlegen mussten, geendet hätte.

ABSCHNITT 2
DER EUROPÄISCHE RAT

Artikel 235

(1) Jedes Mitglied des Europäischen Rates kann sich das Stimmrecht höchstens eines anderen Mitglieds übertragen lassen.

Beschließt der Europäische Rat mit qualifizierter Mehrheit, so gelten für ihn Artikel 16 Absatz 4 des Vertrags über die Europäische Union und Artikel 238 Absatz 2 dieses Vertrags. An Abstimmungen im Europäischen Rat nehmen dessen Präsident und der Präsident der Kommission nicht teil.

Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen von Beschlüssen des Europäischen Rates, zu denen Einstimmigkeit erforderlich ist, nicht entgegen.

- (2) Der Präsident des Europäischen Parlaments kann vom Europäischen Rat gehört werden.
- (3) Der Europäische Rat beschließt mit einfacher Mehrheit über Verfahrensfragen sowie über den Erlass seiner Geschäftsordnung.
- (4) Der Europäische Rat wird vom Generalsekretariat des Rates unterstützt.

Artikel 236

Der Europäische Rat erlässt mit qualifizierter Mehrheit

- a) einen Beschluss zur Festlegung der Zusammensetzungen des Rates, mit Ausnahme des Rates „Allgemeine Angelegenheiten“ und des Rates „Auswärtige Angelegenheiten“ nach Artikel 16 Absatz 6 des Vertrags über die Europäische Union;
- b) einen Beschluss nach Artikel 16 Absatz 9 des Vertrags über die Europäische Union zur Festlegung des Vorsitzes im Rat in allen seinen Zusammensetzungen mit Ausnahme des Rates „Auswärtige Angelegenheiten“.

ABSCHNITT 3

DER RAT

Artikel 237 (ex-Artikel 204 EGV)

Der Rat wird von seinem Präsidenten aus eigenem Entschluss oder auf Antrag eines seiner Mitglieder oder der Kommission einberufen.

Artikel 238 (ex-Artikel 205 Absätze 1 und 2 EGV)

- (1) Ist zu einem Beschluss des Rates die einfache Mehrheit erforderlich, so beschließt der Rat mit der Mehrheit seiner Mitglieder.
- (2) Beschließt der Rat nicht auf Vorschlag der Kommission oder des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, so gilt ab dem 1. November 2014 abweichend von Artikel 16

Absatz 4 des Vertrags über die Europäische Union und vorbehaltlich der Vorschriften des Protokolls über die Übergangsbestimmungen als qualifizierte Mehrheit eine Mehrheit von mindestens 72 % der Mitglieder des Rates, sofern die von ihnen vertretenen Mitgliedstaaten zusammen mindestens 65 % der Bevölkerung der Union ausmachen.

(3) In den Fällen, in denen in Anwendung der Verträge nicht alle Mitglieder des Rates stimmberechtigt sind, gilt ab dem 1. November 2014 vorbehaltlich der Vorschriften des Protokolls über die Übergangsbestimmungen für die qualifizierte Mehrheit Folgendes:

- a) Als qualifizierte Mehrheit gilt eine Mehrheit von mindestens 55 % derjenigen Mitglieder des Rates, die die beteiligten Mitgliedstaaten vertreten, sofern die von ihnen vertretenen Mitgliedstaaten zusammen mindestens 65 % der Bevölkerung der beteiligten Mitgliedstaaten ausmachen.

Für eine Sperrminorität bedarf es mindestens der Mindestzahl von Mitgliedern des Rates, die zusammen mehr als 35 % der Bevölkerung der beteiligten Mitgliedstaaten vertreten, zuzüglich eines Mitglieds; andernfalls gilt die qualifizierte Mehrheit als erreicht.

- b) Beschließt der Rat nicht auf Vorschlag der Kommission oder des Hohen Vertreters der Union für Außen- und Sicherheitspolitik, so gilt abweichend von Buchstabe a als qualifizierte Mehrheit eine Mehrheit von mindestens 72 % derjenigen Mitglieder des Rates, die die beteiligten Mitgliedstaaten vertreten, sofern die von ihnen vertretenen Mitgliedstaaten zusammen mindestens 65 % der Bevölkerung der beteiligten Mitgliedstaaten ausmachen.

(4) Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen von Beschlüssen des Rates, zu denen Einstimmigkeit erforderlich ist, nicht entgegen.

Artikel 239 (ex-Artikel 206 EGV)

Jedes Mitglied kann sich das Stimmrecht höchstens eines anderen Mitglieds übertragen lassen.

Artikel 240 (ex-Artikel 207 EGV)

(1) Ein Ausschuss, der sich aus den Ständigen Vertretern der Regierungen der Mitgliedstaaten zusammensetzt, trägt die Verantwortung, die Arbeiten des Rates vorzubereiten und die ihm vom Rat übertragenen Aufträge auszuführen. Der Ausschuss kann in Fällen, die in der Geschäftsordnung des Rates vorgesehen sind, Verfahrensbeschlüsse fassen.

(2) Der Rat wird von einem Generalsekretariat unterstützt, das einem vom Rat ernannten Generalsekretär untersteht.

Der Rat beschließt mit einfacher Mehrheit über die Organisation des Generalsekretariats.

(3) Der Rat beschließt mit einfacher Mehrheit über Verfahrensfragen sowie über den Erlass seiner Geschäftsordnung.

Artikel 241
(ex-Artikel 208 EGV)

Der Rat, der mit einfacher Mehrheit beschließt, kann die Kommission auffordern, die nach seiner Ansicht zur Verwirklichung der gemeinsamen Ziele geeigneten Untersuchungen vorzunehmen und ihm entsprechende Vorschläge zu unterbreiten. Legt die Kommission keinen Vorschlag vor, so teilt sie dem Rat die Gründe dafür mit.

Artikel 242
(ex-Artikel 209 EGV)

Der Rat, der mit einfacher Mehrheit beschließt, regelt nach Anhörung der Kommission die rechtliche Stellung der in den Verträgen vorgesehenen Ausschüsse.

Artikel 243
(ex-Artikel 210 EGV)

Der Rat setzt die Gehälter, Vergütungen und Ruhegehälter für den Präsidenten des Europäischen Rates, den Präsidenten der Kommission, den Hohen Vertreter der Union für Außen- und Sicherheitspolitik, die Mitglieder der Kommission, die Präsidenten, die Mitglieder und die Kanzler des Gerichtshofs der Europäischen Union sowie den Generalsekretär des Rates fest. Er setzt ebenfalls alle als Entgelt gezahlten Vergütungen fest.

ABSCHNITT 4

DIE KOMMISSION

Artikel 244

Gemäß Artikel 17 Absatz 5 des Vertrags über die Europäische Union werden die Kommissionsmitglieder in einem vom Europäischen Rat einstimmig festgelegten System der Rotation ausgewählt, das auf folgenden Grundsätzen beruht:

- a) Die Mitgliedstaaten werden bei der Festlegung der Reihenfolge und der Dauer der Amtszeiten ihrer Staatsangehörigen in der Kommission vollkommen gleich behandelt; demzufolge kann die Gesamtzahl der Mandate, welche Staatsangehörige zweier beliebiger Mitgliedstaaten innehaben, niemals um mehr als eines voneinander abweichen.
- b) Vorbehaltlich des Buchstabens a ist jede der aufeinander folgenden Kommissionen so zusammengesetzt, dass das demografische und geografische Spektrum der Gesamtheit der Mitgliedstaaten auf zufrieden stellende Weise zum Ausdruck kommt.

Artikel 245
(ex-Artikel 213 EGV)

Die Mitglieder der Kommission haben jede Handlung zu unterlassen, die mit ihren Aufgaben unvereinbar ist. Die Mitgliedstaaten achten ihre Unabhängigkeit und versuchen nicht, sie bei der Erfüllung ihrer Aufgaben zu beeinflussen.

Die Mitglieder der Kommission dürfen während ihrer Amtszeit keine andere entgeltliche oder unentgeltliche Berufstätigkeit ausüben. Bei der Aufnahme ihrer Tätigkeit übernehmen sie die feierliche Verpflichtung, während der Ausübung und nach Ablauf ihrer Amtstätigkeit die sich aus ihrem Amt ergebenden Pflichten zu erfüllen, insbesondere die Pflicht, bei der Annahme gewisser Tätigkeiten oder Vorteile nach Ablauf dieser Tätigkeit ehrenhaft und zurückhaltend zu sein. Werden diese Pflichten verletzt, so kann der Gerichtshof auf Antrag des Rates, der mit einfacher Mehrheit beschließt, oder der Kommission das Mitglied je nach Lage des Falles gemäß Artikel 247 seines Amtes entheben oder ihm seine Ruhegehaltsansprüche oder andere an ihrer Stelle gewährte Vergünstigungen aberkennen.

Artikel 246
(ex-Artikel 215 EGV)

Abgesehen von den regelmäßigen Neubesetzungen und von Todesfällen endet das Amt eines Mitglieds der Kommission durch Rücktritt oder Amtsenthebung.

Für ein zurückgetretenes, seines Amtes enthobenes oder verstorbenes Mitglied wird für die verbleibende Amtszeit vom Rat mit Zustimmung des Präsidenten der Kommission nach Anhörung des Europäischen Parlaments und nach den Anforderungen des Artikels 17 Absatz 3 Unterabsatz 2 des Vertrags über die Europäische Union ein neues Mitglied derselben Staatsangehörigkeit ernannt.

Der Rat kann auf Vorschlag des Präsidenten der Kommission einstimmig beschließen, dass ein ausscheidendes Mitglied der Kommission für die verbleibende Amtszeit nicht ersetzt werden muss, insbesondere wenn es sich um eine kurze Zeitspanne handelt.

Bei Rücktritt, Amtsenthebung oder Tod des Präsidenten wird für die verbleibende Amtszeit ein Nachfolger ernannt. Für die Ersetzung findet das Verfahren des Artikels 17 Absatz 7 Unterabsatz 1 des Vertrags über die Europäische Union Anwendung.

Bei Rücktritt, Amtsenthebung oder Tod des Hohen Vertreters der Union für die Außen- und Sicherheitspolitik wird für die verbleibende Amtszeit nach Artikel 18 Absatz 1 des Vertrags über die Europäische Union ein Nachfolger ernannt.

Bei Rücktritt aller Mitglieder der Kommission bleiben diese bis zur Neubesetzung ihres Sitzes nach Artikel 17 des Vertrags über die Europäische Union für die verbleibende Amtszeit im Amt und führen die laufenden Geschäfte weiter.

Artikel 247
(ex-Artikel 216 EGV)

Jedes Mitglied der Kommission, das die Voraussetzungen für die Ausübung seines Amtes nicht mehr erfüllt oder eine schwere Verfehlung begangen hat, kann auf Antrag des Rates, der mit einfacher Mehrheit beschließt, oder der Kommission durch den Gerichtshof seines Amtes enthoben werden.

Artikel 248
(ex-Artikel 217 Absatz 2 EGV)

Die Zuständigkeiten der Kommission werden unbeschadet des Artikels 18 Absatz 4 des Vertrags über die Europäische Union von ihrem Präsidenten nach Artikel 17 Absatz 6 des genannten Vertrags gegliedert und zwischen ihren Mitgliedern aufgeteilt. Der Präsident kann diese Zuständigkeitsverteilung im Laufe der Amtszeit ändern. Die Mitglieder der Kommission üben die ihnen vom Präsidenten übertragenen Aufgaben unter dessen Leitung aus.

Artikel 249
(ex-Artikel 218 Absatz 2 und ex-Artikel 212 EGV)

- (1) Die Kommission gibt sich eine Geschäftsordnung, um ihr ordnungsgemäßes Arbeiten und das ihrer Dienststellen zu gewährleisten. Sie sorgt für die Veröffentlichung dieser Geschäftsordnung.
- (2) Die Kommission veröffentlicht jährlich, und zwar spätestens einen Monat vor Beginn der Sitzungsperiode des Europäischen Parlaments, einen Gesamtbericht über die Tätigkeit der Union.

Artikel 250
(ex-Artikel 219 EGV)

Die Beschlüsse der Kommission werden mit der Mehrheit ihrer Mitglieder gefasst.

Die Beschlussfähigkeit wird in ihrer Geschäftsordnung festgelegt.

ABSCHNITT 5
DER GERICHTSHOF DER EUROPÄISCHEN UNION

Artikel 251
(ex-Artikel 221 EGV)

Der Gerichtshof tagt in Kammern oder als Große Kammer entsprechend den hierfür in der Satzung des Gerichtshofs der Europäischen Union vorgesehenen Regeln.

Wenn die Satzung es vorsieht, kann der Gerichtshof auch als Plenum tagen.

Artikel 252
(ex-Artikel 222 EGV)

Der Gerichtshof wird von acht Generalanwälten unterstützt. Auf Antrag des Gerichtshofs kann der Rat einstimmig die Zahl der Generalanwälte erhöhen.

Der Generalanwalt hat öffentlich in völliger Unparteilichkeit und Unabhängigkeit begründete Schlussanträge zu den Rechtssachen zu stellen, in denen nach der Satzung des Gerichtshofs der Europäischen Union seine Mitwirkung erforderlich ist.

Artikel 253
(ex-Artikel 223 EGV)

Zu Richtern und Generalanwälten des Gerichtshofs sind Persönlichkeiten auszuwählen, die jede Gewähr für Unabhängigkeit bieten und in ihrem Staat die für die höchsten richterlichen Ämter erforderlichen Voraussetzungen erfüllen oder Juristen von anerkannt hervorragender Befähigung sind; sie werden von den Regierungen der Mitgliedstaaten im gegenseitigen Einvernehmen nach Anhörung des in Artikel 255 vorgesehenen Ausschusses auf sechs Jahre ernannt.

Alle drei Jahre findet nach Maßgabe der Satzung des Gerichtshofs der Europäischen Union eine teilweise Neubesetzung der Stellen der Richter und Generalanwälte statt.

Die Richter wählen aus ihrer Mitte den Präsidenten des Gerichtshofs für die Dauer von drei Jahren. Wiederwahl ist zulässig.

Die Wiederernennung ausscheidender Richter und Generalanwälte ist zulässig.

Der Gerichtshof ernennt seinen Kanzler und bestimmt dessen Stellung.

Der Gerichtshof erlässt seine Verfahrensordnung. Sie bedarf der Genehmigung des Rates.

Artikel 254
(ex-Artikel 224 EGV)

Die Zahl der Richter des Gerichts wird in der Satzung des Gerichtshofs der Europäischen Union festgelegt. In der Satzung kann vorgesehen werden, dass das Gericht von Generalanwälten unterstützt wird.

Zu Mitgliedern des Gerichts sind Personen auszuwählen, die jede Gewähr für Unabhängigkeit bieten und über die Befähigung zur Ausübung hoher richterlicher Tätigkeiten verfügen. Sie werden von den Regierungen der Mitgliedstaaten im gegenseitigen Einvernehmen nach Anhörung des in Artikel 255 vorgesehenen Ausschusses für sechs Jahre ernannt. Alle drei Jahre wird das Gericht teilweise neu besetzt. Die Wiederernennung ausscheidender Mitglieder ist zulässig.

Die Richter wählen aus ihrer Mitte den Präsidenten des Gerichts für die Dauer von drei Jahren. Wiederwahl ist zulässig.

Das Gericht ernennt seinen Kanzler und bestimmt dessen Stellung.

Das Gericht erlässt seine Verfahrensordnung im Einvernehmen mit dem Gerichtshof. Sie bedarf der Genehmigung des Rates.

Soweit die Satzung des Gerichtshofs der Europäischen Union nichts anderes vorsieht, finden die den Gerichtshof betreffenden Bestimmungen der Verträge auf das Gericht Anwendung.

Artikel 255

Es wird ein Ausschuss eingerichtet, der die Aufgabe hat, vor einer Ernennung durch die Regierungen der Mitgliedstaaten nach den Artikeln 253 und 254 eine Stellungnahme zur Eignung der Bewerber für die Ausübung des Amts eines Richters oder Generalanwalts beim Gerichtshof oder beim Gericht abzugeben.

Der Ausschuss setzt sich aus sieben Persönlichkeiten zusammen, die aus dem Kreis ehemaliger Mitglieder des Gerichtshofs und des Gerichts, der Mitglieder der höchsten einzelstaatlichen Gerichte und der Juristen von anerkannt hervorragender Befähigung ausgewählt werden, von denen einer vom Europäischen Parlament vorgeschlagen wird. Der Rat erlässt einen Beschluss zur Festlegung der Vorschriften für die Arbeitsweise und einen Beschluss zur Ernennung der Mitglieder dieses Ausschusses. Er beschließt auf Initiative des Präsidenten des Gerichtshofs.

Artikel 256 (ex-Artikel 225 EGV)

(1) Das Gericht ist für Entscheidungen im ersten Rechtszug über die in den Artikeln 263, 265, 268, 270 und 272 genannten Klagen zuständig, mit Ausnahme derjenigen Klagen, die einem nach Artikel 257 gebildeten Fachgericht übertragen werden, und der Klagen, die gemäß der Satzung dem Gerichtshof vorbehalten sind. In der Satzung kann vorgesehen werden, dass das Gericht für andere Kategorien von Klagen zuständig ist.

Gegen die Entscheidungen des Gerichts aufgrund dieses Absatzes kann nach Maßgabe der Bedingungen und innerhalb der Grenzen, die in der Satzung vorgesehen sind, beim Gerichtshof ein auf Rechtsfragen beschränktes Rechtsmittel eingelegt werden.

(2) Das Gericht ist für Entscheidungen über Rechtsmittel gegen die Entscheidungen der Fachgerichte zuständig.

Die Entscheidungen des Gerichts aufgrund dieses Absatzes können nach Maßgabe der Bedingungen und innerhalb der Grenzen, die in der Satzung vorgesehen sind, in Ausnahmefällen vom Gerichtshof überprüft werden, wenn die ernste Gefahr besteht, dass die Einheit oder Kohärenz des Unionsrechts berührt wird.

(3) Das Gericht ist in besonderen in der Satzung festgelegten Sachgebieten für Vorabentscheidungen nach Artikel 267 zuständig.

Wenn das Gericht der Auffassung ist, dass eine Rechtssache eine Grundsatzentscheidung erfordert, die die Einheit oder die Kohärenz des Unionsrechts berühren könnte, kann es die Rechtssache zur Entscheidung an den Gerichtshof verweisen.

Die Entscheidungen des Gerichts über Anträge auf Vorabentscheidung können nach Maßgabe der Bedingungen und innerhalb der Grenzen, die in der Satzung vorgesehen sind, in Ausnahmefällen vom Gerichtshof überprüft werden, wenn die ernste Gefahr besteht, dass die Einheit oder die Kohärenz des Unionsrechts berührt wird.

Artikel 257
(ex-Artikel 225a EGV)

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren dem Gericht beigeordnete Fachgerichte bilden, die für Entscheidungen im ersten Rechtszug über bestimmte Kategorien von Klagen zuständig sind, die auf besonderen Sachgebieten erhoben werden. Das Europäische Parlament und der Rat beschließen durch Verordnungen entweder auf Vorschlag der Kommission nach Anhörung des Gerichtshofs oder auf Antrag des Gerichtshofs nach Anhörung der Kommission.

In der Verordnung über die Bildung eines Fachgerichts werden die Regeln für die Zusammensetzung dieses Gerichts und der ihm übertragene Zuständigkeitsbereich festgelegt.

Gegen die Entscheidungen der Fachgerichte kann vor dem Gericht ein auf Rechtsfragen beschränktes Rechtsmittel oder, wenn die Verordnung über die Bildung des Fachgerichts dies vorsieht, ein auch Sachfragen betreffendes Rechtsmittel eingelegt werden.

Zu Mitgliedern der Fachgerichte sind Personen auszuwählen, die jede Gewähr für Unabhängigkeit bieten und über die Befähigung zur Ausübung richterlicher Tätigkeiten verfügen. Sie werden einstimmig vom Rat ernannt.

Die Fachgerichte erlassen ihre Verfahrensordnung im Einvernehmen mit dem Gerichtshof. Diese Verfahrensordnung bedarf der Genehmigung des Rates.

Soweit die Verordnung über die Bildung der Fachgerichte nichts anderes vorsieht, finden die den Gerichtshof der Europäischen Union betreffenden Bestimmungen der Verträge und die Satzung des Gerichtshofs der Europäischen Union auf die Fachgerichte Anwendung. Titel I und Artikel 64 der Satzung gelten auf jeden Fall für die Fachgerichte.

Artikel 258
(ex-Artikel 226 EGV)

Hat nach Auffassung der Kommission ein Mitgliedstaat gegen eine Verpflichtung aus den Verträgen verstoßen, so gibt sie eine mit Gründen versehene Stellungnahme hierzu ab; sie hat dem Staat zuvor Gelegenheit zur Äußerung zu geben.

Kommt der Staat dieser Stellungnahme innerhalb der von der Kommission gesetzten Frist nicht nach, so kann die Kommission den Gerichtshof der Europäischen Union anrufen.

Artikel 259
(ex-Artikel 227 EGV)

Jeder Mitgliedstaat kann den Gerichtshof der Europäischen Union anrufen, wenn er der Auffassung ist, dass ein anderer Mitgliedstaat gegen eine Verpflichtung aus den Verträgen verstoßen hat.

Bevor ein Mitgliedstaat wegen einer angeblichen Verletzung der Verpflichtungen aus den Verträgen gegen einen anderen Staat Klage erhebt, muss er die Kommission damit befassen.

Die Kommission erlässt eine mit Gründen versehene Stellungnahme; sie gibt den beteiligten Staaten zuvor Gelegenheit zu schriftlicher und mündlicher Äußerung in einem kontradiktorischen Verfahren.

Gibt die Kommission binnen drei Monaten nach dem Zeitpunkt, in dem ein entsprechender Antrag gestellt wurde, keine Stellungnahme ab, so kann ungeachtet des Fehlens der Stellungnahme vor dem Gerichtshof geklagt werden.

Artikel 260
(ex-Artikel 228 EGV)

(1) Stellt der Gerichtshof der Europäischen Union fest, dass ein Mitgliedstaat gegen eine Verpflichtung aus den Verträgen verstoßen hat, so hat dieser Staat die Maßnahmen zu ergreifen, die sich aus dem Urteil des Gerichtshofs ergeben.

(2) Hat der betreffende Mitgliedstaat die Maßnahmen, die sich aus dem Urteil des Gerichtshofs ergeben, nach Auffassung der Kommission nicht getroffen, so kann die Kommission den Gerichtshof anrufen, nachdem sie diesem Staat zuvor Gelegenheit zur Äußerung gegeben hat. Hierbei benennt sie die Höhe des von dem betreffenden Mitgliedstaat zu zahlenden Pauschalbetrags oder Zwangsgelds, die sie den Umständen nach für angemessen hält.

Stellt der Gerichtshof fest, dass der betreffende Mitgliedstaat seinem Urteil nicht nachgekommen ist, so kann er die Zahlung eines Pauschalbetrags oder Zwangsgelds verhängen.

Dieses Verfahren lässt den Artikel 259 unberührt.

(3) Erhebt die Kommission beim Gerichtshof Klage nach Artikel 258, weil sie der Auffassung ist, dass der betreffende Mitgliedstaat gegen seine Verpflichtung verstoßen hat, Maßnahmen zur Umsetzung einer gemäß einem Gesetzgebungsverfahren erlassenen Richtlinie mitzuteilen, so kann sie, wenn sie dies für zweckmäßig hält, die Höhe des von dem betreffenden Mitgliedstaat zu zahlenden Pauschalbetrags oder Zwangsgelds benennen, die sie den Umständen nach für angemessen hält.

Stellt der Gerichtshof einen Verstoß fest, so kann er gegen den betreffenden Mitgliedstaat die Zahlung eines Pauschalbetrags oder eines Zwangsgelds bis zur Höhe des von der Kommission genannten Betrags verhängen. Die Zahlungsverpflichtung gilt ab dem vom Gerichtshof in seinem Urteil festgelegten Zeitpunkt.

Artikel 261
(ex-Artikel 229 EGV)

Aufgrund der Verträge vom Europäischen Parlament und vom Rat gemeinsam sowie vom Rat erlassene Verordnungen können hinsichtlich der darin vorgesehenen Zwangsmaßnahmen dem Gerichtshof der Europäischen Union eine Zuständigkeit übertragen, welche die Befugnis zu unbeschränkter Ermessensnachprüfung und zur Änderung oder Verhängung solcher Maßnahmen umfasst.

Artikel 262
(ex-Artikel 229a EGV)

Unbeschadet der sonstigen Bestimmungen der Verträge kann der Rat gemäß einem besonderen Gesetzgebungsverfahren nach Anhörung des Europäischen Parlaments einstimmig Bestimmungen erlassen, mit denen dem Gerichtshof der Europäischen Union in dem vom Rat festgelegten Umfang die Zuständigkeit übertragen wird, über Rechtsstreitigkeiten im Zusammenhang mit der Anwendung von aufgrund der Verträge erlassenen Rechtsakten, mit denen europäische Rechtstitel für das geistige Eigentum geschaffen werden, zu entscheiden. Diese Bestimmungen treten nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

Artikel 263
(ex-Artikel 230 EGV)

Der Gerichtshof der Europäischen Union überwacht die Rechtmäßigkeit der Gesetzgebungsakte sowie der Handlungen des Rates, der Kommission und der Europäischen Zentralbank, soweit es sich nicht um Empfehlungen oder Stellungnahmen handelt, und der Handlungen des Europäischen Parlaments und des Europäischen Rates mit Rechtswirkung gegenüber Dritten. Er überwacht ebenfalls die Rechtmäßigkeit der Handlungen der Einrichtungen oder sonstigen Stellen der Union mit Rechtswirkung gegenüber Dritten.

Zu diesem Zweck ist der Gerichtshof der Europäischen Union für Klagen zuständig, die ein Mitgliedstaat, das Europäische Parlament, der Rat oder die Kommission wegen Unzuständigkeit, Verletzung wesentlicher Formvorschriften, Verletzung der Verträge oder einer bei seiner Durchführung anzuwendenden Rechtsnorm oder wegen Ermessensmissbrauchs erhebt.

Der Gerichtshof der Europäischen Union ist unter den gleichen Voraussetzungen zuständig für Klagen des Rechnungshofs, der Europäischen Zentralbank und des Ausschusses der Regionen, die auf die Wahrung ihrer Rechte abzielen.

Jede natürliche oder juristische Person kann unter den Bedingungen nach den Absätzen 1 und 2 gegen die an sie gerichteten oder sie unmittelbar und individuell betreffenden Handlungen sowie gegen Rechtsakte mit Verordnungscharakter, die sie unmittelbar betreffen und keine Durchführungsmaßnahmen nach sich ziehen, Klage erheben.

In den Rechtsakten zur Gründung von Einrichtungen und sonstigen Stellen der Union können besondere Bedingungen und Einzelheiten für die Erhebung von Klagen von natürlichen oder juristischen Personen gegen Handlungen dieser Einrichtungen und sonstigen Stellen vorgesehen werden, die eine Rechtswirkung gegenüber diesen Personen haben.

Die in diesem Artikel vorgesehenen Klagen sind binnen zwei Monaten zu erheben; diese Frist läuft je nach Lage des Falles von der Bekanntgabe der betreffenden Handlung, ihrer Mitteilung an den Kläger oder in Ermangelung dessen von dem Zeitpunkt an, zu dem der Kläger von dieser Handlung Kenntnis erlangt hat.

Artikel 264
(ex-Artikel 231 EGV)

Ist die Klage begründet, so erklärt der Gerichtshof der Europäischen Union die angefochtene Handlung für nichtig.

Erklärt der Gerichtshof eine Handlung für nichtig, so bezeichnet er, falls er dies für notwendig hält, diejenigen ihrer Wirkungen, die als fortgeltend zu betrachten sind.

Artikel 265
(ex-Artikel 232 EGV)

Unterlässt es das Europäische Parlament, der Europäische Rat, der Rat, die Kommission oder die Europäische Zentralbank unter Verletzung der Verträge, einen Beschluss zu fassen, so können die Mitgliedstaaten und die anderen Organe der Union beim Gerichtshof der Europäischen Union Klage auf Feststellung dieser Vertragsverletzung erheben. Dieser Artikel gilt entsprechend für die Einrichtungen und sonstigen Stellen der Union, die es unterlassen, tätig zu werden.

Diese Klage ist nur zulässig, wenn das in Frage stehende Organ, die in Frage stehende Einrichtung oder sonstige Stelle zuvor aufgefordert worden ist, tätig zu werden. Hat es bzw. sie binnen zwei Monaten nach dieser Aufforderung nicht Stellung genommen, so kann die Klage innerhalb einer weiteren Frist von zwei Monaten erhoben werden.

Jede natürliche oder juristische Person kann nach Maßgabe der Absätze 1 und 2 vor dem Gerichtshof Beschwerde darüber führen, dass ein Organ oder eine Einrichtung oder sonstige Stelle der Union es unterlassen hat, einen anderen Akt als eine Empfehlung oder eine Stellungnahme an sie zu richten.

Artikel 266
(ex-Artikel 233 EGV)

Die Organe, Einrichtungen oder sonstigen Stellen, denen das für nichtig erklärte Handeln zur Last fällt oder deren Untätigkeit als vertragswidrig erklärt worden ist, haben die sich aus dem Urteil des Gerichtshofs der Europäischen Union ergebenden Maßnahmen zu ergreifen.

Diese Verpflichtung besteht unbeschadet der Verpflichtungen, die sich aus der Anwendung des Artikels 340 Absatz 2 ergeben.

Artikel 267
(ex-Artikel 234 EGV)

Der Gerichtshof der Europäischen Union entscheidet im Wege der Vorabentscheidung

- a) über die Auslegung der Verträge,
- b) über die Gültigkeit und die Auslegung der Handlungen der Organe, Einrichtungen oder sonstigen Stellen der Union,

Wird eine derartige Frage einem Gericht eines Mitgliedstaats gestellt und hält dieses Gericht eine Entscheidung darüber zum Erlass seines Urteils für erforderlich, so kann es diese Frage dem Gerichtshof zur Entscheidung vorlegen.

Wird eine derartige Frage in einem schwebenden Verfahren bei einem einzelstaatlichen Gericht gestellt, dessen Entscheidungen selbst nicht mehr mit Rechtsmitteln des innerstaatlichen Rechts angefochten werden können, so ist dieses Gericht zur Anrufung des Gerichtshofs verpflichtet.

Wird eine derartige Frage in einem schwebenden Verfahren, das eine inhaftierte Person betrifft, bei einem einzelstaatlichen Gericht gestellt, so entscheidet der Gerichtshof innerhalb kürzester Zeit.

Artikel 268
(ex-Artikel 235 EGV)

Der Gerichtshof der Europäischen Union ist für Streitsachen über den in Artikel 340 Absätze 2 und 3 vorgesehenen Schadensersatz zuständig.

Artikel 269

Der Gerichtshof ist für Entscheidungen über die Rechtmäßigkeit eines nach Artikel 7 des Vertrags über die Europäische Union erlassenen Rechtsakts des Europäischen Rates oder des Rates nur auf Antrag des von einer Feststellung des Europäischen Rates oder des Rates betroffenen Mitgliedstaats und lediglich im Hinblick auf die Einhaltung der in dem genannten Artikel vorgesehenen Verfahrensbestimmungen zuständig.

Der Antrag muss binnen eines Monats nach der jeweiligen Feststellung gestellt werden. Der Gerichtshof entscheidet binnen eines Monats nach Antragstellung.

Artikel 270
(ex-Artikel 236 EGV)

Der Gerichtshof der Europäischen Union ist für alle Streitsachen zwischen der Union und deren Bediensteten innerhalb der Grenzen und nach Maßgabe der Bedingungen zuständig, die im Statut der Beamten der Union und in den Beschäftigungsbedingungen für die sonstigen Bediensteten der Union festgelegt sind.

Artikel 271
(ex-Artikel 237 EGV)

Der Gerichtshof der Europäischen Union ist nach Maßgabe der folgenden Bestimmungen zuständig in Streitsachen über

- a) die Erfüllung der Verpflichtungen der Mitgliedstaaten aus der Satzung der Europäischen Investitionsbank. Der Verwaltungsrat der Bank besitzt hierbei die der Kommission in Artikel 258 übertragenen Befugnisse;
- b) die Beschlüsse des Rates der Gouverneure der Europäischen Investitionsbank. Jeder Mitgliedstaat, die Kommission und der Verwaltungsrat der Bank können hierzu nach Maßgabe des Artikels 263 Klage erheben;
- c) die Beschlüsse des Verwaltungsrats der Europäischen Investitionsbank. Diese können nach Maßgabe des Artikels 263 nur von Mitgliedstaaten oder der Kommission und lediglich wegen Verletzung der Formvorschriften des Artikels 21 Absätze 2 und 5 bis 7 der Satzung der Investitionsbank angefochten werden;
- d) die Erfüllung der sich aus den Verträgen und der Satzung des ESZB und der EZB ergebenden Verpflichtungen durch die nationalen Zentralbanken. Der Rat der Gouverneure der Europäischen Zentralbank besitzt hierbei gegenüber den nationalen Zentralbanken die Befugnisse, die der Kommission in Artikel 258 gegenüber den Mitgliedstaaten eingeräumt werden. Stellt der Gerichtshof der Europäischen Union fest, dass eine nationale Zentralbank gegen eine Verpflichtung aus den Verträgen verstoßen hat, so hat diese Bank die Maßnahmen zu ergreifen, die sich aus dem Urteil des Gerichtshofs ergeben.

Artikel 272
(ex-Artikel 238 EGV)

Der Gerichtshof der Europäischen Union ist für Entscheidungen aufgrund einer Schiedsklausel zuständig, die in einem von der Union oder für ihre Rechnung abgeschlossenen öffentlich-rechtlichen oder privatrechtlichen Vertrag enthalten ist.

Artikel 273
(ex-Artikel 239 EGV)

Der Gerichtshof ist für jede mit dem Gegenstand der Verträge in Zusammenhang stehende Streitigkeit zwischen Mitgliedstaaten zuständig, wenn diese bei ihm aufgrund eines Schiedsvertrags anhängig gemacht wird.

Artikel 274
(ex-Artikel 240 EGV)

Soweit keine Zuständigkeit des Gerichtshofs der Europäischen Union aufgrund der Verträge besteht, sind Streitsachen, bei denen die Union Partei ist, der Zuständigkeit der einzelstaatlichen Gerichte nicht entzogen.

Artikel 275

Der Gerichtshof der Europäischen Union ist nicht zuständig für die Bestimmungen hinsichtlich der Gemeinsamen Außen- und Sicherheitspolitik und für die auf der Grundlage dieser Bestimmungen erlassenen Rechtsakte.

Der Gerichtshof ist jedoch zuständig für die Kontrolle der Einhaltung von Artikel 40 des Vertrags über die Europäische Union und für die unter den Voraussetzungen des Artikels 263 Absatz 4 dieses Vertrags erhobenen Klagen im Zusammenhang mit der Überwachung der Rechtmäßigkeit von Beschlüssen über restriktive Maßnahmen gegenüber natürlichen oder juristischen Personen, die der Rat auf der Grundlage von Titel V Kapitel 2 des Vertrags über die Europäische Union erlassen hat.

Artikel 276

Bei der Ausübung seiner Befugnisse im Rahmen der Bestimmungen des Dritten Teils Titel V Kapitel 4 und 5 über den Raum der Freiheit, der Sicherheit und des Rechts ist der Gerichtshof der Europäischen Union nicht zuständig für die Überprüfung der Gültigkeit oder Verhältnismäßigkeit von Maßnahmen der Polizei oder anderer Strafverfolgungsbehörden eines Mitgliedstaats oder der Wahrnehmung der Zuständigkeiten der Mitgliedstaaten für die Aufrechterhaltung der öffentlichen Ordnung und den Schutz der inneren Sicherheit.

Artikel 277

(ex-Artikel 241 EGV)

Ungeachtet des Ablaufs der in Artikel 263 Absatz 6 genannten Frist kann jede Partei in einem Rechtsstreit, bei dem die Rechtmäßigkeit eines von einem Organ, einer Einrichtung oder einer sonstigen Stelle der Union erlassenen Rechtsakts mit allgemeiner Geltung angefochten wird, vor dem Gerichtshof der Europäischen Union die Unanwendbarkeit dieses Rechtsakts aus den in Artikel 263 Absatz 2 genannten Gründen geltend machen.

Artikel 278

(ex-Artikel 242 EGV)

Klagen bei dem Gerichtshof der Europäischen Union haben keine aufschiebende Wirkung. Der Gerichtshof kann jedoch, wenn er dies den Umständen nach für nötig hält, die Durchführung der angefochtenen Handlung aussetzen.

Artikel 279

(ex-Artikel 243 EGV)

Der Gerichtshof der Europäischen Union kann in den bei ihm anhängigen Sachen die erforderlichen einstweiligen Anordnungen treffen.

Artikel 280
(ex-Artikel 244 EGV)

Die Urteile des Gerichtshofs der Europäischen Union sind gemäß Artikel 299 vollstreckbar.

Artikel 281
(ex-Artikel 245 EGV)

Die Satzung des Gerichtshofs der Europäischen Union wird in einem besonderen Protokoll festgelegt.

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren die Satzung mit Ausnahme ihres Titels I und ihres Artikels 64 ändern. Das Europäische Parlament und der Rat beschließen entweder auf Antrag des Gerichtshofs nach Anhörung der Kommission oder auf Vorschlag der Kommission nach Anhörung des Gerichtshofs.

ABSCHNITT 6

DIE EUROPÄISCHE ZENTRALBANK

Artikel 282

- (1) Die Europäische Zentralbank und die nationalen Zentralbanken bilden das Europäische System der Zentralbanken (ESZB). Die Europäische Zentralbank und die nationalen Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist, bilden das Eurosystem und betreiben die Währungspolitik der Union.
- (2) Das ESZB wird von den Beschlussorganen der Europäischen Zentralbank geleitet. Sein vorrangiges Ziel ist es, die Preisstabilität zu gewährleisten. Unbeschadet dieses Zieles unterstützt es die allgemeine Wirtschaftspolitik in der Union, um zur Verwirklichung ihrer Ziele beizutragen.
- (3) Die Europäische Zentralbank besitzt Rechtspersönlichkeit. Sie allein ist befugt, die Ausgabe des Euro zu genehmigen. Sie ist in der Ausübung ihrer Befugnisse und der Verwaltung ihrer Mittel unabhängig. Die Organe, Einrichtungen und sonstigen Stellen der Union sowie die Regierungen der Mitgliedstaaten achten diese Unabhängigkeit.
- (4) Die Europäische Zentralbank erlässt die für die Erfüllung ihrer Aufgaben erforderlichen Maßnahmen nach den Artikeln 127 bis 133 und Artikel 138 und nach Maßgabe der Satzung des ESZB und der EZB. Nach diesen Artikeln behalten die Mitgliedstaaten, deren Währung nicht der Euro ist, sowie deren Zentralbanken ihre Zuständigkeiten im Währungsbereich.
- (5) Die Europäische Zentralbank wird in den Bereichen, auf die sich ihre Befugnisse erstrecken, zu allen Entwürfen für Rechtsakte der Union sowie zu allen Entwürfen für Rechtsvorschriften auf einzelstaatlicher Ebene gehört und kann Stellungnahmen abgeben.

Artikel 283
(ex-Artikel 112 EGV)

(1) Der Rat der Europäischen Zentralbank besteht aus den Mitgliedern des Direktoriums der Europäischen Zentralbank und den Präsidenten der nationalen Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist.

(2) Das Direktorium besteht aus dem Präsidenten, dem Vizepräsidenten und vier weiteren Mitgliedern.

Der Präsident, der Vizepräsident und die weiteren Mitglieder des Direktoriums werden vom Europäischen Rat auf Empfehlung des Rates, der hierzu das Europäische Parlament und den Rat der Europäischen Zentralbank anhört, aus dem Kreis der in Währungs- oder Bankfragen anerkannten und erfahrenen Persönlichkeiten mit qualifizierter Mehrheit ausgewählt und ernannt.

Ihre Amtszeit beträgt acht Jahre; Wiederernennung ist nicht zulässig.

Nur Staatsangehörige der Mitgliedstaaten können Mitglieder des Direktoriums werden.

Artikel 284
(ex-Artikel 113 EGV)

(1) Der Präsident des Rates und ein Mitglied der Kommission können ohne Stimmrecht an den Sitzungen des Rates der Europäischen Zentralbank teilnehmen.

Der Präsident des Rates kann dem Rat der Europäischen Zentralbank einen Antrag zur Beratung vorlegen.

(2) Der Präsident der Europäischen Zentralbank wird zur Teilnahme an den Tagungen des Rates eingeladen, wenn dieser Fragen im Zusammenhang mit den Zielen und Aufgaben des ESZB erörtert.

(3) Die Europäische Zentralbank unterbreitet dem Europäischen Parlament, dem Rat und der Kommission sowie auch dem Europäischen Rat einen Jahresbericht über die Tätigkeit des ESZB und die Geld- und Währungspolitik im vergangenen und im laufenden Jahr. Der Präsident der Europäischen Zentralbank legt den Bericht dem Rat und dem Europäischen Parlament vor, das auf dieser Grundlage eine allgemeine Aussprache durchführen kann.

Der Präsident der Europäischen Zentralbank und die anderen Mitglieder des Direktoriums können auf Ersuchen des Europäischen Parlaments oder auf ihre Initiative hin von den zuständigen Ausschüssen des Europäischen Parlaments gehört werden.

ABSCHNITT 7

DER RECHNUNGSHOF

Artikel 285
(ex-Artikel 246 EGV)

Der Rechnungshof nimmt die Rechnungsprüfung der Union wahr.

Der Rechnungshof besteht aus einem Staatsangehörigen je Mitgliedstaat. Seine Mitglieder üben ihre Aufgaben in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.

Artikel 286
(ex-Artikel 247 EGV)

(1) Zu Mitgliedern des Rechnungshofs sind Persönlichkeiten auszuwählen, die in ihren Staaten Rechnungsprüfungsorganen angehören oder angehört haben oder die für dieses Amt besonders geeignet sind. Sie müssen jede Gewähr für Unabhängigkeit bieten.

(2) Die Mitglieder des Rechnungshofs werden auf sechs Jahre ernannt. Der Rat nimmt die gemäß den Vorschlägen der einzelnen Mitgliedstaaten erstellte Liste der Mitglieder nach Anhörung des Europäischen Parlaments an. Die Wiederernennung der Mitglieder des Rechnungshofs ist zulässig.

Sie wählen aus ihrer Mitte den Präsidenten des Rechnungshofs für drei Jahre. Wiederwahl ist zulässig.

(3) Die Mitglieder des Rechnungshofs dürfen bei der Erfüllung ihrer Pflichten Anweisungen von einer Regierung oder einer anderen Stelle weder anfordern noch entgegennehmen. Sie haben jede Handlung zu unterlassen, die mit ihren Aufgaben unvereinbar ist.

(4) Die Mitglieder des Rechnungshofs dürfen während ihrer Amtszeit keine andere entgeltliche oder unentgeltliche Berufstätigkeit ausüben. Bei der Aufnahme ihrer Tätigkeit übernehmen sie die feierliche Verpflichtung, während der Ausübung und nach Ablauf ihrer Amtstätigkeit die sich aus ihrem Amt ergebenden Pflichten zu erfüllen, insbesondere die Pflicht, bei der Annahme gewisser Tätigkeiten oder Vorteile nach Ablauf dieser Tätigkeit ehrenhaft und zurückhaltend zu sein.

(5) Abgesehen von regelmäßigen Neubesetzungen und von Todesfällen endet das Amt eines Mitglieds des Rechnungshofs durch Rücktritt oder durch Amtsenthebung durch den Gerichtshof gemäß Absatz 6.

Für das ausscheidende Mitglied wird für die verbleibende Amtszeit ein Nachfolger ernannt.

Außer im Fall der Amtsenthebung bleiben die Mitglieder des Rechnungshofs bis zur Neubesetzung ihres Sitzes im Amt.

(6) Ein Mitglied des Rechnungshofs kann nur dann seines Amtes enthoben oder seiner Ruhegehaltsansprüche oder anderer an ihrer Stelle gewährter Vergünstigungen für verlustig erklärt werden, wenn der Gerichtshof auf Antrag des Rechnungshofs feststellt, dass es nicht mehr die erforderlichen Voraussetzungen erfüllt oder den sich aus seinem Amt ergebenden Verpflichtungen nicht mehr nachkommt.

(7) Der Rat setzt die Beschäftigungsbedingungen für den Präsidenten und die Mitglieder des Rechnungshofs fest, insbesondere die Gehälter, Vergütungen und Ruhegehälter. Er setzt alle sonstigen als Entgelt gezahlten Vergütungen fest.

(8) Die für die Richter des Gerichtshofs der Europäischen Union geltenden Bestimmungen des Protokolls über die Vorrechte und Befreiungen der Europäischen Union gelten auch für die Mitglieder des Rechnungshofs.

Artikel 287
(ex-Artikel 248 EGV)

(1) Der Rechnungshof prüft die Rechnung über alle Einnahmen und Ausgaben der Union. Er prüft ebenfalls die Rechnung über alle Einnahmen und Ausgaben jeder von der Union geschaffenen Einrichtung oder sonstigen Stelle, soweit der Gründungsakt dies nicht ausschließt.

Der Rechnungshof legt dem Europäischen Parlament und dem Rat eine Erklärung über die Zuverlässigkeit der Rechnungsführung sowie die Rechtmäßigkeit und Ordnungsmäßigkeit der zugrunde liegenden Vorgänge vor, die im *Amtsblatt der Europäischen Union* veröffentlicht wird. Diese Erklärung kann durch spezifische Beurteilungen zu allen größeren Tätigkeitsbereichen der Union ergänzt werden.

(2) Der Rechnungshof prüft die Rechtmäßigkeit und Ordnungsmäßigkeit der Einnahmen und Ausgaben und überzeugt sich von der Wirtschaftlichkeit der Haushaltsführung. Dabei berichtet er insbesondere über alle Fälle von Unregelmäßigkeiten.

Die Prüfung der Einnahmen erfolgt anhand der Feststellungen und der Zahlungen der Einnahmen an die Union.

Die Prüfung der Ausgaben erfolgt anhand der Mittelbindungen und der Zahlungen.

Diese Prüfungen können vor Abschluss der Rechnung des betreffenden Haushaltsjahrs durchgeführt werden.

(3) Die Prüfung wird anhand der Rechnungsunterlagen und erforderlichenfalls an Ort und Stelle bei den anderen Organen der Union, in den Räumlichkeiten der Einrichtungen oder sonstigen Stellen, die Einnahmen oder Ausgaben für Rechnung der Union verwalten, sowie der natürlichen und juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und in den Mitgliedstaaten durchgeführt. Die Prüfung in den Mitgliedstaaten erfolgt in Verbindung mit den einzelstaatlichen Rechnungsprüfungsorganen oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, mit den zuständigen einzelstaatlichen Dienststellen. Der Rechnungshof und die einzelstaatlichen Rechnungsprüfungsorgane arbeiten unter Wahrung ihrer Unabhängigkeit vertrauensvoll zusammen. Diese Organe oder Dienststellen teilen dem Rechnungshof mit, ob sie an der Prüfung teilzunehmen beabsichtigen.

Die anderen Organe der Union, die Einrichtungen oder sonstigen Stellen, die Einnahmen oder Ausgaben für Rechnung der Union verwalten, die natürlichen oder juristischen Personen, die Zahlungen aus dem Haushalt erhalten, und die einzelstaatlichen Rechnungsprüfungsorgane oder, wenn diese nicht über die erforderliche Zuständigkeit verfügen, die zuständigen einzelstaatlichen Dienststellen übermitteln dem Rechnungshof auf dessen Antrag die für die Erfüllung seiner Aufgabe erforderlichen Unterlagen oder Informationen.

Die Rechte des Rechnungshofs auf Zugang zu Informationen der Europäischen Investitionsbank im Zusammenhang mit deren Tätigkeit bei der Verwaltung von Einnahmen und Ausgaben der Union werden in einer Vereinbarung zwischen dem Rechnungshof, der Bank und der Kommission geregelt. Der Rechnungshof hat auch dann Recht auf Zugang zu den Informationen, die für die Prüfung der von der Bank verwalteten Einnahmen und Ausgaben der Union erforderlich sind, wenn eine entsprechende Vereinbarung nicht besteht.

(4) Der Rechnungshof erstattet nach Abschluss eines jeden Haushaltsjahrs einen Jahresbericht. Dieser Bericht wird den anderen Organen der Union vorgelegt und im *Amtsblatt der Europäischen Union* zusammen mit den Antworten dieser Organe auf die Bemerkungen des Rechnungshofs veröffentlicht.

Der Rechnungshof kann ferner jederzeit seine Bemerkungen zu besonderen Fragen vorlegen, insbesondere in Form von Sonderberichten, und auf Antrag eines der anderen Organe der Union Stellungnahmen abgeben.

Er nimmt seine jährlichen Berichte, Sonderberichte oder Stellungnahmen mit der Mehrheit seiner Mitglieder an. Er kann jedoch für die Annahme bestimmter Arten von Berichten oder Stellungnahmen nach Maßgabe seiner Geschäftsordnung Kammern bilden.

Er unterstützt das Europäische Parlament und den Rat bei der Kontrolle der Ausführung des Haushaltsplans.

Der Rechnungshof gibt sich eine Geschäftsordnung. Diese bedarf der Genehmigung des Rates.

KAPITEL 2

RECHTSAKTE DER UNION, ANNAHMEVERFAHREN UND SONSTIGE VORSCHRIFTEN

ABSCHNITT 1

DIE RECHTSAKTE DER UNION

Artikel 288 (ex-Artikel 249 EGV)

Für die Ausübung der Zuständigkeiten der Union nehmen die Organe Verordnungen, Richtlinien, Beschlüsse, Empfehlungen und Stellungnahmen an.

Die Verordnung hat allgemeine Geltung. Sie ist in allen ihren Teilen verbindlich und gilt unmittelbar in jedem Mitgliedstaat.

Die Richtlinie ist für jeden Mitgliedstaat, an den sie gerichtet wird, hinsichtlich des zu erreichenden Ziels verbindlich, überlässt jedoch den innerstaatlichen Stellen die Wahl der Form und der Mittel.

Beschlüsse sind in allen ihren Teilen verbindlich. Sind sie an bestimmte Adressaten gerichtet, so sind sie nur für diese verbindlich.

Die Empfehlungen und Stellungnahmen sind nicht verbindlich.

Artikel 289

(1) Das ordentliche Gesetzgebungsverfahren besteht in der gemeinsamen Annahme einer Verordnung, einer Richtlinie oder eines Beschlusses durch das Europäische Parlament und den Rat auf Vorschlag der Kommission. Dieses Verfahren ist in Artikel 294 festgelegt.

(2) In bestimmten, in den Verträgen vorgesehenen Fällen erfolgt als besonderes Gesetzgebungsverfahren die Annahme einer Verordnung, einer Richtlinie oder eines Beschlusses durch das Europäische Parlament mit Beteiligung des Rates oder durch den Rat mit Beteiligung des Europäischen Parlaments.

(3) Rechtsakte, die gemäß einem Gesetzgebungsverfahren angenommen werden, sind Gesetzgebungsakte.

(4) In bestimmten, in den Verträgen vorgesehenen Fällen können Gesetzgebungsakte auf Initiative einer Gruppe von Mitgliedstaaten oder des Europäischen Parlaments, auf Empfehlung der Europäischen Zentralbank oder auf Antrag des Gerichtshofs oder der Europäischen Investitionsbank erlassen werden.

Artikel 290

(1) In Gesetzgebungsakten kann der Kommission die Befugnis übertragen werden, Rechtsakte ohne Gesetzescharakter mit allgemeiner Geltung zur Ergänzung oder Änderung bestimmter nicht wesentlicher Vorschriften des betreffenden Gesetzgebungsaktes zu erlassen.

In den betreffenden Gesetzgebungsakten werden Ziele, Inhalt, Geltungsbereich und Dauer der Befugnisübertragung ausdrücklich festgelegt. Die wesentlichen Aspekte eines Bereichs sind dem Gesetzgebungsakt vorbehalten und eine Befugnisübertragung ist für sie deshalb ausgeschlossen.

(2) Die Bedingungen, unter denen die Übertragung erfolgt, werden in Gesetzgebungsakten ausdrücklich festgelegt, wobei folgende Möglichkeiten bestehen:

- a) Das Europäische Parlament oder der Rat kann beschließen, die Übertragung zu widerrufen.
- b) Der delegierte Rechtsakt kann nur in Kraft treten, wenn das Europäische Parlament oder der Rat innerhalb der im Gesetzgebungsakt festgelegten Frist keine Einwände erhebt.

Für die Zwecke der Buchstaben a und b beschließt das Europäische Parlament mit der Mehrheit seiner Mitglieder und der Rat mit qualifizierter Mehrheit.

(3) In den Titel der delegierten Rechtsakte wird das Wort „delegiert“ eingefügt.

Artikel 291

- (1) Die Mitgliedstaaten ergreifen alle zur Durchführung der verbindlichen Rechtsakte der Union erforderlichen Maßnahmen nach innerstaatlichem Recht.
- (2) Bedarf es einheitlicher Bedingungen für die Durchführung der verbindlichen Rechtsakte der Union, so werden mit diesen Rechtsakten der Kommission oder, in entsprechend begründeten Sonderfällen und in den in den Artikeln 24 und 26 des Vertrags über die Europäische Union vorgesehenen Fällen, dem Rat Durchführungsbefugnisse übertragen.
- (3) Für die Zwecke des Absatzes 2 legen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen im Voraus allgemeine Regeln und Grundsätze fest, nach denen die Mitgliedstaaten die Wahrnehmung der Durchführungsbefugnisse durch die Kommission kontrollieren.
- (4) In den Titel der Durchführungsrechtsakte wird der Wortteil „Durchführungs-“ eingefügt.

Artikel 292

Der Rat gibt Empfehlungen ab. Er beschließt auf Vorschlag der Kommission in allen Fällen, in denen er nach Maßgabe der Verträge Rechtsakte auf Vorschlag der Kommission erlässt. In den Bereichen, in denen für den Erlass eines Rechtsakts der Union Einstimmigkeit vorgesehen ist, beschließt er einstimmig. Die Kommission und, in bestimmten in den Verträgen vorgesehenen Fällen, die Europäische Zentralbank geben Empfehlungen ab.

ABSCHNITT 2

ANNAHMEVERFAHREN UND SONSTIGE VORSCHRIFTEN

Artikel 293

(ex-Artikel 250 EGV)

- (1) Wird der Rat aufgrund der Verträge auf Vorschlag der Kommission tätig, so kann er diesen Vorschlag nur einstimmig abändern; dies gilt nicht in den Fällen nach Artikel 294 Absätze 10 und 13, nach Artikel 310, Artikel 312, Artikel 314 und nach Artikel 315 Absatz 2.
- (2) Solange ein Beschluss des Rates nicht ergangen ist, kann die Kommission ihren Vorschlag jederzeit im Verlauf der Verfahren zur Annahme eines Rechtsakts der Union ändern.

Artikel 294

(ex-Artikel 251 EGV)

- (1) Wird in den Verträgen hinsichtlich der Annahme eines Rechtsakts auf das ordentliche Gesetzgebungsverfahren Bezug genommen, so gilt das nachstehende Verfahren.
- (2) Die Kommission unterbreitet dem Europäischen Parlament und dem Rat einen Vorschlag.

Erste Lesung

- (3) Das Europäische Parlament legt seinen Standpunkt in erster Lesung fest und übermittelt ihn dem Rat.
- (4) Billigt der Rat den Standpunkt des Europäischen Parlaments, so ist der betreffende Rechtsakt in der Fassung des Standpunkts des Europäischen Parlaments erlassen.
- (5) Billigt der Rat den Standpunkt des Europäischen Parlaments nicht, so legt er seinen Standpunkt in erster Lesung fest und übermittelt ihn dem Europäischen Parlament.
- (6) Der Rat unterrichtet das Europäische Parlament in allen Einzelheiten über die Gründe, aus denen er seinen Standpunkt in erster Lesung festgelegt hat. Die Kommission unterrichtet das Europäische Parlament in vollem Umfang über ihren Standpunkt.

Zweite Lesung

- (7) Hat das Europäische Parlament binnen drei Monaten nach der Übermittlung
- a) den Standpunkt des Rates in erster Lesung gebilligt oder sich nicht geäußert, so gilt der betreffende Rechtsakt als in der Fassung des Standpunkts des Rates erlassen;
 - b) den Standpunkt des Rates in erster Lesung mit der Mehrheit seiner Mitglieder abgelehnt, so gilt der vorgeschlagene Rechtsakt als nicht erlassen;
 - c) mit der Mehrheit seiner Mitglieder Abänderungen an dem Standpunkt des Rates in erster Lesung vorgeschlagen, so wird die abgeänderte Fassung dem Rat und der Kommission zugeleitet; die Kommission gibt eine Stellungnahme zu diesen Abänderungen ab.
- (8) Hat der Rat binnen drei Monaten nach Eingang der Abänderungen des Europäischen Parlaments mit qualifizierter Mehrheit
- a) alle diese Abänderungen gebilligt, so gilt der betreffende Rechtsakt als erlassen;
 - b) nicht alle Abänderungen gebilligt, so beruft der Präsident des Rates im Einvernehmen mit dem Präsidenten des Europäischen Parlaments binnen sechs Wochen den Vermittlungsausschuss ein.
- (9) Über Abänderungen, zu denen die Kommission eine ablehnende Stellungnahme abgegeben hat, beschließt der Rat einstimmig.

Vermittlung

- (10) Der Vermittlungsausschuss, der aus den Mitgliedern des Rates oder deren Vertretern und ebenso vielen das Europäische Parlament vertretenden Mitgliedern besteht, hat die Aufgabe, mit der qualifizierten Mehrheit der Mitglieder des Rates oder deren Vertretern und der Mehrheit der das Europäische Parlament vertretenden Mitglieder binnen sechs Wochen nach seiner Einberufung eine Einigung auf der Grundlage der Standpunkte des Europäischen Parlaments und des Rates in zweiter Lesung zu erzielen.

(11) Die Kommission nimmt an den Arbeiten des Vermittlungsausschusses teil und ergreift alle erforderlichen Initiativen, um auf eine Annäherung der Standpunkte des Europäischen Parlaments und des Rates hinzuwirken.

(12) Billigt der Vermittlungsausschuss binnen sechs Wochen nach seiner Einberufung keinen gemeinsamen Entwurf, so gilt der vorgeschlagene Rechtsakt als nicht erlassen.

Dritte Lesung

(13) Billigt der Vermittlungsausschuss innerhalb dieser Frist einen gemeinsamen Entwurf, so verfügen das Europäische Parlament und der Rat ab dieser Billigung über eine Frist von sechs Wochen, um den betreffenden Rechtsakt entsprechend diesem Entwurf zu erlassen, wobei im Europäischen Parlament die Mehrheit der abgegebenen Stimmen und im Rat die qualifizierte Mehrheit erforderlich ist. Andernfalls gilt der vorgeschlagene Rechtsakt als nicht erlassen.

(14) Die in diesem Artikel genannten Fristen von drei Monaten beziehungsweise sechs Wochen werden auf Initiative des Europäischen Parlaments oder des Rates um höchstens einen Monat beziehungsweise zwei Wochen verlängert.

Besondere Bestimmungen

(15) Wird in den in den Verträgen vorgesehenen Fällen ein Gesetzgebungsakt auf Initiative einer Gruppe von Mitgliedstaaten, auf Empfehlung der Europäischen Zentralbank oder auf Antrag des Gerichtshofs im ordentlichen Gesetzgebungsverfahren erlassen, so finden Absatz 2, Absatz 6 Satz 2 und Absatz 9 keine Anwendung.

In diesen Fällen übermitteln das Europäische Parlament und der Rat der Kommission den Entwurf des Rechtsakts sowie ihre jeweiligen Standpunkte in erster und zweiter Lesung. Das Europäische Parlament oder der Rat kann die Kommission während des gesamten Verfahrens um eine Stellungnahme bitten, die die Kommission auch von sich aus abgeben kann. Sie kann auch nach Maßgabe des Absatzes 11 an dem Vermittlungsausschuss teilnehmen, sofern sie dies für erforderlich hält.

Artikel 295

Das Europäische Parlament, der Rat und die Kommission beraten sich und regeln einvernehmlich die Einzelheiten ihrer Zusammenarbeit. Dazu können sie unter Wahrung der Verträge interinstitutionelle Vereinbarungen schließen, die auch bindenden Charakter haben können.

Artikel 296 (ex-Artikel 253 EGV)

Wird die Art des zu erlassenden Rechtsakts von den Verträgen nicht vorgegeben, so entscheiden die Organe darüber von Fall zu Fall unter Einhaltung der geltenden Verfahren und des Grundsatzes der Verhältnismäßigkeit.

Die Rechtsakte sind mit einer Begründung zu versehen und nehmen auf die in den Verträgen vorgesehenen Vorschläge, Initiativen, Empfehlungen, Anträge oder Stellungnahmen Bezug.

Werden das Europäische Parlament und der Rat mit dem Entwurf eines Gesetzgebungsakts befasst, so nehmen sie keine Rechtsakte an, die gemäß dem für den betreffenden Bereich geltenden Gesetzgebungsverfahren nicht vorgesehen sind.

Artikel 297
(ex-Artikel 254 EGV)

(1) Gesetzgebungsakte, die gemäß dem ordentlichen Gesetzgebungsverfahren erlassen wurden, werden vom Präsidenten des Europäischen Parlaments und vom Präsidenten des Rates unterzeichnet.

Gesetzgebungsakte, die gemäß einem besonderen Gesetzgebungsverfahren erlassen wurden, werden vom Präsidenten des Organs unterzeichnet, das sie erlassen hat.

Die Gesetzgebungsakte werden im *Amtsblatt der Europäischen Union* veröffentlicht. Sie treten zu dem durch sie festgelegten Zeitpunkt oder anderenfalls am zwanzigsten Tag nach ihrer Veröffentlichung in Kraft.

(2) Rechtsakte ohne Gesetzescharakter, die als Verordnung, Richtlinie oder Beschluss, der an keinen bestimmten Adressaten gerichtet ist, erlassen wurden, werden vom Präsidenten des Organs unterzeichnet, das sie erlassen hat.

Verordnungen, Richtlinien, die an alle Mitgliedstaaten gerichtet sind, sowie Beschlüsse, die an keinen bestimmten Adressaten gerichtet sind, werden im *Amtsblatt der Europäischen Union* veröffentlicht. Sie treten zu dem durch sie festgelegten Zeitpunkt oder anderenfalls am zwanzigsten Tag nach ihrer Veröffentlichung in Kraft.

Die anderen Richtlinien sowie die Beschlüsse, die an einen bestimmten Adressaten gerichtet sind, werden denjenigen, für die sie bestimmt sind, bekannt gegeben und durch diese Bekanntgabe wirksam.

Artikel 298

(1) Zur Ausübung ihrer Aufgaben stützen sich die Organe, Einrichtungen und sonstigen Stellen der Union auf eine offene, effiziente und unabhängige europäische Verwaltung.

(2) Die Bestimmungen zu diesem Zweck werden unter Beachtung des Statuts und der Beschäftigungsbedingungen nach Artikel 336 vom Europäischen Parlament und vom Rat gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen erlassen.

Artikel 299
(ex-Artikel 256 EGV)

Die Rechtsakte des Rates, der Kommission oder der Europäischen Zentralbank, die eine Zahlung auferlegen, sind vollstreckbare Titel; dies gilt nicht gegenüber Staaten.

Die Zwangsvollstreckung erfolgt nach den Vorschriften des Zivilprozessrechts des Staates, in dessen Hoheitsgebiet sie stattfindet. Die Vollstreckungsklausel wird nach einer Prüfung, die sich lediglich auf die Echtheit des Titels erstrecken darf, von der staatlichen Behörde erteilt, welche die Regierung jedes Mitgliedstaats zu diesem Zweck bestimmt und der Kommission und dem Gerichtshof der Europäischen Union benennt.

Sind diese Formvorschriften auf Antrag der die Vollstreckung betreibenden Partei erfüllt, so kann diese die Zwangsvollstreckung nach innerstaatlichem Recht betreiben, indem sie die zuständige Stelle unmittelbar anruft.

Die Zwangsvollstreckung kann nur durch eine Entscheidung des Gerichtshofs der Europäischen Union ausgesetzt werden. Für die Prüfung der Ordnungsmäßigkeit der Vollstreckungsmaßnahmen sind jedoch die einzelstaatlichen Rechtsprechungsorgane zuständig.

KAPITEL 3

DIE BERATENDEN EINRICHTUNGEN DER UNION

Artikel 300

(1) Das Europäische Parlament, der Rat und die Kommission werden von einem Wirtschafts- und Sozialausschuss sowie einem Ausschuss der Regionen unterstützt, die beratende Aufgaben wahrnehmen.

(2) Der Wirtschafts- und Sozialausschuss setzt sich zusammen aus Vertretern der Organisationen der Arbeitgeber und der Arbeitnehmer sowie anderen Vertretern der Zivilgesellschaft, insbesondere aus dem sozialen und wirtschaftlichen, dem staatsbürgerlichen, dem beruflichen und dem kulturellen Bereich.

(3) Der Ausschuss der Regionen setzt sich zusammen aus Vertretern der regionalen und lokalen Gebietskörperschaften, die entweder ein auf Wahlen beruhendes Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.

(4) Die Mitglieder des Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.

(5) Die Vorschriften der Absätze 2 und 3 über die Art der Zusammensetzung dieser Ausschüsse werden in regelmäßigen Abständen vom Rat überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen. Der Rat erlässt auf Vorschlag der Kommission Beschlüsse zu diesem Zweck.

ABSCHNITT 1

DER WIRTSCHAFTS- UND SOZIALAUSSCHUSS

Artikel 301

(ex-Artikel 258 EGV)

Der Wirtschafts- und Sozialausschuss hat höchstens dreihundertfünfzig Mitglieder.

Der Rat erlässt einstimmig auf Vorschlag der Kommission einen Beschluss über die Zusammensetzung des Ausschusses.

Der Rat setzt die Vergütungen für die Mitglieder des Ausschusses fest.

Artikel 302
(ex-Artikel 259 EGV)

(1) Die Mitglieder des Ausschusses werden für fünf Jahre ernannt. Der Rat nimmt die gemäß den Vorschlägen der einzelnen Mitgliedstaaten erstellte Liste der Mitglieder an. Die Wiederernennung der Mitglieder des Ausschusses ist zulässig.

(2) Der Rat beschließt nach Anhörung der Kommission. Er kann die Meinung der maßgeblichen europäischen Organisationen der verschiedenen Zweige des Wirtschafts- und Soziallebens und der Zivilgesellschaft einholen, die von der Tätigkeit der Union betroffen sind.

Artikel 303
(ex-Artikel 260 EGV)

Der Ausschuss wählt aus seiner Mitte seinen Präsidenten und sein Präsidium auf zweieinhalb Jahre.

Er gibt sich eine Geschäftsordnung.

Der Ausschuss wird von seinem Präsidenten auf Antrag des Europäischen Parlaments, des Rates oder der Kommission einberufen. Er kann auch von sich aus zusammentreten.

Artikel 304
(ex-Artikel 262 EGV)

Der Ausschuss wird vom Europäischen Parlament, vom Rat oder der Kommission in den in den Verträgen vorgesehenen Fällen gehört. Er kann von diesen Organen in allen Fällen gehört werden, in denen diese es für zweckmäßig erachten. Er kann von sich aus eine Stellungnahme in den Fällen abgeben, in denen er dies für zweckmäßig erachtet.

Wenn das Europäische Parlament, der Rat oder die Kommission es für notwendig erachten, setzen sie dem Ausschuss für die Vorlage seiner Stellungnahme eine Frist; diese beträgt mindestens einen Monat, vom Eingang der Mitteilung beim Präsidenten des Ausschusses an gerechnet. Nach Ablauf der Frist kann das Fehlen einer Stellungnahme unberücksichtigt bleiben.

Die Stellungnahmen des Ausschusses sowie ein Bericht über die Beratungen werden dem Europäischen Parlament, dem Rat und der Kommission übermittelt.

ABSCHNITT 2

DER AUSSCHUSS DER REGIONEN

Artikel 305
(ex-Artikel 263 Absätze 2, 3 und 4 EGV)

Der Ausschuss der Regionen hat höchstens dreihundertfünfzig Mitglieder.

Der Rat erlässt einstimmig auf Vorschlag der Kommission einen Beschluss über die Zusammensetzung des Ausschusses.

Die Mitglieder des Ausschusses sowie eine gleiche Anzahl von Stellvertretern werden auf fünf Jahre ernannt. Wiederernennung ist zulässig. Der Rat nimmt die gemäß den Vorschlägen der einzelnen Mitgliedstaaten erstellte Liste der Mitglieder und Stellvertreter an. Die Amtszeit der Mitglieder des Ausschusses endet automatisch bei Ablauf des in Artikel 300 Absatz 3 genannten Mandats, aufgrund dessen sie vorgeschlagen wurden; für die verbleibende Amtszeit wird nach demselben Verfahren ein Nachfolger ernannt. Ein Mitglied des Ausschusses darf nicht gleichzeitig Mitglied des Europäischen Parlaments sein.

Artikel 306
(ex-Artikel 264 EGV)

Der Ausschuss der Regionen wählt aus seiner Mitte seinen Präsidenten und sein Präsidium auf zweieinhalb Jahre.

Er gibt sich eine Geschäftsordnung.

Der Ausschuss wird von seinem Präsidenten auf Antrag des Europäischen Parlaments, des Rates oder der Kommission einberufen. Er kann auch von sich aus zusammentreten.

Artikel 307
(ex-Artikel 265 EGV)

Der Ausschuss der Regionen wird vom Europäischen Parlament, vom Rat oder von der Kommission in den in den Verträgen vorgesehenen Fällen und in allen anderen Fällen gehört, in denen eines dieser Organe dies für zweckmäßig erachtet, insbesondere in Fällen, welche die grenzüberschreitende Zusammenarbeit betreffen.

Wenn das Europäische Parlament, der Rat oder die Kommission es für notwendig erachten, setzen sie dem Ausschuss für die Vorlage seiner Stellungnahme eine Frist; diese beträgt mindestens einen Monat, vom Eingang der diesbezüglichen Mitteilung beim Präsidenten des Ausschusses an gerechnet. Nach Ablauf der Frist kann das Fehlen einer Stellungnahme unberücksichtigt bleiben.

Wird der Wirtschafts- und Sozialausschuss nach Artikel 304 gehört, so wird der Ausschuss der Regionen vom Europäischen Parlament, vom Rat oder von der Kommission über dieses Ersuchen um Stellungnahme unterrichtet. Der Ausschuss der Regionen kann, wenn er der Auffassung ist, dass spezifische regionale Interessen berührt werden, eine entsprechende Stellungnahme abgeben.

Er kann, wenn er dies für zweckdienlich erachtet, von sich aus eine Stellungnahme abgeben.

Die Stellungnahme des Ausschusses sowie ein Bericht über die Beratungen werden dem Europäischen Parlament, dem Rat und der Kommission übermittelt.

KAPITEL 4

DIE EUROPÄISCHE INVESTITIONSBANK

Artikel 308 (ex-Artikel 266 EGV)

Die Europäische Investitionsbank besitzt Rechtspersönlichkeit.

Mitglieder der Europäischen Investitionsbank sind die Mitgliedstaaten.

Die Satzung der Europäischen Investitionsbank ist den Verträgen als Protokoll beigelegt. Der Rat kann auf Antrag der Europäischen Investitionsbank und nach Anhörung des Europäischen Parlaments und der Kommission oder auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und der Europäischen Investitionsbank die Satzung der Bank einstimmig gemäß einem besonderen Gesetzgebungsverfahren ändern.

Artikel 309 (ex-Artikel 267 EGV)

Aufgabe der Europäischen Investitionsbank ist es, zu einer ausgewogenen und reibungslosen Entwicklung des Binnenmarkts im Interesse der Union beizutragen; hierbei bedient sie sich des Kapitalmarkts sowie ihrer eigenen Mittel. In diesem Sinne erleichtert sie ohne Verfolgung eines Erwerbszwecks durch Gewährung von Darlehen und Bürgschaften die Finanzierung der nachstehend bezeichneten Vorhaben in allen Wirtschaftszweigen:

- a) Vorhaben zur Erschließung der weniger entwickelten Gebiete;
- b) Vorhaben zur Modernisierung oder Umstellung von Unternehmen oder zur Schaffung neuer Arbeitsmöglichkeiten, die sich aus der Errichtung oder dem Funktionieren des Binnenmarkts ergeben und wegen ihres Umfangs oder ihrer Art mit den in den einzelnen Mitgliedstaaten vorhandenen Mitteln nicht vollständig finanziert werden können;
- c) Vorhaben von gemeinsamem Interesse für mehrere Mitgliedstaaten, die wegen ihres Umfangs oder ihrer Art mit den in den einzelnen Mitgliedstaaten vorhandenen Mitteln nicht vollständig finanziert werden können.

In Erfüllung ihrer Aufgabe erleichtert die Bank die Finanzierung von Investitionsprogrammen in Verbindung mit der Unterstützung aus den Strukturfonds und anderen Finanzierungsinstrumenten der Union.

TITEL II

FINANZVORSCHRIFTEN

Artikel 310 (ex-Artikel 268 EGV)

(1) Alle Einnahmen und Ausgaben der Union werden für jedes Haushaltsjahr veranschlagt und in den Haushaltsplan eingesetzt.

Der jährliche Haushaltsplan der Union wird vom Europäischen Parlament und vom Rat nach Maßgabe des Artikels 314 aufgestellt.

Der Haushaltsplan ist in Einnahmen und Ausgaben auszugleichen.

(2) Die in den Haushaltsplan eingesetzten Ausgaben werden für ein Haushaltsjahr entsprechend der Verordnung nach Artikel 322 bewilligt.

(3) Die Ausführung der in den Haushaltsplan eingesetzten Ausgaben setzt den Erlass eines verbindlichen Rechtsakts der Union voraus, mit dem die Maßnahme der Union und die Ausführung der entsprechenden Ausgabe entsprechend der Verordnung nach Artikel 322 eine Rechtsgrundlage erhalten, soweit nicht diese Verordnung Ausnahmen vorsieht.

(4) Um die Haushaltsdisziplin sicherzustellen, erlässt die Union keine Rechtsakte, die erhebliche Auswirkungen auf den Haushaltsplan haben könnten, ohne die Gewähr zu bieten, dass die mit diesen Rechtsakten verbundenen Ausgaben im Rahmen der Eigenmittel der Union und unter Einhaltung des mehrjährigen Finanzrahmens nach Artikel 312 finanziert werden können.

(5) Der Haushaltsplan wird entsprechend dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung ausgeführt. Die Mitgliedstaaten arbeiten mit der Union zusammen, um sicherzustellen, dass die in den Haushaltsplan eingesetzten Mittel nach diesem Grundsatz verwendet werden.

(6) Die Union und die Mitgliedstaaten bekämpfen nach Artikel 325 Betrügereien und sonstige gegen die finanziellen Interessen der Union gerichtete rechtswidrige Handlungen.

KAPITEL 1

DIE EIGENMITTEL DER UNION

Artikel 311 (ex-Artikel 269 EGV)

Die Union stattet sich mit den erforderlichen Mitteln aus, um ihre Ziele erreichen und ihre Politik durchführen zu können.

Der Haushalt wird unbeschadet der sonstigen Einnahmen vollständig aus Eigenmitteln finanziert.

Der Rat erlässt gemäß einem besonderen Gesetzgebungsverfahren einstimmig und nach Anhörung des Europäischen Parlaments einen Beschluss, mit dem die Bestimmungen über das System der Eigenmittel der Union festgelegt werden. Darin können neue Kategorien von Eigenmitteln eingeführt oder bestehende Kategorien abgeschafft werden. Dieser Beschluss tritt erst nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

Der Rat legt gemäß einem besonderen Gesetzgebungsverfahren durch Verordnungen Durchführungsmaßnahmen zu dem System der Eigenmittel der Union fest, sofern dies in dem nach Absatz 3 erlassenen Beschluss vorgesehen ist. Der Rat beschließt nach Zustimmung des Europäischen Parlaments.

KAPITEL 2

DER MEHRJÄHRIGE FINANZRAHMEN

Artikel 312

(1) Mit dem mehrjährigen Finanzrahmen soll sichergestellt werden, dass die Ausgaben der Union innerhalb der Grenzen ihrer Eigenmittel eine geordnete Entwicklung nehmen.

Er wird für einen Zeitraum von mindestens fünf Jahren aufgestellt.

Bei der Aufstellung des jährlichen Haushaltsplans der Union ist der mehrjährige Finanzrahmen einzuhalten.

(2) Der Rat erlässt gemäß einem besonderen Gesetzgebungsverfahren eine Verordnung zur Festlegung des mehrjährigen Finanzrahmens. Er beschließt einstimmig nach Zustimmung des Europäischen Parlaments, die mit der Mehrheit seiner Mitglieder erteilt wird.

Der Europäische Rat kann einstimmig einen Beschluss fassen, wonach der Rat mit qualifizierter Mehrheit beschließen kann, wenn er die in Unterabsatz 1 genannte Verordnung erlässt.

(3) In dem Finanzrahmen werden die jährlichen Obergrenzen der Mittel für Verpflichtungen je Ausgabenkategorie und die jährliche Obergrenze der Mittel für Zahlungen festgelegt. Die Ausgabenkategorien, von denen es nur wenige geben darf, entsprechen den Haupttätigkeitsbereichen der Union.

Der Finanzrahmen enthält auch alle sonstigen für den reibungslosen Ablauf des jährlichen Haushaltsverfahrens sachdienlichen Bestimmungen.

(4) Hat der Rat bis zum Ablauf des vorangegangenen Finanzrahmens keine Verordnung zur Aufstellung eines neuen Finanzrahmens erlassen, so werden die Obergrenzen und sonstigen Bestimmungen des letzten Jahres des vorangegangenen Finanzrahmens bis zum Erlass dieses Rechtsakts fortgeschrieben.

(5) Das Europäische Parlament, der Rat und die Kommission treffen während des gesamten Verfahrens zur Annahme des Finanzrahmens alle erforderlichen Maßnahmen, um den Erlass des Rechtsakts zu erleichtern.

KAPITEL 3

DER JAHRESHAUSHALTSPLAN DER UNION

Artikel 313 (ex-Artikel 272 Absatz 1 EGV)

Das Haushaltsjahr beginnt am 1. Januar und endet am 31. Dezember.

Artikel 314 (ex-Artikel 272 Absätze 2 bis 10 EGV)

Das Europäische Parlament und der Rat legen den Jahreshaushaltsplan der Union im Rahmen eines besonderen Gesetzgebungsverfahrens nach den folgenden Bestimmungen fest:

(1) Jedes Organ, mit Ausnahme der Europäischen Zentralbank, stellt vor dem 1. Juli einen Haushaltsvoranschlag für seine Ausgaben für das folgende Haushaltsjahr auf. Die Kommission fasst diese Voranschläge in einem Entwurf für den Haushaltsplan zusammen, der abweichende Voranschläge enthalten kann.

Dieser Entwurf umfasst den Ansatz der Einnahmen und den Ansatz der Ausgaben.

(2) Die Kommission legt dem Europäischen Parlament und dem Rat spätestens am 1. September des Jahres, das dem entsprechenden Haushaltsjahr vorausgeht, einen Vorschlag mit dem Entwurf des Haushaltsplans vor.

Die Kommission kann den Entwurf des Haushaltsplans während des laufenden Verfahrens bis zur Einberufung des in Absatz 5 genannten Vermittlungsausschusses ändern.

(3) Der Rat legt seinen Standpunkt zu dem Entwurf des Haushaltsplans fest und leitet ihn spätestens am 1. Oktober des Jahres, das dem entsprechenden Haushaltsjahr vorausgeht, dem Europäischen Parlament zu. Er unterrichtet das Europäische Parlament in vollem Umfang über die Gründe, aus denen er seinen Standpunkt festgelegt hat.

(4) Hat das Europäische Parlament binnen 42 Tagen nach der Übermittlung

- a) den Standpunkt des Rates gebilligt, so ist der Haushaltsplan erlassen;
- b) keinen Beschluss gefasst, so gilt der Haushaltsplan als erlassen;
- c) mit der Mehrheit seiner Mitglieder Abänderungen angenommen, so wird die abgeänderte Fassung des Entwurfs dem Rat und der Kommission zugeleitet. Der Präsident des Europäischen Parlaments beruft im Einvernehmen mit dem Präsidenten des Rates umgehend den Vermittlungsausschuss ein. Der Vermittlungsausschuss tritt jedoch nicht zusammen, wenn der Rat dem Europäischen

Parlament binnen zehn Tagen nach der Übermittlung des geänderten Entwurfs mitteilt, dass er alle seine Abänderungen billigt.

(5) Der Vermittlungsausschuss, der aus den Mitgliedern des Rates oder deren Vertretern und ebenso vielen das Europäische Parlament vertretenden Mitgliedern besteht, hat die Aufgabe, binnen 21 Tagen nach seiner Einberufung auf der Grundlage der Standpunkte des Europäischen Parlaments und des Rates mit der qualifizierten Mehrheit der Mitglieder des Rates oder deren Vertretern und der Mehrheit der das Europäische Parlament vertretenden Mitglieder eine Einigung über einen gemeinsamen Entwurf zu erzielen.

Die Kommission nimmt an den Arbeiten des Vermittlungsausschusses teil und ergreift alle erforderlichen Initiativen, um eine Annäherung der Standpunkte des Europäischen Parlaments und des Rates zu bewirken.

(6) Einigt sich der Vermittlungsausschuss innerhalb der in Absatz 5 genannten Frist von 21 Tagen auf einen gemeinsamen Entwurf, so verfügen das Europäische Parlament und der Rat ab dieser Einigung über eine Frist von 14 Tagen, um den gemeinsamen Entwurf zu billigen.

(7) Wenn innerhalb der in Absatz 6 genannten Frist von 14 Tagen

- a) der gemeinsame Entwurf sowohl vom Europäischen Parlament als auch vom Rat gebilligt wird oder beide keinen Beschluss fassen oder eines dieser Organe den gemeinsamen Entwurf billigt, während das andere Organ keinen Beschluss fasst, so gilt der Haushaltsplan als entsprechend dem gemeinsamen Entwurf endgültig erlassen, oder
- b) der gemeinsame Entwurf sowohl vom Europäischen Parlament mit der Mehrheit seiner Mitglieder als auch vom Rat abgelehnt wird oder eines dieser Organe den gemeinsamen Entwurf ablehnt, während das andere Organ keinen Beschluss fasst, so legt die Kommission einen neuen Entwurf für den Haushaltsplan vor, oder
- c) der gemeinsame Entwurf vom Europäischen Parlament mit der Mehrheit seiner Mitglieder abgelehnt wird, während er vom Rat gebilligt wird, so legt die Kommission einen neuen Entwurf für den Haushaltsplan vor, oder
- d) der gemeinsame Entwurf vom Europäischen Parlament gebilligt wird, während er vom Rat abgelehnt wird, so kann das Europäische Parlament binnen 14 Tagen ab dem Tag der Ablehnung durch den Rat mit der Mehrheit seiner Mitglieder und drei Fünfteln der abgegebenen Stimmen beschließen, alle oder einige der in Absatz 4 Buchstabe c genannten Abänderungen zu bestätigen. Wird eine Abänderung des Europäischen Parlaments nicht bestätigt, so wird der im Vermittlungsausschuss vereinbarte Standpunkt zu dem Haushaltsposten, der Gegenstand der Abänderung ist, übernommen. Der Haushaltsplan gilt als auf dieser Grundlage endgültig erlassen.

(8) Einigt sich der Vermittlungsausschuss nicht binnen der in Absatz 5 genannten Frist von 21 Tagen auf einen gemeinsamen Entwurf, so legt die Kommission einen neuen Entwurf für den Haushaltsplan vor.

(9) Nach Abschluss des Verfahrens dieses Artikels stellt der Präsident des Europäischen Parlaments fest, dass der Haushaltsplan endgültig erlassen ist.

(10) Jedes Organ übt die ihm aufgrund dieses Artikels zufallenden Befugnisse unter Wahrung der Verträge und der Rechtsakte aus, die auf der Grundlage der Verträge insbesondere im Bereich der Eigenmittel der Union und des Gleichgewichts von Einnahmen und Ausgaben erlassen wurden.

Artikel 315
(ex-Artikel 273 EGV)

Ist zu Beginn eines Haushaltsjahres der Haushaltsplan noch nicht endgültig erlassen, so können nach der gemäß Artikel 322 festgelegten Haushaltsordnung für jedes Kapitel monatliche Ausgaben bis zur Höhe eines Zwölftels der im betreffenden Kapitel des Haushaltsplans des vorangegangenen Haushaltsjahres eingesetzten Mittel vorgenommen werden, die jedoch ein Zwölftel der Mittelansätze des gleichen Kapitels des Haushaltsplanentwurfs nicht überschreiten dürfen.

Der Rat kann auf Vorschlag der Kommission unter Beachtung der sonstigen Bestimmungen des Absatzes 1 entsprechend der nach Artikel 322 erlassenen Verordnung Ausgaben genehmigen, die über dieses Zwölftel hinausgehen. Er leitet seinen Beschluss unverzüglich dem Europäischen Parlament zu.

In dem Beschluss nach Absatz 2 werden unter Beachtung der in Artikel 311 genannten Rechtsakte die zur Durchführung dieses Artikels erforderlichen Maßnahmen betreffend die Mittel vorgesehen.

Der Beschluss tritt 30 Tage nach seinem Erlass in Kraft, sofern das Europäische Parlament nicht innerhalb dieser Frist mit der Mehrheit seiner Mitglieder beschließt, diese Ausgaben zu kürzen.

Artikel 316
(ex-Artikel 271 EGV)

Nach Maßgabe der aufgrund des Artikels 322 erlassenen Vorschriften dürfen die nicht für Personalausgaben vorgesehenen Mittel, die bis zum Ende der Durchführungszeit eines Haushaltsplans nicht verbraucht worden sind, lediglich auf das nächste Haushaltsjahr übertragen werden.

Die vorgesehenen Mittel werden nach Kapiteln gegliedert, in denen die Ausgaben nach Art oder Bestimmung zusammengefasst sind; die Kapitel werden nach der gemäß Artikel 322 festgelegten Haushaltsordnung unterteilt.

Die Ausgaben des Europäischen Parlaments, des Europäischen Rates und des Rates, der Kommission sowie des Gerichtshofs der Europäischen Union werden unbeschadet einer besonderen Regelung für bestimmte gemeinsame Ausgaben in gesonderten Teilen des Haushaltsplans aufgeführt.

KAPITEL 4

AUSFÜHRUNG DES HAUSHALTSPLANS UND ENTLASTUNG

Artikel 317
(ex-Artikel 274 EGV)

Die Kommission führt den Haushaltsplan zusammen mit den Mitgliedstaaten gemäß der nach Artikel 322 festgelegten Haushaltsordnung in eigener Verantwortung und im Rahmen der zugewiesenen Mittel entsprechend dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung aus. Die Mitgliedstaaten arbeiten mit der Kommission zusammen, um sicherzustellen, dass die Mittel nach dem Grundsatz der Wirtschaftlichkeit der Haushaltsführung verwendet werden.

In der Haushaltsordnung sind die Kontroll- und Wirtschaftsprüfungspflichten der Mitgliedstaaten bei der Ausführung des Haushaltsplans sowie die damit verbundenen Verantwortlichkeiten geregelt. Darin sind ferner die Verantwortlichkeiten und die besonderen Einzelheiten geregelt, nach denen jedes Organ an der Vornahme seiner Ausgaben beteiligt ist.

Die Kommission kann nach der gemäß Artikel 322 festgelegten Haushaltsordnung Mittel von Kapitel zu Kapitel oder von Untergliederung zu Untergliederung übertragen.

Artikel 318
(ex-Artikel 275 EGV)

Die Kommission legt dem Europäischen Parlament und dem Rat jährlich die Rechnung des abgelaufenen Haushaltsjahres für die Rechnungsvorgänge des Haushaltsplans vor. Sie übermittelt ihnen ferner eine Übersicht über das Vermögen und die Schulden der Union.

Die Kommission legt dem Europäischen Parlament und dem Rat ferner einen Evaluierungsbericht zu den Finanzen der Union vor, der sich auf die Ergebnisse stützt, die insbesondere in Bezug auf die Vorgaben erzielt wurden, die vom Europäischen Parlament und vom Rat nach Artikel 319 erteilt wurden.

Artikel 319
(ex-Artikel 276 EGV)

(1) Auf Empfehlung des Rates erteilt das Europäische Parlament der Kommission Entlastung zur Ausführung des Haushaltsplans. Zu diesem Zweck prüft es nach dem Rat die Rechnung, die Übersicht und den Evaluierungsbericht nach Artikel 318 sowie den Jahresbericht des Rechnungshofs zusammen mit den Antworten der kontrollierten Organe auf dessen Bemerkungen, die in Artikel 287 Absatz 1 Unterabsatz 2 genannte Zuverlässigkeitserklärung und die einschlägigen Sonderberichte des Rechnungshofs.

(2) Das Europäische Parlament kann vor der Entlastung der Kommission sowie auch zu anderen Zwecken im Zusammenhang mit der Ausübung ihrer Haushaltsbefugnisse die Kommission auffordern, Auskunft über die Vornahme der Ausgaben oder die Arbeitsweise der Finanzkontrollsysteme zu erteilen. Die Kommission legt dem Europäischen Parlament auf dessen Ersuchen alle notwendigen Informationen vor.

(3) Die Kommission trifft alle zweckdienlichen Maßnahmen, um den Bemerkungen in den Entlastungsbeschlüssen und anderen Bemerkungen des Europäischen Parlaments zur Vornahme der Ausgaben sowie den Erläuterungen, die den Entlastungsempfehlungen des Rates beigelegt sind, nachzukommen.

Auf Ersuchen des Europäischen Parlaments oder des Rates erstattet die Kommission Bericht über die Maßnahmen, die aufgrund dieser Bemerkungen und Erläuterungen getroffen wurden, insbesondere über die Weisungen, die den für die Ausführung des Haushaltsplans zuständigen Dienststellen erteilt worden sind. Diese Berichte sind auch dem Rechnungshof zuzuleiten.

KAPITEL 5

GEMEINSAME BESTIMMUNGEN

Artikel 320

(ex-Artikel 277 EGV)

Der mehrjährige Finanzrahmen und der Jahreshaushaltsplan werden in Euro aufgestellt.

Artikel 321

(ex-Artikel 278 EGV)

Die Kommission kann vorbehaltlich der Unterrichtung der zuständigen Behörden der betreffenden Mitgliedstaaten ihre Guthaben in der Währung eines dieser Staaten in die Währung eines anderen Mitgliedstaats transferieren, soweit dies erforderlich ist, um diese Guthaben für die in den Verträgen vorgesehenen Zwecke zu verwenden. Besitzt die Kommission verfügbare oder flüssige Guthaben in der benötigten Währung, so vermeidet sie soweit möglich derartige Transferierungen.

Die Kommission verkehrt mit jedem Mitgliedstaat über die von diesem bezeichnete Behörde. Bei der Durchführung ihrer Finanzgeschäfte nimmt sie die Notenbank des betreffenden Mitgliedstaats oder ein anderes von diesem genehmigtes Finanzinstitut in Anspruch.

Artikel 322

(ex-Artikel 279 EGV)

(1) Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen nach Anhörung des Rechnungshofs

a) die Haushaltsvorschriften, in denen insbesondere die Aufstellung und Ausführung des Haushaltsplans sowie die Rechnungslegung und Rechnungsprüfung im Einzelnen geregelt werden;

- b) die Vorschriften, die die Kontrolle der Verantwortung der Finanzakteure und insbesondere der Anweisungsbefugten und der Rechnungsführer regeln.

(2) Der Rat legt auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und des Rechnungshofs die Einzelheiten und das Verfahren fest, nach denen die Haushaltseinnahmen, die in der Regelung über die Eigenmittel der Union vorgesehen sind, der Kommission zur Verfügung gestellt werden, sowie die Maßnahmen, die zu treffen sind, um gegebenenfalls die erforderlichen Kassenmittel bereitzustellen.

Artikel 323

Das Europäische Parlament, der Rat und die Kommission stellen sicher, dass der Union die Finanzmittel zur Verfügung stehen, die es ihr ermöglichen, ihren rechtlichen Verpflichtungen gegenüber Dritten nachzukommen.

Artikel 324

Auf Initiative der Kommission werden im Rahmen der nach diesem Titel vorgesehenen Haushaltsverfahren regelmäßige Treffen der Präsidenten des Europäischen Parlaments, des Rates und der Kommission einberufen. Diese treffen alle erforderlichen Maßnahmen, um die Abstimmung und Annäherung der Standpunkte der Organe, denen sie vorstehen, zu fördern und so die Durchführung dieses Titels zu erleichtern.

KAPITEL 6

BETRUGSBEKÄMPFUNG

Artikel 325

(ex-Artikel 280 EGV)

(1) Die Union und die Mitgliedstaaten bekämpfen Betrügereien und sonstige gegen die finanziellen Interessen der Union gerichtete rechtswidrige Handlungen mit Maßnahmen nach diesem Artikel, die abschreckend sind und in den Mitgliedstaaten sowie in den Organen, Einrichtungen und sonstigen Stellen der Union einen effektiven Schutz bewirken.

(2) Zur Bekämpfung von Betrügereien, die sich gegen die finanziellen Interessen der Union richten, ergreifen die Mitgliedstaaten die gleichen Maßnahmen, die sie auch zur Bekämpfung von Betrügereien ergreifen, die sich gegen ihre eigenen finanziellen Interessen richten.

(3) Die Mitgliedstaaten koordinieren unbeschadet der sonstigen Bestimmungen der Verträge ihre Tätigkeit zum Schutz der finanziellen Interessen der Union vor Betrügereien. Sie sorgen zu diesem Zweck zusammen mit der Kommission für eine enge, regelmäßige Zusammenarbeit zwischen den zuständigen Behörden.

(4) Zur Gewährleistung eines effektiven und gleichwertigen Schutzes in den Mitgliedstaaten sowie in den Organen, Einrichtungen und sonstigen Stellen der Union beschließen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren nach Anhörung des Rechnungshofs die erforderlichen Maßnahmen zur Verhütung und Bekämpfung von Betrugereien, die sich gegen die finanziellen Interessen der Union richten.

(5) Die Kommission legt in Zusammenarbeit mit den Mitgliedstaaten dem Europäischen Parlament und dem Rat jährlich einen Bericht über die Maßnahmen vor, die zur Durchführung dieses Artikels getroffen wurden.

TITEL III

VERSTÄRKTE ZUSAMMENARBEIT

Artikel 326

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

Eine Verstärkte Zusammenarbeit achtet die Verträge und das Recht der Union.

Sie darf weder den Binnenmarkt noch den wirtschaftlichen, sozialen und territorialen Zusammenhalt beeinträchtigen. Sie darf für den Handel zwischen den Mitgliedstaaten weder ein Hindernis noch eine Diskriminierung darstellen noch darf sie zu Verzerrungen des Wettbewerbs zwischen den Mitgliedstaaten führen.

Artikel 327

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

Eine Verstärkte Zusammenarbeit achtet die Zuständigkeiten, Rechte und Pflichten der nicht an der Zusammenarbeit beteiligten Mitgliedstaaten. Diese stehen der Durchführung der Verstärkten Zusammenarbeit durch die daran beteiligten Mitgliedstaaten nicht im Wege.

Artikel 328

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

(1) Bei ihrer Begründung steht eine Verstärkte Zusammenarbeit allen Mitgliedstaaten offen, sofern sie die in dem hierzu ermächtigenden Beschluss gegebenenfalls festgelegten Teilnahmevoraussetzungen erfüllen. Dies gilt auch zu jedem anderen Zeitpunkt, sofern sie neben den genannten Voraussetzungen auch die in diesem Rahmen bereits erlassenen Rechtsakte beachten.

Die Kommission und die an einer Verstärkten Zusammenarbeit teilnehmenden Mitgliedstaaten tragen dafür Sorge, dass die Teilnahme möglichst vieler Mitgliedstaaten gefördert wird.

(2) Die Kommission und gegebenenfalls der Hohe Vertreter der Union für die Außen- und Sicherheitspolitik unterrichten das Europäische Parlament und den Rat regelmäßig über die Entwicklung einer Verstärkten Zusammenarbeit.

Artikel 329

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

(1) Die Mitgliedstaaten, die in einem der Bereiche der Verträge — mit Ausnahme der Bereiche, für die die Union die ausschließliche Zuständigkeit besitzt, und der Gemeinsamen Außen- und Sicherheitspolitik — untereinander eine Verstärkte Zusammenarbeit begründen möchten, richten einen Antrag an die Kommission, in dem der Anwendungsbereich und die Ziele aufgeführt werden, die mit der beabsichtigten Verstärkten Zusammenarbeit angestrebt werden. Die Kommission kann dem Rat einen entsprechenden Vorschlag vorlegen. Legt die Kommission keinen Vorschlag vor, so teilt sie den betroffenen Mitgliedstaaten ihre Gründe dafür mit.

Die Ermächtigung zur Einleitung einer Verstärkten Zusammenarbeit nach Unterabsatz 1 wird vom Rat auf Vorschlag der Kommission und nach Zustimmung des Europäischen Parlaments erteilt.

(2) Der Antrag der Mitgliedstaaten, die untereinander im Rahmen der Gemeinsamen Außen- und Sicherheitspolitik eine Verstärkte Zusammenarbeit begründen möchten, wird an den Rat gerichtet. Er wird dem Hohen Vertreter der Union für die Außen- und Sicherheitspolitik, der zur Kohärenz der beabsichtigten Verstärkten Zusammenarbeit mit der Gemeinsamen Außen- und Sicherheitspolitik der Union Stellung nimmt, sowie der Kommission übermittelt, die insbesondere zur Kohärenz der beabsichtigten Verstärkten Zusammenarbeit mit der Politik der Union in anderen Bereichen Stellung nimmt. Der Antrag wird ferner dem Europäischen Parlament zur Unterrichtung übermittelt.

Die Ermächtigung zur Einleitung einer Verstärkten Zusammenarbeit wird mit einem Beschluss des Rates erteilt, der einstimmig beschließt.

Artikel 330

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

Alle Mitglieder des Rates können an dessen Beratungen teilnehmen, aber nur die Mitglieder des Rates, die die an der Verstärkten Zusammenarbeit beteiligten Mitgliedstaaten vertreten, sind stimmberechtigt.

Die Einstimmigkeit bezieht sich allein auf die Stimmen der Vertreter der an der Verstärkten Zusammenarbeit beteiligten Mitgliedstaaten.

Die qualifizierte Mehrheit bestimmt sich nach Artikel 238 Absatz 3.

Artikel 331

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

(1) Jeder Mitgliedstaat, der sich einer bestehenden Verstärkten Zusammenarbeit in einem der in Artikel 329 Absatz 1 genannten Bereiche anschließen will, teilt dem Rat und der Kommission seine Absicht mit.

Die Kommission bestätigt binnen vier Monaten nach Eingang der Mitteilung die Beteiligung des betreffenden Mitgliedstaats. Dabei stellt sie gegebenenfalls fest, dass die Beteiligungsvoraussetzungen erfüllt sind, und erlässt die notwendigen Übergangsmaßnahmen zur Anwendung der im Rahmen der Verstärkten Zusammenarbeit bereits erlassenen Rechtsakte.

Ist die Kommission jedoch der Auffassung, dass die Beteiligungsvoraussetzungen nicht erfüllt sind, so gibt sie an, welche Bestimmungen zur Erfüllung dieser Voraussetzungen erlassen werden müssen, und legt eine Frist für die erneute Prüfung des Antrags fest. Nach Ablauf dieser Frist prüft sie den Antrag erneut nach dem in Unterabsatz 2 vorgesehenen Verfahren. Ist die Kommission der Auffassung, dass die Beteiligungsvoraussetzungen weiterhin nicht erfüllt sind, so kann der betreffende Mitgliedstaat mit dieser Frage den Rat befassen, der über den Antrag befindet. Der Rat beschließt nach Artikel 330. Er kann außerdem auf Vorschlag der Kommission die in Unterabsatz 2 genannten Übergangsmaßnahmen erlassen.

(2) Jeder Mitgliedstaat, der an einer bestehenden Verstärkten Zusammenarbeit im Rahmen der Gemeinsamen Außen- und Sicherheitspolitik teilnehmen möchte, teilt dem Rat, dem Hohen Vertreter der Union für die Außen- und Sicherheitspolitik und der Kommission seine Absicht mit.

Der Rat bestätigt die Teilnahme des betreffenden Mitgliedstaats nach Anhörung des Hohen Vertreters der Union für die Außen- und Sicherheitspolitik und gegebenenfalls nach der Feststellung, dass die Teilnahmevoraussetzungen erfüllt sind. Der Rat kann auf Vorschlag des Hohen Vertreters ferner die notwendigen Übergangsmaßnahmen zur Anwendung der im Rahmen der Verstärkten Zusammenarbeit bereits erlassenen Rechtsakte treffen. Ist der Rat jedoch der Auffassung, dass die Teilnahmevoraussetzungen nicht erfüllt sind, so gibt er an, welche Schritte zur Erfüllung dieser Voraussetzungen notwendig sind, und legt eine Frist für die erneute Prüfung des Antrags auf Teilnahme fest.

Für die Zwecke dieses Absatzes beschließt der Rat einstimmig nach Artikel 330.

Artikel 332

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

Die sich aus der Durchführung einer Verstärkten Zusammenarbeit ergebenden Ausgaben, mit Ausnahme der Verwaltungskosten der Organe, werden von den beteiligten Mitgliedstaaten getragen, sofern der Rat nicht nach Anhörung des Europäischen Parlaments durch einstimmigen Beschluss sämtlicher Mitglieder des Rates etwas anderes beschließt.

Artikel 333

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

(1) Wenn nach einer Bestimmung der Verträge, die im Rahmen einer Verstärkten Zusammenarbeit angewendet werden könnte, der Rat einstimmig beschließen muss, kann der Rat nach Artikel 330 einstimmig einen Beschluss dahin gehend erlassen, dass er mit qualifizierter Mehrheit beschließt.

(2) Wenn nach einer Bestimmung der Verträge, die im Rahmen einer Verstärkten Zusammenarbeit angewendet werden könnte, Rechtsakte vom Rat gemäß einem besonderen Gesetzgebungsverfahren erlassen werden müssen, kann der Rat nach Artikel 330 einstimmig einen Beschluss dahin gehend erlassen, dass er gemäß dem ordentlichen Gesetzgebungsverfahren beschließt. Der Rat beschließt nach Anhörung des Europäischen Parlaments.

(3) Die Absätze 1 und 2 gelten nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.

Artikel 334

(ex-Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 EUV sowie ex-Artikel 11 und 11a EGV)

Der Rat und die Kommission stellen sicher, dass die im Rahmen einer Verstärkten Zusammenarbeit durchgeführten Maßnahmen untereinander und mit der Politik der Union im Einklang stehen, und arbeiten entsprechend zusammen.

SIEBTER TEIL

ALLGEMEINE UND SCHLUSSBESTIMMUNGEN

Artikel 335

(ex-Artikel 282 EGV)

Die Union besitzt in jedem Mitgliedstaat die weitestgehende Rechts- und Geschäftsfähigkeit, die juristischen Personen nach dessen Rechtsvorschriften zuerkannt ist; sie kann insbesondere bewegliches und unbewegliches Vermögen erwerben und veräußern sowie vor Gericht stehen. Zu diesem Zweck wird sie von der Kommission vertreten. In Fragen, die das Funktionieren der einzelnen Organe betreffen, wird die Union hingegen aufgrund von deren Verwaltungsautonomie von dem betreffenden Organ vertreten.

Artikel 336

(ex-Artikel 283 EGV)

Das Europäische Parlament und der Rat erlassen gemäß dem ordentlichen Gesetzgebungsverfahren durch Verordnungen nach Anhörung der anderen betroffenen Organe das Statut der Beamten der Europäischen Union und die Beschäftigungsbedingungen für die sonstigen Bediensteten der Union.

Artikel 337

(ex-Artikel 284 EGV)

Zur Erfüllung der ihr übertragenen Aufgaben kann die Kommission alle erforderlichen Auskünfte einholen und alle erforderlichen Nachprüfungen vornehmen; der Rahmen und die nähere Maßgabe hierfür werden vom Rat, der mit einfacher Mehrheit beschließt, gemäß den Bestimmungen der Verträge festgelegt.

Artikel 338

(ex-Artikel 285 EGV)

(1) Unbeschadet des Artikels 5 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank beschließen das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren Maßnahmen für die Erstellung von Statistiken, wenn dies für die Durchführung der Tätigkeiten der Union erforderlich ist.

(2) Die Erstellung der Unionsstatistiken erfolgt unter Wahrung der Unparteilichkeit, der Zuverlässigkeit, der Objektivität, der wissenschaftlichen Unabhängigkeit, der Kostenwirksamkeit und der statistischen Geheimhaltung; der Wirtschaft dürfen dadurch keine übermäßigen Belastungen entstehen.

Artikel 339
(ex-Artikel 287 EGV)

Die Mitglieder der Organe der Union, die Mitglieder der Ausschüsse sowie die Beamten und sonstigen Bediensteten der Union sind verpflichtet, auch nach Beendigung ihrer Amtstätigkeit Auskünfte, die ihrem Wesen nach unter das Berufsgeheimnis fallen, nicht preiszugeben; dies gilt insbesondere für Auskünfte über Unternehmen sowie deren Geschäftsbeziehungen oder Kostenelemente.

Artikel 340
(ex-Artikel 288 EGV)

Die vertragliche Haftung der Union bestimmt sich nach dem Recht, das auf den betreffenden Vertrag anzuwenden ist.

Im Bereich der außervertraglichen Haftung ersetzt die Union den durch ihre Organe oder Bediensteten in Ausübung ihrer Amtstätigkeit verursachten Schaden nach den allgemeinen Rechtsgrundsätzen, die den Rechtsordnungen der Mitgliedstaaten gemeinsam sind.

Abweichend von Absatz 2 ersetzt die Europäische Zentralbank den durch sie oder ihre Bediensteten in Ausübung ihrer Amtstätigkeit verursachten Schaden nach den allgemeinen Rechtsgrundsätzen, die den Rechtsordnungen der Mitgliedstaaten gemeinsam sind.

Die persönliche Haftung der Bediensteten gegenüber der Union bestimmt sich nach den Vorschriften ihres Statuts oder der für sie geltenden Beschäftigungsbedingungen.

Artikel 341
(ex-Artikel 289 EGV)

Der Sitz der Organe der Union wird im Einvernehmen zwischen den Regierungen der Mitgliedstaaten bestimmt.

Artikel 342
(ex-Artikel 290 EGV)

Die Regelung der Sprachenfrage für die Organe der Union wird unbeschadet der Satzung des Gerichtshofs der Europäischen Union vom Rat einstimmig durch Verordnungen getroffen.

Artikel 343
(ex-Artikel 291 EGV)

Die Union genießt im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen nach Maßgabe des Protokolls vom 8. April 1965 über die Vorrechte und Befreiungen der Europäischen Union. Dasselbe gilt für die Europäische Zentralbank und die Europäische Investitionsbank.

Artikel 344
(ex-Artikel 292 EGV)

Die Mitgliedstaaten verpflichten sich, Streitigkeiten über die Auslegung oder Anwendung der Verträge nicht anders als hierin vorgesehen zu regeln.

Artikel 345
(ex-Artikel 295 EGV)

Die Verträge lassen die Eigentumsordnung in den verschiedenen Mitgliedstaaten unberührt.

Artikel 346
(ex-Artikel 296 EGV)

- (1) Die Vorschriften der Verträge stehen folgenden Bestimmungen nicht entgegen:
- a) Ein Mitgliedstaat ist nicht verpflichtet, Auskünfte zu erteilen, deren Preisgabe seines Erachtens seinen wesentlichen Sicherheitsinteressen widerspricht;
 - b) jeder Mitgliedstaat kann die Maßnahmen ergreifen, die seines Erachtens für die Wahrung seiner wesentlichen Sicherheitsinteressen erforderlich sind, soweit sie die Erzeugung von Waffen, Munition und Kriegsmaterial oder den Handel damit betreffen; diese Maßnahmen dürfen auf dem Binnenmarkt die Wettbewerbsbedingungen hinsichtlich der nicht eigens für militärische Zwecke bestimmten Waren nicht beeinträchtigen.
- (2) Der Rat kann die von ihm am 15. April 1958 festgelegte Liste der Waren, auf die Absatz 1 Buchstabe b Anwendung findet, einstimmig auf Vorschlag der Kommission ändern.

Artikel 347
(ex-Artikel 297 EGV)

Die Mitgliedstaaten setzen sich miteinander ins Benehmen, um durch gemeinsames Vorgehen zu verhindern, dass das Funktionieren des Binnenmarkts durch Maßnahmen beeinträchtigt wird, die ein Mitgliedstaat bei einer schwerwiegenden innerstaatlichen Störung der öffentlichen Ordnung, im Kriegsfall, bei einer ernsten, eine Kriegsgefahr darstellenden internationalen Spannung oder in Erfüllung der Verpflichtungen trifft, die er im Hinblick auf die Aufrechterhaltung des Friedens und der internationalen Sicherheit übernommen hat.

Artikel 348
(ex-Artikel 298 EGV)

Werden auf dem Binnenmarkt die Wettbewerbsbedingungen durch Maßnahmen aufgrund der Artikel 346 und 347 verfälscht, so prüft die Kommission gemeinsam mit dem beteiligten Staat, wie diese Maßnahmen den Vorschriften der Verträge angepasst werden können.

In Abweichung von dem in den Artikeln 258 und 259 vorgesehenen Verfahren kann die Kommission oder ein Mitgliedstaat den Gerichtshof unmittelbar anrufen, wenn die Kommission oder der Staat der Auffassung ist, dass ein anderer Mitgliedstaat die in den Artikeln 346 und 347 vorgesehenen Befugnisse missbraucht. Der Gerichtshof entscheidet unter Ausschluss der Öffentlichkeit.

Artikel 349
(ex-Artikel 299 Absatz 2 Unterabsätze 2, 3 und 4 EGV)

Unter Berücksichtigung der strukturbedingten sozialen und wirtschaftlichen Lage von Guadeloupe, Französisch-Guayana, Martinique, Réunion, Saint-Barthélemy und Saint-Martin, der Azoren, Madeiras und der Kanarischen Inseln, die durch die Faktoren Abgelegenheit, Insellage, geringe Größe, schwierige Relief- und Klimabedingungen und wirtschaftliche Abhängigkeit von einigen wenigen Erzeugnissen erschwert wird, die als ständige Gegebenheiten und durch ihr Zusammenwirken die Entwicklung schwer beeinträchtigen, beschließt der Rat auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments spezifische Maßnahmen, die insbesondere darauf abzielen, die Bedingungen für die Anwendung der Verträge auf die genannten Gebiete, einschließlich gemeinsamer Politiken, festzulegen. Werden die betreffenden spezifischen Maßnahmen vom Rat gemäß einem besonderen Gesetzgebungsverfahren erlassen, so beschließt er ebenfalls auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments.

Die Maßnahmen nach Absatz 1 betreffen insbesondere die Zoll- und Handelspolitik, Steuerpolitik, Freizonen, Agrar- und Fischereipolitik, die Bedingungen für die Versorgung mit Rohstoffen und grundlegenden Verbrauchsgütern, staatliche Beihilfen sowie die Bedingungen für den Zugang zu den Strukturfonds und zu den horizontalen Unionsprogrammen.

Der Rat beschließt die in Absatz 1 genannten Maßnahmen unter Berücksichtigung der besonderen Merkmale und Zwänge der Gebiete in äußerster Randlage, ohne dabei die Integrität und Kohärenz der Rechtsordnung der Union, die auch den Binnenmarkt und die gemeinsamen Politiken umfasst, auszuhöhlen.

Artikel 350
(ex-Artikel 306 EGV)

Die Verträge stehen dem Bestehen und der Durchführung der regionalen Zusammenschlüsse zwischen Belgien und Luxemburg sowie zwischen Belgien, Luxemburg und den Niederlanden nicht entgegen, soweit die Ziele dieser Zusammenschlüsse durch Anwendung der Verträge nicht erreicht sind.

Artikel 351
(ex-Artikel 307 EGV)

Die Rechte und Pflichten aus Übereinkünften, die vor dem 1. Januar 1958 oder, im Falle später beigetreter Staaten, vor dem Zeitpunkt ihres Beitritts zwischen einem oder mehreren Mitgliedstaaten einerseits und einem oder mehreren dritten Ländern andererseits geschlossen wurden, werden durch die Verträge nicht berührt.

Soweit diese Übereinkünfte mit den Verträgen nicht vereinbar sind, wenden der oder die betreffenden Mitgliedstaaten alle geeigneten Mittel an, um die festgestellten Unvereinbarkeiten zu beheben. Erforderlichenfalls leisten die Mitgliedstaaten zu diesem Zweck einander Hilfe; sie nehmen gegebenenfalls eine gemeinsame Haltung ein.

Bei Anwendung der in Absatz 1 bezeichneten Übereinkünfte tragen die Mitgliedstaaten dem Umstand Rechnung, dass die in den Verträgen von jedem Mitgliedstaat gewährten Vorteile Bestandteil der Errichtung der Union sind und daher in untrennbarem Zusammenhang stehen mit der Schaffung gemeinsamer Organe, der Übertragung von Zuständigkeiten auf diese und der Gewährung der gleichen Vorteile durch alle anderen Mitgliedstaaten.

Artikel 352
(ex-Artikel 308 EGV)

(1) Erscheint ein Tätigwerden der Union im Rahmen der in den Verträgen festgelegten Politikbereiche erforderlich, um eines der Ziele der Verträge zu verwirklichen, und sind in den Verträgen die hierfür erforderlichen Befugnisse nicht vorgesehen, so erlässt der Rat einstimmig auf Vorschlag der Kommission und nach Zustimmung des Europäischen Parlaments die geeigneten Vorschriften. Werden diese Vorschriften vom Rat gemäß einem besonderen Gesetzgebungsverfahren erlassen, so beschließt er ebenfalls einstimmig auf Vorschlag der Kommission und nach Zustimmung des Europäischen Parlaments.

(2) Die Kommission macht die nationalen Parlamente im Rahmen des Verfahrens zur Kontrolle der Einhaltung des Subsidiaritätsprinzips nach Artikel 5 Absatz 3 des Vertrags über die Europäische Union auf die Vorschläge aufmerksam, die sich auf diesen Artikel stützen.

(3) Die auf diesem Artikel beruhenden Maßnahmen dürfen keine Harmonisierung der Rechtsvorschriften der Mitgliedstaaten in den Fällen beinhalten, in denen die Verträge eine solche Harmonisierung ausschließen.

(4) Dieser Artikel kann nicht als Grundlage für die Verwirklichung von Zielen der Gemeinsamen Außen- und Sicherheitspolitik dienen, und Rechtsakte, die nach diesem Artikel erlassen werden, müssen innerhalb der in Artikel 40 Absatz 2 des Vertrags über die Europäische Union festgelegten Grenzen bleiben.

Artikel 353

Artikel 48 Absatz 7 des Vertrags über die Europäische Union findet keine Anwendung auf die folgenden Artikel:

- Artikel 311 Absätze 3 und 4,
- Artikel 312 Absatz 2 Unterabsatz 1,
- Artikel 352 und
- Artikel 354.

Artikel 354

(ex-Artikel 309 EGV)

Für die Zwecke des Artikels 7 des Vertrags über die Europäische Union über die Aussetzung bestimmter mit der Zugehörigkeit zur Union verbundener Rechte ist das Mitglied des Europäischen Rates oder des Rates, das den betroffenen Mitgliedstaat vertritt, nicht stimmberechtigt und der betreffende Mitgliedstaat wird bei der Berechnung des Drittels oder der vier Fünftel der Mitgliedstaaten nach den Absätzen 1 und 2 des genannten Artikels nicht berücksichtigt. Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Erlass von Beschlüssen nach Absatz 2 des genannten Artikels nicht entgegen.

Für den Erlass von Beschlüssen nach Artikel 7 Absätze 3 und 4 des Vertrags über die Europäische Union bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 Buchstabe b dieses Vertrags.

Beschließt der Rat nach dem Erlass eines Beschlusses über die Aussetzung der Stimmrechte nach Artikel 7 Absatz 3 des Vertrags über die Europäische Union auf der Grundlage einer Bestimmung der Verträge mit qualifizierter Mehrheit, so bestimmt sich die qualifizierte Mehrheit hierfür nach Artikel 238 Absatz 3 Buchstabe b dieses Vertrags oder, wenn der Rat auf Vorschlag der Kommission oder des Hohen Vertreters der Union für die Außen- und Sicherheitspolitik handelt, nach Artikel 238 Absatz 3 Buchstabe a.

Für die Zwecke des Artikels 7 des Vertrags über die Europäische Union beschließt das Europäische Parlament mit der Mehrheit von zwei Dritteln der abgegebenen Stimmen und mit der Mehrheit seiner Mitglieder.

Artikel 355

(ex-Artikel 299 Absatz 2 Unterabsatz 1 und Absätze 3 bis 6 EGV)

Zusätzlich zu den Bestimmungen des Artikels 52 des Vertrags über die Europäische Union über den räumlichen Geltungsbereich der Verträge gelten folgende Bestimmungen:

- (1) Die Verträge gelten nach Artikel 349 für Guadeloupe, Französisch-Guayana, Martinique, Réunion, Saint Barthélemy, Saint Martin, die Azoren, Madeira und die Kanarischen Inseln.
- (2) Für die in Anhang II aufgeführten überseeischen Länder und Hoheitsgebiete gilt das besondere Assoziierungssystem, das im Vierten Teil festgelegt ist.

Die Verträge finden keine Anwendung auf die überseeischen Länder und Hoheitsgebiete, die besondere Beziehungen zum Vereinigten Königreich Großbritannien und Nordirland unterhalten und die in dem genannten Anhang nicht aufgeführt sind.

(3) Die Verträge finden auf die europäischen Hoheitsgebiete Anwendung, deren auswärtige Beziehungen ein Mitgliedstaat wahrnimmt.

(4) Die Verträge finden entsprechend den Bestimmungen des Protokolls Nr. 2 zur Akte über die Bedingungen des Beitritts der Republik Österreich, der Republik Finnland und des Königreichs Schweden auf die Ålandinseln Anwendung.

(5) Abweichend von Artikel 52 des Vertrags über die Europäische Union und von den Absätzen 1 bis 4 dieses Artikels gilt:

- a) Die Verträge finden auf die Färöer keine Anwendung.
- b) Die Verträge finden auf die Hoheitszonen des Vereinigten Königreichs auf Zypern, Akrotiri und Dhekelia, nur insoweit Anwendung, als dies erforderlich ist, um die Anwendung der Regelungen des Protokolls über die Hoheitszonen des Vereinigten Königreichs Großbritannien und Nordirland in Zypern, das der Akte über die Bedingungen des Beitritts der Tschechischen Republik, der Republik Estland, der Republik Zypern, der Republik Lettland, der Republik Litauen, der Republik Ungarn, der Republik Malta, der Republik Polen, der Republik Slowenien und der Slowakischen Republik zur Europäischen Union beigelegt ist, nach Maßgabe jenes Protokolls sicherzustellen.
- c) Die Verträge finden auf die Kanalinseln und die Insel Man nur insoweit Anwendung, als dies erforderlich ist, um die Anwendung der Regelung sicherzustellen, die in dem am 22. Januar 1972 unterzeichneten Vertrag über den Beitritt neuer Mitgliedstaaten zur Europäischen Wirtschaftsgemeinschaft und zur Europäischen Atomgemeinschaft für diese Inseln vorgesehen ist.

(6) Der Europäische Rat kann auf Initiative des betroffenen Mitgliedstaats einen Beschluss zur Änderung des Status eines in den Absätzen 1 und 2 genannten dänischen, französischen oder niederländischen Landes oder Hoheitsgebiets gegenüber der Union erlassen. Der Europäische Rat beschließt einstimmig nach Anhörung der Kommission.

Artikel 356
(ex-Artikel 312 EGV)

Dieser Vertrag gilt auf unbegrenzte Zeit.

Artikel 357
(ex-Artikel 313 EGV)

Dieser Vertrag bedarf der Ratifizierung durch die Hohen Vertragsparteien gemäß ihren verfassungsrechtlichen Vorschriften. Die Ratifikationsurkunden werden bei der Regierung der Italienischen Republik hinterlegt.

Dieser Vertrag tritt am ersten Tag des auf die Hinterlegung der letzten Ratifikationsurkunde folgenden Monats in Kraft. Findet diese Hinterlegung weniger als fünfzehn Tage vor Beginn des folgenden Monats statt, so tritt der Vertrag am ersten Tag des zweiten Monats nach dieser Hinterlegung in Kraft.

Artikel 358

Die Bestimmungen des Artikels 55 des Vertrags über die Europäische Union sind auf diesen Vertrag anwendbar.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt.

Geschehen zu Rom am fünfundzwanzigsten März neunzehnhundertsiebenundfünfzig.

(Aufzählung der Unterzeichner nicht wiedergegeben)

PROTOKOLLE

PROTOKOLL (Nr. 1)
ÜBER DIE ROLLE DER NATIONALEN PARLAMENTE
IN DER EUROPÄISCHEN UNION

DIE HOHEN VERTRAGSPARTEIEN —

EINGEDENK dessen, dass die Art der Kontrolle der Regierungen durch die nationalen Parlamente hinsichtlich der Tätigkeiten der Europäischen Union Sache der besonderen verfassungsrechtlichen Gestaltung und Praxis jedes Mitgliedstaats ist,

IN DEM WUNSCH, eine stärkere Beteiligung der nationalen Parlamente an den Tätigkeiten der Europäischen Union zu fördern und ihnen bessere Möglichkeiten zu geben, sich zu den Entwürfen von Gesetzgebungsakten der Europäischen Union sowie zu anderen Fragen, die für sie von besonderem Interesse sein können, zu äußern –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigelegt sind:

TITEL I

UNTERRICHTUNG DER NATIONALEN PARLAMENTE

Artikel 1

Die Konsultationsdokumente der Kommission (Grün- und Weißbücher sowie Mitteilungen) werden bei ihrer Veröffentlichung von der Kommission direkt den nationalen Parlamenten zugeleitet. Ferner leitet die Kommission den nationalen Parlamenten gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat das jährliche Rechtsetzungsprogramm sowie alle weiteren Dokumente für die Ausarbeitung der Rechtsetzungsprogramme oder politischen Strategien zu.

Artikel 2

Die an das Europäische Parlament und den Rat gerichteten Entwürfe von Gesetzgebungsakten werden den nationalen Parlamenten zugeleitet.

Im Sinne dieses Protokolls bezeichnet „Entwurf eines Gesetzgebungsakts“ die Vorschläge der Kommission, die Initiativen einer Gruppe von Mitgliedstaaten, die Initiativen des Europäischen Parlaments, die Anträge des Gerichtshofs, die Empfehlungen der Europäischen Zentralbank und die Anträge der Europäischen Investitionsbank, die den Erlass eines Gesetzgebungsaktes zum Ziel haben.

Die von der Kommission vorgelegten Entwürfe von Gesetzgebungsakten werden von der Kommission gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat direkt den nationalen Parlamenten zugeleitet.

Die vom Europäischen Parlament vorgelegten Entwürfe von Gesetzgebungsakten werden vom Europäischen Parlament direkt den nationalen Parlamenten zugeleitet.

Die von einer Gruppe von Mitgliedstaaten, vom Gerichtshof, von der Europäischen Zentralbank oder von der Europäischen Investitionsbank vorgelegten Entwürfe von Gesetzgebungsakten werden vom Rat den nationalen Parlamenten zugeleitet.

Artikel 3

Die nationalen Parlamente können nach dem im Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren eine begründete Stellungnahme zur Übereinstimmung eines Entwurfs eines Gesetzgebungsakts mit dem Subsidiaritätsprinzip an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission richten.

Wird der Entwurf eines Gesetzgebungsakts von einer Gruppe von Mitgliedstaaten vorgelegt, so übermittelt der Präsident des Rates die begründete Stellungnahme oder die begründeten Stellungnahmen den Regierungen dieser Mitgliedstaaten.

Wird der Entwurf eines Gesetzgebungsakts vom Gerichtshof, von der Europäischen Zentralbank oder von der Europäischen Investitionsbank vorgelegt, so übermittelt der Präsident des Rates die begründete Stellungnahme oder die begründeten Stellungnahmen dem betreffenden Organ oder der betreffenden Einrichtung.

Artikel 4

Zwischen dem Zeitpunkt, zu dem ein Entwurf eines Gesetzgebungsakts den nationalen Parlamenten in den Amtssprachen der Union zugeleitet wird, und dem Zeitpunkt, zu dem er zwecks Erlass oder zur Festlegung eines Standpunkts im Rahmen eines Gesetzgebungsverfahrens auf die vorläufige Tagesordnung des Rates gesetzt wird, müssen acht Wochen liegen. In dringenden Fällen, die in dem Rechtsakt oder dem Standpunkt des Rates begründet werden, sind Ausnahmen möglich. Außer in ordnungsgemäß begründeten dringenden Fällen darf in diesen acht Wochen keine Einigung über den Entwurf eines Gesetzgebungsakts festgestellt werden. Außer in ordnungsgemäß begründeten dringenden Fällen müssen zwischen der Aufnahme des Entwurfs eines Gesetzgebungsakts in die vorläufige Tagesordnung für die Tagung des Rates und der Festlegung eines Standpunkts zehn Tage liegen.

Artikel 5

Den nationalen Parlamenten werden die Tagesordnungen für die Tagungen des Rates und die Ergebnisse dieser Tagungen, einschließlich der Protokolle der Tagungen, auf denen der Rat über Entwürfe von Gesetzgebungsakten berät, gleichzeitig mit der Übermittlung an die Regierungen der Mitgliedstaaten direkt zugeleitet.

Artikel 6

Beabsichtigt der Europäische Rat, Artikel 48 Absatz 7 Unterabsatz 1 oder Unterabsatz 2 des Vertrags über die Europäische Union in Anspruch zu nehmen, so werden die nationalen Parlamente mindestens sechs Monate vor dem Erlass eines Beschlusses von der Initiative des Europäischen Rates unterrichtet.

Artikel 7

Der Rechnungshof übermittelt den nationalen Parlamenten gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat seinen Jahresbericht zur Unterrichtung.

Artikel 8

Handelt es sich bei dem System des nationalen Parlaments nicht um ein Einkammersystem, so gelten die Artikel 1 bis 7 für jede der Kammern des Parlaments.

TITEL II

ZUSAMMENARBEIT ZWISCHEN DEN PARLAMENTEN

Artikel 9

Das Europäische Parlament und die nationalen Parlamente legen gemeinsam fest, wie eine effiziente und regelmäßige Zusammenarbeit zwischen den Parlamenten innerhalb der Union gestaltet und gefördert werden kann.

Artikel 10

Eine Konferenz der Europa-Ausschüsse der Parlamente kann jeden ihr zweckmäßig erscheinenden Beitrag dem Europäischen Parlament, dem Rat und der Kommission zur Kenntnis bringen. Diese Konferenz fördert ferner den Austausch von Informationen und bewährten Praktiken zwischen den nationalen Parlamenten und dem Europäischen Parlament, einschließlich ihrer Fachausschüsse. Sie kann auch interparlamentarische Konferenzen zu Einzelthemen organisieren, insbesondere zur Erörterung von Fragen der Gemeinsamen Außen- und Sicherheitspolitik, einschließlich der Gemeinsamen Sicherheits- und Verteidigungspolitik. Die Beiträge der Konferenz binden nicht die nationalen Parlamente und greifen ihrem Standpunkt nicht vor.

PROTOKOLL (Nr. 2)
**ÜBER DIE ANWENDUNG DER GRUNDSÄTZE DER
SUBSIDIARITÄT UND DER VERHÄLTNISSMÄSSIGKEIT**

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH sicherzustellen, dass die Entscheidungen in der Union so bürgernah wie möglich getroffen werden,

ENTSCHLOSSEN, die Bedingungen für die Anwendung der in Artikel 5 des Vertrags über die Europäische Union verankerten Grundsätze der Subsidiarität und der Verhältnismäßigkeit festzulegen und ein System zur Kontrolle der Anwendung dieser Grundsätze zu schaffen –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Jedes Organ trägt stets für die Einhaltung der in Artikel 5 des Vertrags über die Europäische Union niedergelegten Grundsätze der Subsidiarität und der Verhältnismäßigkeit Sorge.

Artikel 2

Die Kommission führt umfangreiche Anhörungen durch, bevor sie einen Gesetzgebungsakt vorschlägt. Dabei ist gegebenenfalls der regionalen und lokalen Bedeutung der in Betracht gezogenen Maßnahmen Rechnung zu tragen. In außergewöhnlich dringenden Fällen führt die Kommission keine Konsultationen durch. Sie begründet dies in ihrem Vorschlag.

Artikel 3

Im Sinne dieses Protokolls bezeichnet „Entwurf eines Gesetzgebungsakts“ die Vorschläge der Kommission, die Initiativen einer Gruppe von Mitgliedstaaten, die Initiativen des Europäischen Parlaments, die Anträge des Gerichtshofs, die Empfehlungen der Europäischen Zentralbank und die Anträge der Europäischen Investitionsbank, die den Erlass eines Gesetzgebungsakts zum Ziel haben.

Artikel 4

Die Kommission leitet ihre Entwürfe für Gesetzgebungsakte und ihre geänderten Entwürfe den nationalen Parlamenten und dem Unionsgesetzgeber gleichzeitig zu.

Das Europäische Parlament leitet seine Entwürfe von Gesetzgebungsakten sowie seine geänderten Entwürfe den nationalen Parlamenten zu.

Der Rat leitet die von einer Gruppe von Mitgliedstaaten, vom Gerichtshof, von der Europäischen Zentralbank oder von der Europäischen Investitionsbank vorgelegten Entwürfe von Gesetzgebungsakten sowie die geänderten Entwürfe den nationalen Parlamenten zu.

Sobald das Europäische Parlament seine legislativen Entschlüsse angenommen und der Rat seine Standpunkte festgelegt hat, leiten sie diese den nationalen Parlamenten zu.

Artikel 5

Die Entwürfe von Gesetzgebungsakten werden im Hinblick auf die Grundsätze der Subsidiarität und der Verhältnismäßigkeit begründet. Jeder Entwurf eines Gesetzgebungsakts sollte einen Vermerk mit detaillierten Angaben enthalten, die es ermöglichen zu beurteilen, ob die Grundsätze der Subsidiarität und der Verhältnismäßigkeit eingehalten wurden. Dieser Vermerk sollte Angaben zu den voraussichtlichen finanziellen Auswirkungen sowie im Fall einer Richtlinie zu den Auswirkungen auf die von den Mitgliedstaaten zu erlassenden Rechtsvorschriften, einschließlich gegebenenfalls der regionalen Rechtsvorschriften, enthalten. Die Feststellung, dass ein Ziel der Union besser auf Unionsebene erreicht werden kann, beruht auf qualitativen und, soweit möglich, quantitativen Kriterien. Die Entwürfe von Gesetzgebungsakten berücksichtigen dabei, dass die finanzielle Belastung und der Verwaltungsaufwand der Union, der nationalen Regierungen, der regionalen und lokalen Behörden, der Wirtschaftsteilnehmer und der Bürgerinnen und Bürger so gering wie möglich gehalten werden und in einem angemessenen Verhältnis zu dem angestrebten Ziel stehen müssen.

Artikel 6

Die nationalen Parlamente oder die Kammern eines dieser Parlamente können binnen acht Wochen nach dem Zeitpunkt der Übermittlung eines Entwurfs eines Gesetzgebungsakts in den Amtssprachen der Union in einer begründeten Stellungnahme an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission darlegen, weshalb der Entwurf ihres Erachtens nicht mit dem Subsidiaritätsprinzip vereinbar ist. Dabei obliegt es dem jeweiligen nationalen Parlament oder der jeweiligen Kammer eines nationalen Parlaments, gegebenenfalls die regionalen Parlamente mit Gesetzgebungsbefugnissen zu konsultieren.

Wird der Entwurf eines Gesetzgebungsakts von einer Gruppe von Mitgliedstaaten vorgelegt, so übermittelt der Präsident des Rates die Stellungnahme den Regierungen dieser Mitgliedstaaten.

Wird der Entwurf eines Gesetzgebungsakts vom Gerichtshof, von der Europäischen Zentralbank oder von der Europäischen Investitionsbank vorgelegt, so übermittelt der Präsident des Rates die Stellungnahme dem betreffenden Organ oder der betreffenden Einrichtung.

Artikel 7

(1) Das Europäische Parlament, der Rat und die Kommission sowie gegebenenfalls die Gruppe von Mitgliedstaaten, der Gerichtshof, die Europäische Zentralbank oder die Europäische Investitionsbank, sofern der Entwurf eines Gesetzgebungsakts von ihnen vorgelegt wurde, berücksichtigen die begründeten Stellungnahmen der nationalen Parlamente oder einer der Kammern eines dieser Parlamente.

Jedes nationale Parlament hat zwei Stimmen, die entsprechend dem einzelstaatlichen parlamentarischen System verteilt werden. In einem Zweikammersystem hat jede der beiden Kammern eine Stimme.

(2) Erreicht die Anzahl begründeter Stellungnahmen, wonach der Entwurf eines Gesetzgebungsakts nicht mit dem Subsidiaritätsprinzip im Einklang steht, mindestens ein Drittel der Gesamtzahl der den nationalen Parlamenten nach Absatz 1 Unterabsatz 2 zugewiesenen Stimmen, so muss der Entwurf überprüft werden. Die Schwelle beträgt ein Viertel der Stimmen, wenn es sich um den Entwurf eines Gesetzgebungsakts auf der Grundlage des Artikels 76 des Vertrags über die Arbeitsweise der Europäischen Union betreffend den Raum der Freiheit, der Sicherheit und des Rechts handelt.

Nach Abschluss der Überprüfung kann die Kommission oder gegebenenfalls die Gruppe von Mitgliedstaaten, das Europäische Parlament, der Gerichtshof, die Europäische Zentralbank oder die Europäische Investitionsbank, sofern der Entwurf eines Gesetzgebungsakts von ihr beziehungsweise ihm vorgelegt wurde, beschließen, an dem Entwurf festzuhalten, ihn zu ändern oder ihn zurückzuziehen. Dieser Beschluss muss begründet werden.

(3) Außerdem gilt im Rahmen des ordentlichen Gesetzgebungsverfahrens Folgendes: Erreicht die Anzahl begründeter Stellungnahmen, wonach der Vorschlag für einen Gesetzgebungsakt nicht mit dem Subsidiaritätsprinzip im Einklang steht, mindestens die einfache Mehrheit der Gesamtzahl der den nationalen Parlamenten nach Absatz 1 Unterabsatz 2 zugewiesenen Stimmen, so muss der Vorschlag überprüft werden. Nach Abschluss dieser Überprüfung kann die Kommission beschließen, an dem Vorschlag festzuhalten, ihn zu ändern oder ihn zurückzuziehen.

Beschließt die Kommission, an dem Vorschlag festzuhalten, so hat sie in einer begründeten Stellungnahme darzulegen, weshalb der Vorschlag ihres Erachtens mit dem Subsidiaritätsprinzip im Einklang steht. Die begründete Stellungnahme der Kommission wird zusammen mit den begründeten Stellungnahmen der nationalen Parlamente dem Unionsgesetzgeber vorgelegt, damit dieser sie im Rahmen des Verfahrens berücksichtigt:

- a) Vor Abschluss der ersten Lesung prüft der Gesetzgeber (das Europäische Parlament und der Rat), ob der Gesetzgebungsvorschlag mit dem Subsidiaritätsprinzip im Einklang steht; hierbei berücksichtigt er insbesondere die angeführten Begründungen, die von einer Mehrheit der nationalen Parlamente unterstützt werden, sowie die begründete Stellungnahme der Kommission.
- b) Ist der Gesetzgeber mit der Mehrheit von 55 % der Mitglieder des Rates oder einer Mehrheit der abgegebenen Stimmen im Europäischen Parlament der Ansicht, dass der Vorschlag nicht mit dem Subsidiaritätsprinzip im Einklang steht, wird der Gesetzgebungsvorschlag nicht weiter geprüft.

Artikel 8

Der Gerichtshof der Europäischen Union ist für Klagen wegen Verstoßes eines Gesetzgebungsakts gegen das Subsidiaritätsprinzip zuständig, die nach Maßgabe des Artikels 263 des Vertrags über die Arbeitsweise der Europäischen Union von einem Mitgliedstaat erhoben oder entsprechend der jeweiligen innerstaatlichen Rechtsordnung von einem Mitgliedstaat im Namen seines nationalen Parlaments oder einer Kammer dieses Parlaments übermittelt werden.

Nach Maßgabe des genannten Artikels können entsprechende Klagen in Bezug auf Gesetzgebungsakte, für deren Erlass die Anhörung des Ausschusses der Regionen nach dem Vertrag über die Arbeitsweise der Europäischen Union vorgeschrieben ist, auch vom Ausschuss der Regionen erhoben werden.

Artikel 9

Die Kommission legt dem Europäischen Rat, dem Europäischen Parlament, dem Rat und den nationalen Parlamenten jährlich einen Bericht über die Anwendung des Artikels 5 des Vertrags über die Europäische Union vor. Dieser Jahresbericht wird auch dem Wirtschafts- und Sozialausschuss und dem Ausschuss der Regionen zugeleitet.

PROTOKOLL (Nr. 3)
**ÜBER DIE SATZUNG DES GERICHTSHOFS DER
EUROPÄISCHEN UNION**

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, die in Artikel 281 des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) vorgesehene Satzung des Gerichtshofs der Europäischen Union festzulegen –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigefügt sind:

Artikel 1

Für die Errichtung und die Tätigkeit des Gerichtshofs der Europäischen Union gelten die Bestimmungen der Verträge, des Vertrags zur Gründung der Europäischen Atomgemeinschaft (EAG-Vertrag) und dieser Satzung.

TITEL I

DIE RICHTER UND DIE GENERALANWÄLTE

Artikel 2

Jeder Richter leistet vor Aufnahme seiner Amtstätigkeit vor dem in öffentlicher Sitzung tagenden Gerichtshof den Eid, sein Amt unparteiisch und gewissenhaft auszuüben und das Beratungsgeheimnis zu wahren.

Artikel 3

Die Richter sind keiner Gerichtsbarkeit unterworfen. Hinsichtlich ihrer in amtlicher Eigenschaft vorgenommenen Handlungen, einschließlich ihrer mündlichen und schriftlichen Äußerungen, steht ihnen diese Befreiung auch nach Abschluss ihrer Amtstätigkeit zu.

Der Gerichtshof kann die Befreiung durch Plenarentscheidung aufheben. Betrifft die Entscheidung ein Mitglied des Gerichts oder eines Fachgerichts, so entscheidet der Gerichtshof nach Anhörung des betreffenden Gerichts.

Wird nach Aufhebung der Befreiung ein Strafverfahren gegen einen Richter eingeleitet, so darf dieser in jedem Mitgliedstaat nur vor ein Gericht gestellt werden, das für Verfahren gegen Richter der höchsten Gerichte dieses Mitgliedstaats zuständig ist.

Die Artikel 11 bis 14 und Artikel 17 des Protokolls über die Vorrechte und Befreiungen der Europäischen Union finden auf die Richter, die Generalanwälte, den Kanzler und die Hilfsbericht-erstatte des Gerichtshofs der Europäischen Union Anwendung; die Bestimmungen der Absätze 1 bis 3 betreffend die Befreiung der Richter von der Gerichtsbarkeit bleiben hiervon unberührt.

Artikel 4

Die Richter dürfen weder ein politisches Amt noch ein Amt in der Verwaltung ausüben.

Sie dürfen keine entgeltliche oder unentgeltliche Berufstätigkeit ausüben, es sei denn, dass der Rat mit einfacher Mehrheit ausnahmsweise von dieser Vorschrift Befreiung erteilt.

Bei der Aufnahme ihrer Tätigkeit übernehmen sie die feierliche Verpflichtung, während der Ausübung und nach Ablauf ihrer Amtstätigkeit die sich aus ihrem Amt ergebenden Pflichten zu erfüllen, insbesondere die Pflicht, bei der Annahme bestimmter Tätigkeiten oder Vorteile nach Ablauf dieser Tätigkeit ehrenhaft und zurückhaltend zu sein.

Im Zweifelsfalle entscheidet der Gerichtshof. Betrifft die Entscheidung ein Mitglied des Gerichts oder eines Fachgerichts, so entscheidet der Gerichtshof nach Anhörung des betreffenden Gerichts.

Artikel 5

Abgesehen von den regelmäßigen Neubesetzungen und von Todesfällen endet das Amt eines Richters durch Rücktritt.

Bei Rücktritt eines Richters ist das Rücktrittsschreiben an den Präsidenten des Gerichtshofs zur Weiterleitung an den Präsidenten des Rates zu richten. Mit der Benachrichtigung des Letzteren wird der Sitz frei.

Mit Ausnahme der Fälle, in denen Artikel 6 Anwendung findet, bleibt jeder Richter bis zum Amtsantritt seines Nachfolgers im Amt.

Artikel 6

Ein Richter kann nur dann seines Amtes enthoben oder seiner Ruhegehaltsansprüche oder anderer an ihrer Stelle gewährter Vergünstigungen für verlustig erklärt werden, wenn er nach einstimmigem Urteil der Richter und Generalanwälte des Gerichtshofs nicht mehr die erforderlichen Voraussetzungen erfüllt oder den sich aus seinem Amt ergebenden Verpflichtungen nicht mehr nachkommt. Der Betroffene wirkt bei der Beschlussfassung nicht mit. Ist der Betroffene ein Mitglied des Gerichts oder eines Fachgerichts, so entscheidet der Gerichtshof nach Anhörung des betreffenden Gerichts.

Der Kanzler bringt den Präsidenten des Europäischen Parlaments und der Kommission die Entscheidung des Gerichtshofs zur Kenntnis und übermittelt sie dem Präsidenten des Rates.

Wird durch eine solche Entscheidung ein Richter seines Amtes enthoben, so wird sein Sitz mit der Benachrichtigung des Präsidenten des Rates frei.

Artikel 7

Endet das Amt eines Richters vor Ablauf seiner Amtszeit, so wird es für die verbleibende Amtszeit neu besetzt.

Artikel 8

Die Artikel 2 bis 7 finden auf die Generalanwälte Anwendung.

TITEL II

ORGANISATION DES GERICHTSHOFS

Artikel 9

Die teilweise Neubesetzung der Richterstellen, die alle drei Jahre stattfindet, betrifft abwechselnd vierzehn und dreizehn Richter.

Die teilweise Neubesetzung der Stellen der Generalanwälte, die alle drei Jahre stattfindet, betrifft jedes Mal vier Generalanwälte.

Artikel 10

Der Kanzler leistet vor dem Gerichtshof den Eid, sein Amt unparteiisch und gewissenhaft auszuüben und das Beratungsgeheimnis zu wahren.

Artikel 11

Der Gerichtshof regelt die Vertretung des Kanzlers für den Fall seiner Verhinderung.

Artikel 12

Dem Gerichtshof werden Beamte und sonstige Bedienstete beigegeben, um ihm die Erfüllung seiner Aufgaben zu ermöglichen. Sie unterstehen dem Kanzler unter Aufsicht des Präsidenten.

Artikel 13

Das Europäische Parlament und der Rat können gemäß dem ordentlichen Gesetzgebungsverfahren auf Antrag des Gerichtshofs die Ernennung von Hilfsberichterstattern vorsehen und ihre Stellung bestimmen. Die Hilfsberichterstatter können nach Maßgabe der Verfahrensordnung berufen werden, an der Bearbeitung der beim Gerichtshof anhängigen Sachen teilzunehmen und mit dem Berichterstatter zusammenzuarbeiten.

Zu Hilfsberichterstattern sind Persönlichkeiten auszuwählen, die jede Gewähr für Unabhängigkeit bieten und die erforderlichen juristischen Befähigungsnachweise erbringen; sie werden vom Rat mit einfacher Mehrheit ernannt. Sie leisten vor dem Gerichtshof den Eid, ihr Amt unparteiisch und gewissenhaft auszuüben und das Beratungsgeheimnis zu wahren.

Artikel 14

Die Richter, die Generalanwälte und der Kanzler sind verpflichtet, am Sitz des Gerichtshofs zu wohnen.

Artikel 15

Der Gerichtshof übt seine Tätigkeit ständig aus. Die Dauer der Gerichtsferien wird vom Gerichtshof unter Berücksichtigung der dienstlichen Erfordernisse festgesetzt.

Artikel 16

Der Gerichtshof bildet aus seiner Mitte Kammern mit drei und mit fünf Richtern. Die Richter wählen aus ihrer Mitte die Präsidenten der Kammern. Die Präsidenten der Kammern mit fünf Richtern werden für drei Jahre gewählt. Einmalige Wiederwahl ist zulässig.

Die Große Kammer ist mit dreizehn Richtern besetzt. Den Vorsitz führt der Präsident des Gerichtshofs. Der Großen Kammer gehören außerdem die Präsidenten der Kammern mit fünf Richtern und weitere Richter, die nach Maßgabe der Verfahrensordnung ernannt werden, an.

Der Gerichtshof tagt als Große Kammer, wenn ein am Verfahren beteiligter Mitgliedstaat oder ein am Verfahren beteiligtes Unionsorgan dies beantragt.

Der Gerichtshof tagt als Plenum, wenn er gemäß Artikel 228 Absatz 2, Artikel 245 Absatz 2, Artikel 247 oder Artikel 286 Absatz 7 AEUV befasst wird.

Außerdem kann der Gerichtshof, wenn er zu der Auffassung gelangt, dass eine Rechtssache, mit der er befasst ist, von außergewöhnlicher Bedeutung ist, nach Anhörung des Generalanwalts entscheiden, diese Rechtssache an das Plenum zu verweisen.

Artikel 17

Der Gerichtshof kann nur in der Besetzung mit einer ungeraden Zahl von Richtern rechtswirksam entscheiden.

Die Entscheidungen der Kammern mit drei oder fünf Richtern sind nur dann gültig, wenn sie von drei Richtern getroffen werden.

Die Entscheidungen der Großen Kammer sind nur dann gültig, wenn neun Richter anwesend sind.

Die vom Plenum getroffenen Entscheidungen des Gerichtshofs sind nur dann gültig, wenn fünfzehn Richter anwesend sind.

Bei Verhinderung eines Richters einer Kammer kann nach Maßgabe der Verfahrensordnung ein Richter einer anderen Kammer herangezogen werden.

Artikel 18

Die Richter und Generalanwälte dürfen nicht an der Erledigung einer Sache teilnehmen, in der sie vorher als Bevollmächtigte, Beistände oder Anwälte einer der Parteien tätig gewesen sind oder über die zu befinden sie als Mitglied eines Gerichts, eines Untersuchungsausschusses oder in anderer Eigenschaft berufen waren.

Glaubt ein Richter oder Generalanwalt, bei der Entscheidung oder Untersuchung einer bestimmten Sache aus einem besonderen Grund nicht mitwirken zu können, so macht er davon dem Präsidenten Mitteilung. Hält der Präsident die Teilnahme eines Richters oder Generalanwalts an der Verhandlung oder Entscheidung einer bestimmten Sache aus einem besonderen Grund für unangebracht, so setzt er diesen hiervon in Kenntnis.

Ergibt sich bei der Anwendung dieses Artikels eine Schwierigkeit, so entscheidet der Gerichtshof.

Eine Partei kann den Antrag auf Änderung der Zusammensetzung des Gerichtshofs oder einer seiner Kammern weder mit der Staatsangehörigkeit eines Richters noch damit begründen, dass dem Gerichtshof oder einer seiner Kammern kein Richter ihrer Staatsangehörigkeit angehört.

TITEL III

VERFAHREN VOR DEM GERICHTSHOF

Artikel 19

Die Mitgliedstaaten sowie die Unionsorgane werden vor dem Gerichtshof durch einen Bevollmächtigten vertreten, der für jede Sache bestellt wird; der Bevollmächtigte kann sich der Hilfe eines Beistands oder eines Anwalts bedienen.

Die Vertragsstaaten des Abkommens über den Europäischen Wirtschaftsraum, die nicht Mitgliedstaaten sind, und die in jenem Abkommen genannte EFTA-Überwachungsbehörde werden in der gleichen Weise vertreten.

Die anderen Parteien müssen durch einen Anwalt vertreten sein.

Nur ein Anwalt, der berechtigt ist, vor einem Gericht eines Mitgliedstaats oder eines anderen Vertragsstaats des Abkommens über den Europäischen Wirtschaftsraum aufzutreten, kann vor dem Gerichtshof als Vertreter oder Beistand einer Partei auftreten.

Die vor dem Gerichtshof auftretenden Bevollmächtigten, Beistände und Anwälte genießen nach Maßgabe der Verfahrensordnung die zur unabhängigen Ausübung ihrer Aufgaben erforderlichen Rechte und Sicherheiten.

Der Gerichtshof hat nach Maßgabe der Verfahrensordnung gegenüber den vor ihm auftretenden Beiständen und Anwälten die den Gerichten üblicherweise zuerkannten Befugnisse.

Hochschullehrer, die Angehörige von Mitgliedstaaten sind, deren Rechtsordnung ihnen gestattet, vor Gericht als Vertreter einer Partei aufzutreten, haben vor dem Gerichtshof die durch diesen Artikel den Anwälten eingeräumte Rechtsstellung.

Artikel 20

Das Verfahren vor dem Gerichtshof gliedert sich in ein schriftliches und ein mündliches Verfahren.

Das schriftliche Verfahren umfasst die Übermittlung der Klageschriften, Schriftsätze, Klagebeantwortungen und Erklärungen und gegebenenfalls der Repliken sowie aller zur Unterstützung vorgelegten Belegstücke und Urkunden oder ihrer beglaubigten Abschriften an die Parteien sowie an diejenigen Unionsorgane, deren Entscheidungen Gegenstand des Verfahrens sind.

Die Übermittlung obliegt dem Kanzler in der Reihenfolge und innerhalb der Fristen, die die Verfahrensordnung bestimmt.

Das mündliche Verfahren umfasst die Verlesung des von einem Berichterstatter vorgelegten Berichts, die Anhörung der Bevollmächtigten, Beistände und Anwälte und der Schlussanträge des Generalanwalts durch den Gerichtshof sowie gegebenenfalls die Vernehmung von Zeugen und Sachverständigen.

Ist der Gerichtshof der Auffassung, dass eine Rechtssache keine neue Rechtsfrage aufwirft, so kann er nach Anhörung des Generalanwalts beschließen, dass ohne Schlussanträge des Generalanwalts über die Sache entschieden wird.

Artikel 21

Die Klageerhebung bei dem Gerichtshof erfolgt durch Einreichung einer an den Kanzler zu richtenden Klageschrift. Die Klageschrift muss Namen und Wohnsitz des Klägers, die Stellung des Unterzeichnenden, die Partei oder die Parteien, gegen die die Klage erhoben wird, und den Streitgegenstand angeben sowie die Anträge und eine kurze Darstellung der Klagegründe enthalten.

Ihr ist gegebenenfalls der Rechtsakt beizufügen, dessen Nichtigkeitserklärung beantragt wird, oder in dem in Artikel 265 AEUV geregelten Fall eine Unterlage, aus der sich der Zeitpunkt der in dem genannten Artikel vorgesehenen Aufforderung ergibt. Sind der Klageschrift diese Unterlagen nicht beigelegt, so fordert der Kanzler den Kläger auf, sie innerhalb einer angemessenen Frist beizubringen; die Klage kann nicht deshalb zurückgewiesen werden, weil die Beibringung erst nach Ablauf der für die Klageerhebung vorgeschriebenen Frist erfolgt.

Artikel 22

In den Fällen nach Artikel 18 des EAG-Vertrags erfolgt die Klageerhebung bei dem Gerichtshof durch Einreichung einer an den Kanzler zu richtenden Klageschrift. Die Klageschrift muss Namen und Wohnsitz des Klägers, die Stellung des Unterzeichnenden, die Entscheidung, gegen die Klage erhoben wird, die Gegenparteien und den Streitgegenstand angeben sowie die Anträge und eine kurze Darstellung der Klagegründe enthalten.

Eine beglaubigte Abschrift der angefochtenen Entscheidung des Schiedsausschusses ist beizufügen.

Weist der Gerichtshof die Klage ab, so wird die Entscheidung des Schiedsausschusses rechtskräftig.

Hebt der Gerichtshof die Entscheidung des Schiedsausschusses auf, so kann das Verfahren gegebenenfalls auf Betreiben einer Prozesspartei vor dem Schiedsausschuss wieder aufgenommen werden. Dieser ist an die vom Gerichtshof gegebene rechtliche Beurteilung gebunden.

Artikel 23

In den Fällen nach Artikel 267 AEUV obliegt es dem Gericht des Mitgliedstaats, das ein Verfahren aussetzt und den Gerichtshof anruft, diese Entscheidung dem Gerichtshof zu übermitteln. Der Kanzler des Gerichtshofs stellt diese Entscheidung den beteiligten Parteien, den Mitgliedstaaten und der Kommission zu und außerdem den Organen, Einrichtungen oder sonstigen Stellen der Union, von denen die Handlung, deren Gültigkeit oder Auslegung streitig ist, ausgegangen ist.

Binnen zwei Monaten nach dieser Zustellung können die Parteien, die Mitgliedstaaten, die Kommission und gegebenenfalls die Organe, Einrichtungen oder sonstigen Stellen der Union, von denen die Handlung, deren Gültigkeit oder Auslegung streitig ist, ausgegangen ist, beim Gerichtshof Schriftsätze einreichen oder schriftliche Erklärungen abgeben.

In den Fällen nach Artikel 267 AEUV stellt der Kanzler des Gerichtshofs die Entscheidung des Gerichts des Mitgliedstaats darüber hinaus den Vertragsstaaten des Abkommens über den Europäischen Wirtschaftsraum, die nicht Mitgliedstaaten sind, und der in jenem Abkommen genannten EFTA-Überwachungsbehörde zu, die binnen zwei Monaten nach der Zustellung beim Gerichtshof Schriftsätze einreichen oder schriftliche Erklärungen abgeben können, wenn einer der Anwendungsbereiche des Abkommens betroffen ist.

Sieht ein vom Rat mit einem oder mehreren Drittstaaten über einen bestimmten Bereich geschlossenes Abkommen vor, dass diese Staaten Schriftsätze einreichen oder schriftliche Erklärungen abgeben können, wenn ein Gericht eines Mitgliedstaats dem Gerichtshof eine in den Anwendungsbereich des Abkommens fallende Frage zur Vorabentscheidung vorgelegt hat, so wird die Entscheidung des Gerichts des Mitgliedstaats, die eine solche Frage enthält, auch den betreffenden Drittstaaten zugestellt, die binnen zwei Monaten nach der Zustellung beim Gerichtshof Schriftsätze einreichen oder schriftliche Erklärungen abgeben können.

Artikel 23a ⁽¹⁾

In der Verfahrensordnung können ein beschleunigtes Verfahren und für Vorabentscheidungsersuchen zum Raum der Freiheit, der Sicherheit und des Rechts ein Eilverfahren vorgesehen werden.

Diese Verfahren können vorsehen, dass für die Einreichung von Schriftsätzen oder schriftlichen Erklärungen eine kürzere Frist als die des Artikels 23 gilt und dass abweichend von Artikel 20 Absatz 4 keine Schlussanträge des Generalanwalts gestellt werden.

Das Eilverfahren kann außerdem eine Beschränkung der in Artikel 23 bezeichneten Parteien und sonstigen Beteiligten, die Schriftsätze einreichen oder schriftliche Erklärungen abgeben können, und in Fällen äußerster Dringlichkeit das Entfallen des schriftlichen Verfahrens vorsehen.

⁽¹⁾ Artikel eingefügt durch Beschluss 2008/79/EG, Euratom (ABl. L 24 vom 29.1.2008, S. 42).

Artikel 24

Der Gerichtshof kann von den Parteien die Vorlage aller Urkunden und die Erteilung aller Auskünfte verlangen, die er für wünschenswert hält. Im Falle einer Weigerung stellt der Gerichtshof diese ausdrücklich fest.

Der Gerichtshof kann ferner von den Mitgliedstaaten und den Organen, Einrichtungen oder sonstigen Stellen, die nicht Parteien in einem Rechtsstreit sind, alle Auskünfte verlangen, die er zur Regelung dieses Rechtsstreits für erforderlich erachtet.

Artikel 25

Der Gerichtshof kann jederzeit Personen, Personengemeinschaften, Dienststellen, Ausschüsse oder Einrichtungen seiner Wahl mit der Abgabe von Gutachten betrauen.

Artikel 26

Zeugen können nach Maßgabe der Verfahrensordnung vernommen werden.

Artikel 27

Nach Maßgabe der Verfahrensordnung kann der Gerichtshof gegenüber ausbleibenden Zeugen die den Gerichten allgemein zuerkannten Befugnisse ausüben und Geldbußen verhängen.

Artikel 28

Zeugen und Sachverständige können unter Benutzung der in der Verfahrensordnung vorgeschriebenen Eidesformel oder in der in der Rechtsordnung ihres Landes vorgesehenen Weise eidlich vernommen werden.

Artikel 29

Der Gerichtshof kann anordnen, dass ein Zeuge oder Sachverständiger von dem Gericht seines Wohnsitzes vernommen wird.

Diese Anordnung ist gemäß den Bestimmungen der Verfahrensordnung zur Ausführung an das zuständige Gericht zu richten. Die in Ausführung des Rechtshilfeersuchens abgefassten Schriftstücke werden dem Gerichtshof nach denselben Bestimmungen übermittelt.

Der Gerichtshof übernimmt die anfallenden Auslagen; er erlegt sie gegebenenfalls den Parteien auf.

Artikel 30

Jeder Mitgliedstaat behandelt die Eidesverletzung eines Zeugen oder Sachverständigen wie eine vor seinen eigenen in Zivilsachen zuständigen Gerichten begangene Straftat. Auf Anzeige des Gerichtshofs verfolgt er den Täter vor seinen zuständigen Gerichten.

Artikel 31

Die Verhandlung ist öffentlich, es sei denn, dass der Gerichtshof von Amts wegen oder auf Antrag der Parteien aus wichtigen Gründen anders beschließt.

Artikel 32

Der Gerichtshof kann während der Verhandlung Sachverständige, Zeugen sowie die Parteien selbst vernehmen. Für die Letzteren können jedoch nur ihre bevollmächtigten Vertreter mündlich verhandeln.

Artikel 33

Über jede mündliche Verhandlung ist ein vom Präsidenten und vom Kanzler zu unterschreibendes Protokoll aufzunehmen.

Artikel 34

Die Terminliste wird vom Präsidenten festgelegt.

Artikel 35

Die Beratungen des Gerichtshofs sind und bleiben geheim.

Artikel 36

Die Urteile sind mit Gründen zu versehen. Sie enthalten die Namen der Richter, die bei der Entscheidung mitgewirkt haben.

Artikel 37

Die Urteile sind vom Präsidenten und vom Kanzler zu unterschreiben. Sie werden in öffentlicher Sitzung verlesen.

Artikel 38

Der Gerichtshof entscheidet über die Kosten.

Artikel 39

Der Präsident des Gerichtshofs kann in einem abgekürzten Verfahren, das erforderlichenfalls von einzelnen Bestimmungen dieser Satzung abweichen kann und in der Verfahrensordnung geregelt ist, über Anträge auf Aussetzung gemäß Artikel 278 AEUV und Artikel 157 EAG-Vertrag, auf Erlass einstweiliger Anordnungen gemäß Artikel 279 AEUV oder auf Aussetzung der Zwangsvollstreckung gemäß Artikel 299 Absatz 4 AEUV oder Artikel 164 Absatz 3 EAG-Vertrag entscheiden.

Bei Verhinderung des Präsidenten wird dieser durch einen anderen Richter nach Maßgabe der Verfahrensordnung vertreten.

Die von dem Präsidenten oder seinem Vertreter getroffene Anordnung stellt eine einstweilige Regelung dar und greift der Entscheidung des Gerichtshofs in der Hauptsache nicht vor.

Artikel 40

Die Mitgliedstaaten und die Unionsorgane können einem bei dem Gerichtshof anhängigen Rechtsstreit beitreten.

Dasselbe gilt für die Einrichtungen und sonstigen Stellen der Union sowie alle anderen Personen, sofern sie ein berechtigtes Interesse am Ausgang eines bei dem Gerichtshof anhängigen Rechtsstreits glaubhaft machen können. Natürliche oder juristische Personen können Rechtssachen zwischen Mitgliedstaaten, zwischen Organen der Union oder zwischen Mitgliedstaaten und Organen der Union nicht beitreten.

Unbeschadet des Absatzes 2 können die Vertragsstaaten des Abkommens über den Europäischen Wirtschaftsraum, die nicht Mitgliedstaaten sind, und die in jenem Abkommen genannte EFTA-Überwachungsbehörde einem bei dem Gerichtshof anhängigen Rechtsstreit beitreten, wenn dieser einen der Anwendungsbereiche jenes Abkommens betrifft.

Mit den aufgrund des Beitritts gestellten Anträgen können nur die Anträge einer Partei unterstützt werden.

Artikel 41

Stellt der ordnungsmäßig geladene Beklagte keine schriftlichen Anträge, so ergeht gegen ihn Versäumnisurteil. Gegen dieses Urteil kann binnen einem Monat nach Zustellung Einspruch eingelegt werden. Der Einspruch hat keine Aussetzung der Vollstreckung aus dem Versäumnisurteil zur Folge, es sei denn, dass der Gerichtshof anders beschließt.

Artikel 42

Mitgliedstaaten, Organe, Einrichtungen oder sonstige Stellen der Union und alle sonstigen natürlichen und juristischen Personen können nach Maßgabe der Verfahrensordnung in den dort genannten Fällen Drittwiderspruch gegen ein Urteil erheben, wenn dieses Urteil ihre Rechte beeinträchtigt und in einem Rechtsstreit erlassen worden ist, an dem sie nicht teilgenommen haben.

Artikel 43

Bestehen Zweifel über Sinn und Tragweite eines Urteils, so ist der Gerichtshof zuständig, dieses Urteil auf Antrag einer Partei oder eines Unionsorgans auszulegen, wenn diese ein berechtigtes Interesse hieran glaubhaft machen.

Artikel 44

Die Wiederaufnahme des Verfahrens kann beim Gerichtshof nur dann beantragt werden, wenn eine Tatsache von entscheidender Bedeutung bekannt wird, die vor Verkündung des Urteils dem Gerichtshof und der die Wiederaufnahme beantragenden Partei unbekannt war.

Das Wiederaufnahmeverfahren wird durch eine Entscheidung des Gerichtshofs eröffnet, die das Vorliegen der neuen Tatsache ausdrücklich feststellt, ihr die für die Eröffnung des Wiederaufnahmeverfahrens erforderlichen Merkmale zuerkennt und deshalb den Antrag für zulässig erklärt.

Nach Ablauf von zehn Jahren nach Erlass des Urteils kann kein Wiederaufnahmeantrag mehr gestellt werden.

Artikel 45

In der Verfahrensordnung sind besondere, den Entfernungen Rechnung tragende Fristen festzulegen.

Der Ablauf von Fristen hat keinen Rechtsnachteil zur Folge, wenn der Betroffene nachweist, dass ein Zufall oder ein Fall höherer Gewalt vorliegt.

Artikel 46

Die aus außervertraglicher Haftung der Union hergeleiteten Ansprüche verjähren in fünf Jahren nach Eintritt des Ereignisses, das ihnen zugrunde liegt. Die Verjährung wird durch Einreichung der Klageschrift beim Gerichtshof oder dadurch unterbrochen, dass der Geschädigte seinen Anspruch vorher gegenüber dem zuständigen Unionsorgan geltend macht. In letzterem Fall muss die Klage innerhalb der in Artikel 263 AEUV vorgesehenen Frist von zwei Monaten erhoben werden; gegebenenfalls findet Artikel 265 Absatz 2 AEUV Anwendung.

Dieser Artikel gilt auch für Ansprüche, die aus außervertraglicher Haftung der Europäischen Zentralbank hergeleitet werden.

TITEL IV

DAS GERICHT

Artikel 47

Artikel 9 Absatz 1, die Artikel 14 und 15, Artikel 17 Absätze 1, 2, 4 und 5 sowie Artikel 18 finden auf das Gericht und dessen Mitglieder Anwendung.

Artikel 3 Absatz 4 sowie die Artikel 10, 11 und 14 finden auf den Kanzler des Gerichts entsprechende Anwendung.

Artikel 48

Das Gericht besteht aus siebenundzwanzig Mitgliedern.

Artikel 49

Die Mitglieder des Gerichts können dazu bestellt werden, die Tätigkeit eines Generalanwalts auszuüben.

Der Generalanwalt hat in völliger Unparteilichkeit und Unabhängigkeit begründete Schlussanträge zu bestimmten dem Gericht unterbreiteten Rechtssachen öffentlich zu stellen, um das Gericht bei der Erfüllung seiner Aufgaben zu unterstützen.

Die Kriterien für die Bestimmung solcher Rechtssachen sowie die Einzelheiten für die Bestellung der Generalanwälte werden in der Verfahrensordnung des Gerichts festgelegt.

Ein in einer Rechtssache zum Generalanwalt bestelltes Mitglied darf bei der Entscheidung dieser Rechtssache nicht mitwirken.

Artikel 50

Das Gericht tagt in Kammern mit drei oder mit fünf Richtern. Die Richter wählen aus ihrer Mitte die Präsidenten der Kammern. Die Präsidenten der Kammern mit fünf Richtern werden für drei Jahre gewählt. Einmalige Wiederwahl ist zulässig.

Die Besetzung der Kammern und die Zuweisung der Rechtssachen an sie richten sich nach der Verfahrensordnung. In bestimmten in der Verfahrensordnung festgelegten Fällen kann das Gericht als Plenum oder als Einzelrichter tagen.

Die Verfahrensordnung kann auch vorsehen, dass das Gericht in den Fällen und unter den Bedingungen, die in der Verfahrensordnung festgelegt sind, als Große Kammer tagt.

Artikel 51

Abweichend von der in Artikel 256 Absatz 1 AEUV vorgesehenen Regelung sind dem Gerichtshof die Klagen gemäß den Artikeln 263 und 265 AEUV vorbehalten,

- a) die von einem Mitgliedstaat gegen eine Handlung oder wegen unterlassener Beschlussfassung des Europäischen Parlaments oder des Rates oder dieser beiden Organe in den Fällen, in denen sie gemeinsam beschließen, erhoben werden, mit Ausnahme
 - der Beschlüsse des Rates gemäß Artikel 108 Absatz 2 Unterabsatz 3 AEUV;
 - der Rechtsakte, die der Rat aufgrund einer Verordnung des Rates über handelspolitische Schutzmaßnahmen im Sinne von Artikel 207 AEUV erlässt;
 - der Handlungen des Rates, mit denen dieser gemäß Artikel 291 Absatz 2 AEUV Durchführungsbefugnisse ausübt;

- b) die von einem Mitgliedstaat gegen eine Handlung oder wegen unterlassener Beschlussfassung der Kommission gemäß Artikel 331 Absatz 1 AEUV erhoben werden.

Dem Gerichtshof sind ebenfalls die Klagen gemäß denselben Artikeln vorbehalten, die von einem Unionsorgan gegen eine Handlung oder wegen unterlassener Beschlussfassung des Europäischen Parlaments, des Rates, dieser beiden Organe in den Fällen, in denen sie gemeinsam beschließen, oder der Kommission erhoben werden, sowie die Klagen, die von einem Unionsorgan gegen eine Handlung oder wegen unterlassener Beschlussfassung der Europäischen Zentralbank erhoben werden.

Artikel 52

Der Präsident des Gerichtshofs und der Präsident des Gerichts legen einvernehmlich fest, in welcher Weise Beamte und sonstige Bedienstete, die dem Gerichtshof beigegeben sind, dem Gericht Dienste leisten, um ihm die Erfüllung seiner Aufgaben zu ermöglichen. Einzelne Beamte oder sonstige Bedienstete unterstehen dem Kanzler des Gerichts unter Aufsicht des Präsidenten des Gerichts.

Artikel 53

Das Verfahren vor dem Gericht bestimmt sich nach Titel III.

Das Verfahren vor dem Gericht wird, soweit dies erforderlich ist, durch seine Verfahrensordnung im Einzelnen geregelt und ergänzt. Die Verfahrensordnung kann von Artikel 40 Absatz 4 und Artikel 41 abweichen, um den Besonderheiten der Rechtsstreitigkeiten auf dem Gebiet des geistigen Eigentums Rechnung zu tragen.

Abweichend von Artikel 20 Absatz 4 kann der Generalanwalt seine begründeten Schlussanträge schriftlich stellen.

Artikel 54

Wird eine Klageschrift oder ein anderer Schriftsatz, die an das Gericht gerichtet sind, irrtümlich beim Kanzler des Gerichtshofs eingereicht, so übermittelt dieser sie unverzüglich an den Kanzler des Gerichts; wird eine Klageschrift oder ein anderer Schriftsatz, die an den Gerichtshof gerichtet sind, irrtümlich beim Kanzler des Gerichts eingereicht, so übermittelt dieser sie unverzüglich an den Kanzler des Gerichtshofs.

Stellt das Gericht fest, dass es für eine Klage nicht zuständig ist, die in die Zuständigkeit des Gerichtshofs fällt, so verweist es den Rechtsstreit an den Gerichtshof; stellt der Gerichtshof fest, dass eine Klage in die Zuständigkeit des Gerichts fällt, so verweist er den Rechtsstreit an das Gericht, das sich dann nicht für unzuständig erklären kann.

Sind bei dem Gerichtshof und dem Gericht Rechtssachen anhängig, die den gleichen Gegenstand haben, die gleiche Auslegungsfrage aufwerfen oder die Gültigkeit desselben Rechtsaktes betreffen, so kann das Gericht nach Anhörung der Parteien das Verfahren bis zum Erlass des Urteils des Gerichtshofs aussetzen, oder, wenn es sich um Klagen gemäß Artikel 263 AEUV handelt, sich für nicht zuständig erklären, damit der Gerichtshof über diese Klagen entscheidet. Unter den gleichen Voraussetzungen kann auch der Gerichtshof die Aussetzung des bei ihm anhängigen Verfahrens beschließen; in diesem Fall wird das Verfahren vor dem Gericht fortgeführt.

Fechten ein Mitgliedstaat und ein Unionsorgan denselben Rechtsakt an, so erklärt sich das Gericht für nicht zuständig, damit der Gerichtshof über diese Klagen entscheidet.

Artikel 55

Der Kanzler des Gerichts übermittelt jeder Partei sowie allen Mitgliedstaaten und den Unionsorganen, auch wenn diese vor dem Gericht der Rechtssache nicht als Streithelfer beigetreten sind, die Endentscheidungen des Gerichts und die Entscheidungen, die über einen Teil des Streitgegenstands ergangen sind oder die einen Zwischenstreit beenden, der eine Einrede wegen Unzuständigkeit oder Unzulässigkeit zum Gegenstand hat.

Artikel 56

Gegen die Endentscheidungen des Gerichts und gegen die Entscheidungen, die über einen Teil des Streitgegenstands ergangen sind oder die einen Zwischenstreit beenden, der eine Einrede der Unzuständigkeit oder Unzulässigkeit zum Gegenstand hat, kann ein Rechtsmittel beim Gerichtshof eingelegt werden; die Rechtsmittelfrist beträgt zwei Monate und beginnt mit der Zustellung der angefochtenen Entscheidung.

Dieses Rechtsmittel kann von einer Partei eingelegt werden, die mit ihren Anträgen ganz oder teilweise unterlegen ist. Andere Streithelfer als Mitgliedstaaten oder Unionsorgane können dieses Rechtsmittel jedoch nur dann einlegen, wenn die Entscheidung des Gerichts sie unmittelbar berührt.

Mit Ausnahme von Fällen, die sich auf Streitsachen zwischen der Union und ihren Bediensteten beziehen, kann dieses Rechtsmittel auch von den Mitgliedstaaten und den Unionsorganen eingelegt werden, die dem Rechtsstreit vor dem Gericht nicht beigetreten sind. In diesem Fall befinden sie sich in derselben Stellung wie Mitgliedstaaten und Organe, die dem Rechtsstreit im ersten Rechtszug beigetreten sind.

Artikel 57

Wird ein Antrag auf Zulassung als Streithelfer von dem Gericht abgelehnt, so kann der Antragsteller binnen zwei Wochen nach Zustellung der ablehnenden Entscheidung ein Rechtsmittel beim Gerichtshof einlegen.

Gegen die aufgrund des Artikels 278, des Artikels 279 oder des Artikels 299 Absatz 4 AEUV oder aufgrund des Artikels 157 oder des Artikels 164 Absatz 3 EAG-Vertrag ergangenen Entscheidungen des Gerichts können die Parteien des Verfahrens binnen zwei Monaten nach Zustellung ein Rechtsmittel beim Gerichtshof einlegen.

Die Entscheidung über gemäß den Absätzen 1 und 2 eingelegte Rechtsmittel ergeht nach Maßgabe des Artikels 39.

Artikel 58

Das beim Gerichtshof eingelegte Rechtsmittel ist auf Rechtsfragen beschränkt. Es kann nur auf die Unzuständigkeit des Gerichts, auf einen Verfahrensfehler, durch den die Interessen des Rechtsmittelführers beeinträchtigt werden, sowie auf eine Verletzung des Unionsrechts durch das Gericht gestützt werden.

Ein Rechtsmittel nur gegen die Kostenentscheidung oder gegen die Kostenfestsetzung ist unzulässig.

Artikel 59

Wird gegen eine Entscheidung des Gerichts ein Rechtsmittel eingelegt, so besteht das Verfahren vor dem Gerichtshof aus einem schriftlichen und einem mündlichen Verfahren. Unter den in der Verfahrensordnung festgelegten Voraussetzungen kann der Gerichtshof nach Anhörung des Generalanwalts und der Parteien ohne mündliches Verfahren entscheiden.

Artikel 60

Unbeschadet der Artikel 278 und 279 AEUV oder des Artikels 157 EAG-Vertrag haben Rechtsmittel keine aufschiebende Wirkung.

Abweichend von Artikel 280 AEUV werden die Entscheidungen des Gerichts, in denen eine Verordnung für nichtig erklärt wird, erst nach Ablauf der in Artikel 56 Absatz 1 dieser Satzung vorgesehenen Frist oder, wenn innerhalb dieser Frist ein Rechtsmittel eingelegt worden ist, nach dessen Zurückweisung wirksam; ein Beteiligter kann jedoch gemäß den Artikeln 278 und 279 AEUV oder dem Artikel 157 EAG-Vertrag beim Gerichtshof die Aussetzung der Wirkungen der für nichtig erklärten Verordnung oder sonstige einstweilige Anordnungen beantragen.

Artikel 61

Ist das Rechtsmittel begründet, so hebt der Gerichtshof die Entscheidung des Gerichts auf. Er kann sodann den Rechtsstreit selbst endgültig entscheiden, wenn dieser zur Entscheidung reif ist, oder die Sache zur Entscheidung an das Gericht zurückverweisen.

Im Falle der Zurückverweisung ist das Gericht an die rechtliche Beurteilung in der Entscheidung des Gerichtshofs gebunden.

Ist das von einem Mitgliedstaat oder einem Unionsorgan, die dem Rechtsstreit vor dem Gericht nicht beigetreten sind, eingelegte Rechtsmittel begründet, so kann der Gerichtshof, falls er dies für notwendig hält, diejenigen Wirkungen der aufgehobenen Entscheidung des Gerichts bezeichnen, die für die Parteien des Rechtsstreits als fortgeltend zu betrachten sind.

Artikel 62

Wenn in Fällen nach Artikel 256 Absätze 2 und 3 AEUV der Erste Generalanwalt der Auffassung ist, dass die ernste Gefahr einer Beeinträchtigung der Einheit oder der Kohärenz des Unionsrechts besteht, so kann er dem Gerichtshof vorschlagen, die Entscheidung des Gerichts zu überprüfen.

Der Vorschlag muss innerhalb eines Monats nach Verkündung der Entscheidung des Gerichts erfolgen. Der Gerichtshof entscheidet innerhalb eines Monats nach Vorlage des Vorschlags durch den Ersten Generalanwalt, ob die Entscheidung zu überprüfen ist oder nicht.

Artikel 62 a

Der Gerichtshof entscheidet über die Fragen, die Gegenstand der Überprüfung sind, im Wege eines Eilverfahrens auf der Grundlage der ihm vom Gericht übermittelten Akten.

Die in Artikel 23 dieses Statuts bezeichneten Beteiligten sowie — in den Fällen des Artikels 256 Absatz 2 AEUV — die Parteien des Verfahrens vor dem Gericht können zu den Fragen, die Gegenstand der Überprüfung sind, beim Gerichtshof innerhalb einer hierfür bestimmten Frist Schriftsätze einreichen oder schriftliche Erklärungen abgeben.

Der Gerichtshof kann beschließen, vor einer Entscheidung das mündliche Verfahren zu eröffnen.

Artikel 62 b

In den Fällen des Artikels 256 Absatz 2 AEUV haben unbeschadet der Artikel 278 und 279 AEUV der Vorschlag einer Überprüfung und die Entscheidung, das Überprüfungsverfahren zu eröffnen, keine aufschiebende Wirkung. Stellt der Gerichtshof fest, dass die Entscheidung des Gerichts die Einheit oder die Kohärenz des Unionsrechts beeinträchtigt, verweist er die Sache an das Gericht zurück, das an die rechtliche Beurteilung durch den Gerichtshof gebunden ist; der Gerichtshof kann die Wirkungen der Entscheidung des Gerichts bezeichnen, die für die Parteien des Rechtsstreits als endgültig zu betrachten sind. Ergibt sich jedoch der Ausgang des Rechtsstreits unter Berücksichtigung des Ergebnisses der Überprüfung aus den Tatsachenfeststellungen, auf denen die Entscheidung des Gerichts beruht, so entscheidet der Gerichtshof endgültig.

In den Fällen des Artikels 256 Absatz 3 AEUV werden, sofern ein Überprüfungsvorschlag oder eine Entscheidung zur Eröffnung des Überprüfungsverfahrens nicht vorliegt, die Antwort oder die Antworten des Gerichts auf die ihm unterbreiteten Fragen nach Ablauf der hierzu in Artikel 62 Absatz 2 vorgesehenen Fristen wirksam. Im Fall der Eröffnung eines Überprüfungsverfahrens werden die Antwort oder die Antworten, die Gegenstand der Überprüfung sind, am Ende dieses Verfahrens wirksam, es sei denn, dass der Gerichtshof anders beschließt. Stellt der Gerichtshof fest, dass die Entscheidung des Gerichts die Einheit oder die Kohärenz des Unionsrechts beeinträchtigt, so ersetzt die Antwort des Gerichtshofs auf die Fragen, die Gegenstand der Überprüfung waren, die Antwort des Gerichts.

TITEL IV *a*

DIE GERICHTLICHEN KAMMERN

Artikel 62c

Die Bestimmungen über die Zuständigkeitsbereiche, die Zusammensetzung, den Aufbau und das Verfahren der gemäß dem Artikel 257 AEUV errichteten gerichtlichen Kammern werden im Anhang dieser Satzung aufgeführt.

TITEL V

SCHLUSSBESTIMMUNGEN

Artikel 63

Die Verfahrensordnungen des Gerichtshofs und des Gerichts enthalten alle Bestimmungen, die für die Anwendung dieser Satzung und erforderlichenfalls für ihre Ergänzung notwendig sind.

Artikel 64

Die Vorschriften über die Regelung der Sprachenfrage für den Gerichtshof der Europäischen Union werden in einer vom Rat einstimmig erlassenen Verordnung festgelegt. Diese Verordnung wird entweder auf Antrag des Gerichtshofs nach Anhörung der Kommission und des Europäischen Parlaments oder auf Vorschlag der Kommission nach Anhörung des Gerichtshofs und des Europäischen Parlaments erlassen.

Bis zum Erlass dieser Vorschriften gelten die Bestimmungen der Verfahrensordnung des Gerichtshofs und der Verfahrensordnung des Gerichts, die die Regelung der Sprachenfrage betreffen, fort. Abweichend von den Artikeln 253 und 254 AEUV bedürfen Änderungen der genannten Bestimmungen oder deren Aufhebung der einstimmigen Genehmigung durch den Rat.

ANHANG I

DAS GERICHT FÜR DEN ÖFFENTLICHEN DIENST DER EUROPÄISCHEN UNION

Artikel 1

Das Gericht für den öffentlichen Dienst der Europäischen Union, nachstehend „Gericht für den öffentlichen Dienst“ genannt, ist im ersten Rechtszug für Streitsachen zwischen der Union und deren Bediensteten gemäß Artikel 270 AEUV zuständig, einschließlich der Streitsachen zwischen den Einrichtungen sowie Ämtern und Agenturen und deren Bediensteten, für die der Gerichtshof der Europäischen Union zuständig ist.

Artikel 2

Das Gericht für den öffentlichen Dienst besteht aus sieben Richtern. Auf Antrag des Gerichtshofs kann der Rat beschließen, die Zahl der Richter zu erhöhen.

Die Richter werden für die Dauer von sechs Jahren ernannt. Die Wiederernennung ausscheidender Richter ist zulässig.

Frei werdende Richterstellen sind durch die Ernennung eines neuen Richters für die Dauer von sechs Jahren zu besetzen.

Artikel 3

(1) Die Richter werden vom Rat, der gemäß Artikel 257 Absatz 4 AEUV beschließt, nach Anhörung des in diesem Artikel vorgesehenen Ausschusses ernannt. Bei der Ernennung der Richter achtet der Rat auf eine ausgewogene Zusammensetzung des Gerichts für den öffentlichen Dienst, indem die Richter unter den Staatsangehörigen der Mitgliedstaaten auf möglichst breiter geografischer Grundlage ausgewählt und die vertretenen einzelstaatlichen Rechtsordnungen berücksichtigt werden.

(2) Jede Person, die die Unionsbürgerschaft besitzt und die Voraussetzungen des Artikels 257 Absatz 4 AEUV erfüllt, kann ihre Bewerbung einreichen. Der Rat legt auf Empfehlung des Gerichtshofs die Bedingungen und Einzelheiten für die Vorlage und Behandlung der Bewerbungen fest.

(3) Es wird ein Ausschuss eingerichtet, der sich aus sieben Persönlichkeiten zusammensetzt, die aus dem Kreis ehemaliger Mitglieder des Gerichtshofs und des Gerichts sowie Juristen von anerkannter Befähigung ausgewählt werden. Der Rat ernennt die Mitglieder des Ausschusses und erlässt die Vorschriften für seine Arbeitsweise auf Empfehlung des Präsidenten des Gerichtshofs.

(4) Der Ausschuss gibt eine Stellungnahme über die Eignung der Bewerber für die Ausübung des Amts eines Richters beim Gericht für den öffentlichen Dienst ab. Der Ausschuss fügt seiner Stellungnahme eine Liste von Bewerbern bei, die aufgrund ihrer Erfahrung auf hoher Ebene am geeignetsten erscheinen. Diese Liste enthält mindestens doppelt so viele Bewerber wie die Zahl der vom Rat zu ernennenden Richter.

Artikel 4

(1) Die Richter wählen aus ihrer Mitte den Präsidenten des Gerichts für den öffentlichen Dienst für die Dauer von drei Jahren. Wiederwahl ist zulässig.

(2) Das Gericht für den öffentlichen Dienst tagt in Kammern mit drei Richtern. In bestimmten in der Verfahrensordnung festgelegten Fällen kann das Gericht als Plenum, als Kammer mit fünf Richtern oder als Einzelrichter tagen.

(3) Der Präsident des Gerichts für den öffentlichen Dienst steht dem Plenum und der Kammer mit fünf Richtern vor. Die Präsidenten der Kammern mit drei Richtern werden nach dem Verfahren des Absatzes 1 gewählt. Wird der Präsident des Gerichts für den öffentlichen Dienst einer Kammer mit drei Richtern zugeteilt, so steht er dieser Kammer vor.

(4) Die Zuständigkeiten und die Beschlussfähigkeit des Plenums sowie die Besetzung der Kammern und die Zuweisung der Rechtssachen an sie richten sich nach der Verfahrensordnung.

Artikel 5

Die Artikel 2 bis 6, die Artikel 14 und 15, Artikel 17 Absätze 1, 2 und 5 sowie Artikel 18 der Satzung des Gerichtshofs der Europäischen Union finden auf das Gericht für den öffentlichen Dienst und dessen Mitglieder Anwendung.

Der Eid nach Artikel 2 der Satzung wird vor dem Gerichtshof geleistet, und die Entscheidungen nach den Artikeln 3, 4 und 6 der Satzung werden vom Gerichtshof nach Anhörung des Gerichts für den öffentlichen Dienst getroffen.

Artikel 6

(1) Das Gericht für den öffentlichen Dienst stützt sich auf die Dienste des Gerichtshofs und des Gerichts. Der Präsident des Gerichtshofs oder gegebenenfalls der Präsident des Gerichts legt einvernehmlich mit dem Präsidenten des Gerichts für den öffentlichen Dienst fest, in welcher Weise Beamte und sonstige Bedienstete, die dem Gerichtshof oder dem Gericht beigegeben sind, dem Gericht für den öffentlichen Dienst Dienste leisten, um diesem die Erfüllung seiner Aufgaben zu ermöglichen. Einzelne Beamte oder sonstige Bedienstete unterstehen dem Kanzler des Gerichts für den öffentlichen Dienst unter Aufsicht des Präsidenten dieses Gerichts.

(2) Das Gericht für den öffentlichen Dienst ernennt seinen Kanzler und bestimmt dessen Stellung. Artikel 3 Absatz 4 sowie die Artikel 10, 11 und 14 der Satzung des Gerichtshofs der Europäischen Union finden auf den Kanzler dieses Gerichts Anwendung.

Artikel 7

(1) Das Verfahren vor dem Gericht für den öffentlichen Dienst bestimmt sich nach Titel III der Satzung des Gerichtshofs der Europäischen Union mit Ausnahme der Artikel 22 und 23. Es wird, soweit dies erforderlich ist, durch die Verfahrensordnung dieses Gerichts im Einzelnen geregelt und ergänzt.

(2) Die Bestimmungen des Gerichts über die Sprachenregelung finden auf das Gericht für den öffentlichen Dienst entsprechende Anwendung.

(3) Das schriftliche Verfahren umfasst die Vorlage der Klageschrift und der Klagebeantwortung, sofern das Gericht für den öffentlichen Dienst nicht beschließt, dass ein zweiter Austausch von Schriftsätzen erforderlich ist. Hat ein zweiter Austausch von Schriftsätzen stattgefunden, so kann das Gericht für den öffentlichen Dienst mit Zustimmung der Parteien beschließen, ohne mündliche Verhandlung zu entscheiden.

(4) Das Gericht für den öffentlichen Dienst kann in jedem Verfahrensabschnitt, auch bereits ab der Einreichung der Klageschrift, die Möglichkeiten für eine gütliche Beilegung der Streitsache prüfen und versuchen, eine solche Einigung zu erleichtern.

(5) Das Gericht für den öffentlichen Dienst entscheidet über die Kosten. Vorbehaltlich der besonderen Bestimmungen der Verfahrensordnung ist die unterliegende Partei auf Antrag zur Tragung der Kosten zu verurteilen.

Artikel 8

(1) Wird eine Klageschrift oder ein anderer Schriftsatz, die an das Gericht für den öffentlichen Dienst gerichtet sind, irrtümlich beim Kanzler des Gerichtshofs oder des Gerichts eingereicht, so übermittelt dieser sie unverzüglich an den Kanzler des Gerichts für den öffentlichen Dienst. Wird eine Klageschrift oder ein anderer Schriftsatz, die an den Gerichtshof oder das Gericht gerichtet sind, irrtümlich beim Kanzler des Gerichts für den öffentlichen Dienst eingereicht, so übermittelt dieser sie unverzüglich an den Kanzler des Gerichtshofs oder des Gerichts.

(2) Stellt das Gericht für den öffentlichen Dienst fest, dass es für eine Klage nicht zuständig ist, die in die Zuständigkeit des Gerichtshofs oder des Gerichts fällt, so verweist es den Rechtsstreit an den Gerichtshof oder das Gericht. Stellt der Gerichtshof oder das Gericht fest, dass eine Klage in die Zuständigkeit des Gerichts für den öffentlichen Dienst fällt, so verweisen sie den Rechtsstreit an das Gericht für den öffentlichen Dienst, das sich dann nicht für unzuständig erklären kann.

(3) Sind bei dem Gericht für den öffentlichen Dienst und bei dem Gericht Rechtssachen anhängig, die die gleiche Auslegungsfrage aufwerfen oder die Gültigkeit desselben Rechtsaktes betreffen, so kann das Gericht für den öffentlichen Dienst nach Anhörung der Streitparteien das Verfahren aussetzen, bis das Gericht sein Urteil verkündet hat.

Sind bei dem Gericht für den öffentlichen Dienst und bei dem Gericht Rechtssachen anhängig, die den gleichen Gegenstand haben, so erklärt sich das Gericht für den öffentlichen Dienst für unzuständig, damit das Gericht über diese Klagen entscheiden kann.

Artikel 9

Gegen die Endentscheidungen des Gerichts für den öffentlichen Dienst und gegen die Entscheidungen, die über einen Teil des Streitgegenstands ergangen sind oder die einen Zwischenstreit beenden, der eine Einrede der Unzuständigkeit oder Unzulässigkeit zum Gegenstand hat, kann ein Rechtsmittel beim Gericht eingelegt werden; die Rechtsmittelfrist beträgt zwei Monate und beginnt mit der Zustellung der angefochtenen Entscheidung.

Dieses Rechtsmittel kann von jeder Partei eingelegt werden, die mit ihren Anträgen ganz oder teilweise unterlegen ist. Andere Streithelfer als Mitgliedstaaten oder Unionsorgane können dieses Rechtsmittel jedoch nur dann einlegen, wenn die Entscheidung des Gerichts für den öffentlichen Dienst sie unmittelbar berührt.

Artikel 10

(1) Wird ein Antrag auf Zulassung als Streithelfer vom Gericht für den öffentlichen Dienst abgelehnt, so kann jede Person, deren Antrag abgewiesen wurde, binnen zwei Wochen nach Zustellung der ablehnenden Entscheidung ein Rechtsmittel beim Gericht einlegen.

(2) Gegen die aufgrund des Artikels 278, des Artikels 279 oder des Artikels 299 Absatz 4 AEUV oder aufgrund des Artikels 157 oder des Artikels 164 Absatz 3 EAG-Vertrag ergangenen Entscheidungen des Gerichts für den öffentlichen Dienst können die Parteien des Verfahrens binnen zwei Monaten nach Zustellung ein Rechtsmittel beim Gericht einlegen.

(3) Der Präsident des Gerichts kann über die Rechtsmittel der Absätze 1 und 2 in einem abgekürzten Verfahren entscheiden, das, falls erforderlich, von einzelnen Bestimmungen dieses Anhangs abweichen kann und in der Verfahrensordnung des Gerichts geregelt ist.

Artikel 11

(1) Das beim Gericht eingelegte Rechtsmittel ist auf Rechtsfragen beschränkt. Es kann nur auf die Unzuständigkeit des Gerichts für den öffentlichen Dienst, auf einen Verfahrensfehler vor diesem Gericht, durch den die Interessen des Rechtsmittelführers beeinträchtigt werden, sowie auf eine Verletzung des Unionsrechts durch das Gericht für den öffentlichen Dienst gestützt werden.

(2) Ein Rechtsmittel, das sich nur gegen die Kostenentscheidung oder gegen die Kostenfestsetzung wendet, ist unzulässig.

Artikel 12

(1) Unbeschadet der Artikel 278 und 279 AEUV sowie des Artikels 157 EAG-Vertrag haben Rechtsmittel beim Gericht keine aufschiebende Wirkung.

(2) Wird gegen eine Entscheidung des Gerichts für den öffentlichen Dienst ein Rechtsmittel eingelegt, so besteht das Verfahren vor dem Gericht aus einem schriftlichen und einem mündlichen Verfahren. Unter den in der Verfahrensordnung festgelegten Voraussetzungen kann das Gericht nach Anhörung der Parteien ohne mündliches Verfahren entscheiden.

Artikel 13

(1) Ist das Rechtsmittel begründet, so hebt das Gericht die Entscheidung des Gerichts für den öffentlichen Dienst auf und entscheidet den Rechtsstreit selbst. Das Gericht verweist die Sache zur Entscheidung an das Gericht für den öffentlichen Dienst zurück, wenn der Rechtsstreit noch nicht zur Entscheidung reif ist.

(2) Im Falle der Zurückverweisung ist das Gericht für den öffentlichen Dienst an die rechtliche Beurteilung in der Entscheidung des Gerichts gebunden.

PROTOKOLL (Nr. 4)
**ÜBER DIE SATZUNG DES EUROPÄISCHEN SYSTEMS
DER ZENTRALBANKEN UND DER EUROPÄISCHEN
ZENTRALBANK**

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, die in Artikel 129 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehene Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank festzulegen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

KAPITEL I

DAS EUROPÄISCHE SYSTEM DER ZENTRALBANKEN

Artikel 1

Das Europäische System der Zentralbanken

Die Europäische Zentralbank (EZB) und die nationalen Zentralbanken bilden nach Artikel 282 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union das Europäische System der Zentralbanken (ESZB). Die EZB und die nationalen Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist, bilden das Eurosystem.

Das ESZB und die EZB nehmen ihre Aufgaben und ihre Tätigkeit nach Maßgabe der Verträge und dieser Satzung wahr.

KAPITEL II

ZIELE UND AUFGABEN DES ESZB

Artikel 2

Ziele

Nach Artikel 127 Absatz 1 und Artikel 282 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union ist es das vorrangige Ziel des ESZB, die Preisstabilität zu gewährleisten. Soweit dies ohne Beeinträchtigung des Zieles der Preisstabilität möglich ist, unterstützt das ESZB die allgemeine Wirtschaftspolitik in der Union, um zur Verwirklichung der in Artikel 3 des Vertrags über die Europäische Union festgelegten Ziele der Union beizutragen. Das ESZB handelt im Einklang mit dem Grundsatz einer offenen Marktwirtschaft mit freiem Wettbewerb, wodurch ein effizienter Einsatz der Ressourcen gefördert wird, und hält sich dabei an die in Artikel 119 des Vertrags über die Arbeitsweise der Europäischen Union genannten Grundsätze.

Artikel 3

Aufgaben

3.1. Nach Artikel 127 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union bestehen die grundlegenden Aufgaben des ESZB darin,

- die Geldpolitik der Union festzulegen und auszuführen,
- Devisengeschäfte im Einklang mit Artikel 219 des genannten Vertrags durchzuführen,
- die offiziellen Währungsreserven der Mitgliedstaaten zu halten und zu verwalten,
- das reibungslose Funktionieren der Zahlungssysteme zu fördern.

3.2. Nach Artikel 127 Absatz 3 des genannten Vertrags berührt Artikel 3.1 dritter Gedankenstrich nicht die Haltung und Verwaltung von Arbeitsguthaben in Fremdwährungen durch die Regierungen der Mitgliedstaaten.

3.3. Das ESZB trägt nach Artikel 127 Absatz 5 des genannten Vertrags zur reibungslosen Durchführung der von den zuständigen Behörden auf dem Gebiet der Aufsicht über die Kreditinstitute und der Stabilität des Finanzsystems ergriffenen Maßnahmen bei.

Artikel 4

Beratende Funktionen

Nach Artikel 127 Absatz 4 des Vertrags über die Arbeitsweise der Europäischen Union

- a) wird die EZB gehört
 - zu allen Vorschlägen für Rechtsakte der Union im Zuständigkeitsbereich der EZB;
 - von den nationalen Behörden zu allen Entwürfen für Rechtsvorschriften im Zuständigkeitsbereich der EZB, und zwar innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 41 festlegt;
- b) kann die EZB gegenüber den Organen, Einrichtungen oder sonstigen Stellen der Union und gegenüber den nationalen Behörden Stellungnahmen zu in ihren Zuständigkeitsbereich fallenden Fragen abgeben.

Artikel 5

Erhebung von statistischen Daten

5.1. Zur Wahrnehmung der Aufgaben des ESZB holt die EZB mit Unterstützung der nationalen Zentralbanken die erforderlichen statistischen Daten entweder von den zuständigen nationalen Behörden oder unmittelbar von den Wirtschaftssubjekten ein. Zu diesem Zweck arbeitet sie mit den Organen, Einrichtungen oder sonstigen Stellen der Union und den zuständigen Behörden der Mitgliedstaaten oder dritter Länder sowie mit internationalen Organisationen zusammen.

5.2. Die in Artikel 5.1 bezeichneten Aufgaben werden so weit wie möglich von den nationalen Zentralbanken ausgeführt.

5.3. Soweit erforderlich, fördert die EZB die Harmonisierung der Bestimmungen und Gepflogenheiten auf dem Gebiet der Erhebung, Zusammenstellung und Weitergabe von statistischen Daten in den in ihre Zuständigkeit fallenden Bereichen.

5.4. Der Kreis der berichtspflichtigen natürlichen und juristischen Personen, die Bestimmungen über die Vertraulichkeit sowie die geeigneten Vorkehrungen zu ihrer Durchsetzung werden vom Rat nach dem Verfahren des Artikels 41 festgelegt.

Artikel 6

Internationale Zusammenarbeit

6.1. Im Bereich der internationalen Zusammenarbeit, die die dem ESZB übertragenen Aufgaben betrifft, beschließt die EZB, wie das ESZB vertreten wird.

6.2. Die EZB und, soweit diese zustimmt, die nationalen Zentralbanken sind befugt, sich an internationalen Währungseinrichtungen zu beteiligen.

6.3. Die Artikel 6.1 und 6.2 finden unbeschadet des Artikels 138 des Vertrags über die Arbeitsweise der Europäischen Union Anwendung.

KAPITEL III

ORGANISATION DES ESZB

Artikel 7

Unabhängigkeit

Nach Artikel 130 des Vertrags über die Arbeitsweise der Europäischen Union darf bei der Wahrnehmung der ihnen durch die Verträge und diese Satzung übertragenen Befugnisse, Aufgaben und Pflichten weder die EZB noch eine nationale Zentralbank noch ein Mitglied ihrer Beschlussorgane Weisungen von Organen, Einrichtungen oder sonstigen Stellen der Union, Regierungen der Mitgliedstaaten oder anderen Stellen einholen oder entgegennehmen. Die Organe, Einrichtungen oder sonstigen Stellen der Union sowie die Regierungen der Mitgliedstaaten verpflichten sich, diesen Grundsatz zu beachten und nicht zu versuchen, die Mitglieder der Beschlussorgane der EZB oder der nationalen Zentralbanken bei der Wahrnehmung ihrer Aufgaben zu beeinflussen.

Artikel 8

Allgemeiner Grundsatz

Das ESZB wird von den Beschlussorganen der EZB geleitet.

Artikel 9

Die Europäische Zentralbank

9.1. Die EZB, die nach Artikel 282 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union mit Rechtspersönlichkeit ausgestattet ist, besitzt in jedem Mitgliedstaat die weitestgehende Rechts- und Geschäftsfähigkeit, die juristischen Personen nach dessen Rechtsvorschriften zuerkannt ist; sie kann insbesondere bewegliches und unbewegliches Vermögen erwerben und veräußern sowie vor Gericht stehen.

9.2. Die EZB stellt sicher, dass die dem ESZB nach Artikel 127 Absätze 2, 3 und 5 des genannten Vertrags übertragenen Aufgaben entweder durch ihre eigene Tätigkeit nach Maßgabe dieser Satzung oder durch die nationalen Zentralbanken nach den Artikeln 12.1 und 14 erfüllt werden.

9.3. Die Beschlussorgane der EZB sind nach Artikel 129 Absatz 3 des genannten Vertrags der EZB-Rat und das Direktorium.

Artikel 10

Der EZB-Rat

10.1. Nach Artikel 283 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union besteht der EZB-Rat aus den Mitgliedern des Direktoriums der EZB und den Präsidenten der nationalen Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist.

10.2. Jedes Mitglied des EZB-Rates hat eine Stimme. Ab dem Zeitpunkt, zu dem die Anzahl der Mitglieder des EZB-Rates 21 übersteigt, hat jedes Mitglied des Direktoriums eine Stimme und beträgt die Anzahl der stimmberechtigten Präsidenten der nationalen Zentralbanken 15. Die Verteilung und Rotation dieser Stimmrechte erfolgt wie im Folgenden dargelegt:

- Ab dem Zeitpunkt, zu dem die Anzahl der Präsidenten der nationalen Zentralbanken 15 übersteigt, und bis zu dem Zeitpunkt, zu dem diese 22 beträgt, werden die Präsidenten der nationalen Zentralbanken aufgrund der Position des Mitgliedstaats ihrer jeweiligen nationalen Zentralbank, die sich aus der Größe des Anteils des Mitgliedstaats ihrer jeweiligen nationalen Zentralbank am aggregierten Bruttoinlandsprodukt zu Marktpreisen und an der gesamten aggregierten Bilanz der monetären Finanzinstitute der Mitgliedstaaten, deren Währung der Euro ist, ergibt, in zwei Gruppen eingeteilt. Die Gewichtung der Anteile am aggregierten Bruttoinlandsprodukt zu Marktpreisen und an der gesamten aggregierten Bilanz der monetären Finanzinstitute beträgt $\frac{5}{6}$ bzw. $\frac{1}{6}$. Die erste Gruppe besteht aus fünf Präsidenten der nationalen Zentralbanken und die zweite Gruppe aus den übrigen Präsidenten der nationalen Zentralbanken. Die Präsidenten der nationalen Zentralbanken, die in die erste Gruppe eingeteilt werden, sind nicht weniger häufig stimmberechtigt als die Präsidenten der nationalen Zentralbanken der zweiten Gruppe. Vorbehaltlich des vorstehenden Satzes werden der ersten Gruppe vier Stimmrechte und der zweiten Gruppe elf Stimmrechte zugeteilt.
- Ab dem Zeitpunkt, zu dem die Anzahl der Präsidenten der nationalen Zentralbanken 22 beträgt, werden die Präsidenten der nationalen Zentralbanken nach Maßgabe der sich aufgrund der oben genannten Kriterien ergebenden Position in drei Gruppen eingeteilt. Die erste Gruppe, der vier Stimmrechte zugeteilt werden, besteht aus fünf Präsidenten der nationalen Zentralbanken. Die zweite Gruppe, der acht Stimmrechte zugeteilt werden, besteht aus der Hälfte aller Präsidenten der nationalen Zentralbanken, wobei jeder Bruchteil auf die nächste ganze Zahl aufgerundet wird. Die dritte Gruppe, der drei Stimmrechte zugeteilt werden, besteht aus den übrigen Präsidenten der nationalen Zentralbanken.

- Innerhalb jeder Gruppe sind die Präsidenten der nationalen Zentralbanken für gleich lange Zeiträume stimmberechtigt.
- Artikel 29.2 gilt für die Berechnung der Anteile am aggregierten Bruttoinlandsprodukt zu Marktpreisen. Die gesamte aggregierte Bilanz der monetären Finanzinstitute wird gemäß dem zum Zeitpunkt der Berechnung in der Union geltenden statistischen Berichtsrahmen berechnet.
- Bei jeder Anpassung des aggregierten Bruttoinlandsprodukts zu Marktpreisen gemäß Artikel 29.3 oder bei jeder Erhöhung der Anzahl der Präsidenten der nationalen Zentralbanken wird die Größe und/oder die Zusammensetzung der Gruppen nach den oben genannten Grundsätzen angepasst.
- Der EZB-Rat trifft mit einer Mehrheit von zwei Dritteln seiner stimmberechtigten und nicht stimmberechtigten Mitglieder alle zur Durchführung der oben genannten Grundsätze erforderlichen Maßnahmen und kann beschließen, den Beginn des Rotationssystems bis zu dem Zeitpunkt zu verschieben, zu dem die Anzahl der Präsidenten der nationalen Zentralbanken 18 übersteigt.

Das Stimmrecht wird persönlich ausgeübt. Abweichend von dieser Bestimmung kann in der in Artikel 12.3 genannten Geschäftsordnung vorgesehen werden, dass Mitglieder des EZB-Rates im Wege einer Telekonferenz an der Abstimmung teilnehmen können. In der Geschäftsordnung wird ferner vorgesehen, dass ein für längere Zeit an der Teilnahme an Sitzungen des EZB-Rates verhindertes Mitglied einen Stellvertreter als Mitglied des EZB-Rates benennen kann.

Die Stimmrechte aller stimmberechtigten und nicht stimmberechtigten Mitglieder des EZB-Rates gemäß den Artikeln 10.3, 40.2 und 40.3 bleiben von den Bestimmungen der vorstehenden Absätze unberührt.

Soweit in dieser Satzung nichts anderes bestimmt ist, beschließt der EZB-Rat mit einfacher Mehrheit seiner stimmberechtigten Mitglieder. Bei Stimmengleichheit gibt die Stimme des Präsidenten den Ausschlag.

Der EZB-Rat ist beschlussfähig, wenn mindestens zwei Drittel seiner stimmberechtigten Mitglieder an der Abstimmung teilnehmen. Ist der EZB-Rat nicht beschlussfähig, so kann der Präsident eine außerordentliche Sitzung einberufen, bei der für die Beschlussfähigkeit die Mindestteilnahmequote nicht erforderlich ist.

10.3. Für alle Beschlüsse im Rahmen der Artikel 28, 29, 30, 32 und 33 werden die Stimmen im EZB-Rat nach den Anteilen der nationalen Zentralbanken am gezeichneten Kapital der EZB gewogen. Die Stimmen der Mitglieder des Direktoriums werden mit Null gewogen. Ein Beschluss, der die qualifizierte Mehrheit der Stimmen erfordert, gilt als angenommen, wenn die abgegebenen Ja-Stimmen mindestens zwei Drittel des gezeichneten Kapitals der EZB und mindestens die Hälfte der Anteilseigner vertreten. Bei Verhinderung eines Präsidenten einer nationalen Zentralbank kann dieser einen Stellvertreter zur Abgabe seiner gewogenen Stimme benennen.

10.4. Die Aussprachen in den Ratssitzungen sind vertraulich. Der EZB-Rat kann beschließen, das Ergebnis seiner Beratungen zu veröffentlichen.

10.5. Der EZB-Rat tritt mindestens zehnmal im Jahr zusammen.

Artikel 11

Das Direktorium

11.1. Nach Artikel 283 Absatz 2 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union besteht das Direktorium aus dem Präsidenten, dem Vizepräsidenten und vier weiteren Mitgliedern.

Die Mitglieder erfüllen ihre Pflichten hauptamtlich. Ein Mitglied darf weder entgeltlich noch unentgeltlich einer anderen Beschäftigung nachgehen, es sei denn, der EZB-Rat erteilt hierzu ausnahmsweise seine Zustimmung.

11.2. Nach Artikel 283 Absatz 2 Buchstabe b des genannten Vertrags werden der Präsident, der Vizepräsident und die weiteren Mitglieder des Direktoriums vom Europäischen Rat auf Empfehlung des Rates, der hierzu das Europäische Parlament und den EZB-Rat anhört, aus dem Kreis der in Währungs- oder Bankfragen anerkannten und erfahrenen Persönlichkeiten mit qualifizierter Mehrheit ernannt.

Ihre Amtszeit beträgt acht Jahre; Wiederernennung ist nicht zulässig.

Nur Staatsangehörige der Mitgliedstaaten können Mitglieder des Direktoriums sein.

11.3. Die Beschäftigungsbedingungen für die Mitglieder des Direktoriums, insbesondere ihre Gehälter und Ruhegehälter sowie andere Leistungen der sozialen Sicherheit, sind Gegenstand von Verträgen mit der EZB und werden vom EZB-Rat auf Vorschlag eines Ausschusses festgelegt, der aus drei vom EZB-Rat und drei vom Rat ernannten Mitgliedern besteht. Die Mitglieder des Direktoriums haben in den in diesem Absatz bezeichneten Angelegenheiten kein Stimmrecht.

11.4. Ein Mitglied des Direktoriums, das die Voraussetzungen für die Ausübung seines Amtes nicht mehr erfüllt oder eine schwere Verfehlung begangen hat, kann auf Antrag des EZB-Rates oder des Direktoriums durch den Gerichtshof seines Amtes enthoben werden.

11.5. Jedes persönlich anwesende Mitglied des Direktoriums ist berechtigt, an Abstimmungen teilzunehmen, und hat zu diesem Zweck eine Stimme. Soweit nichts anderes bestimmt ist, beschließt das Direktorium mit der einfachen Mehrheit der abgegebenen Stimmen. Bei Stimmengleichheit gibt die Stimme des Präsidenten den Ausschlag. Die Abstimmungsmodalitäten werden in der in Artikel 12.3 bezeichneten Geschäftsordnung geregelt.

11.6. Das Direktorium führt die laufenden Geschäfte der EZB.

11.7. Frei werdende Sitze im Direktorium sind durch Ernennung eines neuen Mitglieds nach Artikel 11.2 zu besetzen.

Artikel 12

Aufgaben der Beschlussorgane

12.1. Der EZB-Rat erlässt die Leitlinien und Beschlüsse, die notwendig sind, um die Erfüllung der dem ESZB nach den Verträgen und dieser Satzung übertragenen Aufgaben zu gewährleisten. Der EZB-Rat legt die Geldpolitik der Union fest, gegebenenfalls einschließlich von Beschlüssen in Bezug auf geldpolitische Zwischenziele, Leitzinssätze und die Bereitstellung von Zentralbankgeld im ESZB, und erlässt die für ihre Ausführung notwendigen Leitlinien.

Das Direktorium führt die Geldpolitik gemäß den Leitlinien und Beschlüssen des EZB-Rates aus. Es erteilt hierzu den nationalen Zentralbanken die erforderlichen Weisungen. Ferner können dem Direktorium durch Beschluss des EZB-Rates bestimmte Befugnisse übertragen werden.

Unbeschadet dieses Artikels nimmt die EZB die nationalen Zentralbanken zur Durchführung von Geschäften, die zu den Aufgaben des ESZB gehören, in Anspruch, soweit dies möglich und sachgerecht erscheint.

12.2. Die Vorbereitung der Sitzungen des EZB-Rates obliegt dem Direktorium.

12.3. Der EZB-Rat beschließt eine Geschäftsordnung, die die interne Organisation der EZB und ihrer Beschlussorgane regelt.

12.4. Der EZB-Rat nimmt die in Artikel 4 genannten beratenden Funktionen wahr.

12.5. Der EZB-Rat trifft die Beschlüsse nach Artikel 6.

Artikel 13

Der Präsident

13.1. Den Vorsitz im EZB-Rat und im Direktorium der EZB führt der Präsident oder, bei seiner Verhinderung, der Vizepräsident.

13.2. Unbeschadet des Artikels 38 vertritt der Präsident oder eine von ihm benannte Person die EZB nach außen.

Artikel 14

Nationale Zentralbanken

14.1. Nach Artikel 131 des Vertrags über die Arbeitsweise der Europäischen Union stellt jeder Mitgliedstaat sicher, dass seine innerstaatlichen Rechtsvorschriften einschließlich der Satzung seiner Zentralbank mit den Verträgen und dieser Satzung im Einklang stehen.

14.2. In den Satzungen der nationalen Zentralbanken ist insbesondere vorzusehen, dass die Amtszeit des Präsidenten der jeweiligen nationalen Zentralbank mindestens fünf Jahre beträgt.

Der Präsident einer nationalen Zentralbank kann aus seinem Amt nur entlassen werden, wenn er die Voraussetzungen für die Ausübung seines Amtes nicht mehr erfüllt oder eine schwere Verfehlung begangen hat. Gegen einen entsprechenden Beschluss kann der betreffende Präsident einer nationalen Zentralbank oder der EZB-Rat wegen Verletzung der Verträge oder einer bei ihrer Durchführung anzuwendenden Rechtsnorm den Gerichtshof anrufen. Solche Klagen sind binnen zwei Monaten zu erheben; diese Frist läuft je nach Lage des Falles von der Bekanntgabe des betreffenden Beschlusses, ihrer Mitteilung an den Kläger oder in Ermangelung dessen von dem Zeitpunkt an, zu dem der Kläger von diesem Beschluss Kenntnis erlangt hat.

14.3. Die nationalen Zentralbanken sind integraler Bestandteil des ESZB und handeln gemäß den Leitlinien und Weisungen der EZB. Der EZB-Rat trifft die notwendigen Maßnahmen, um die Einhaltung der Leitlinien und Weisungen der EZB sicherzustellen, und kann verlangen, dass ihm hierzu alle erforderlichen Informationen zur Verfügung gestellt werden.

14.4. Die nationalen Zentralbanken können andere als die in dieser Satzung bezeichneten Aufgaben wahrnehmen, es sei denn, der EZB-Rat stellt mit Zweidrittelmehrheit der abgegebenen Stimmen fest, dass diese Aufgaben nicht mit den Zielen und Aufgaben des ESZB vereinbar sind. Derartige Aufgaben werden von den nationalen Zentralbanken in eigener Verantwortung und auf eigene Rechnung wahrgenommen und gelten nicht als Aufgaben des ESZB.

Artikel 15

Berichtspflichten

15.1. Die EZB erstellt und veröffentlicht mindestens vierteljährlich Berichte über die Tätigkeit des ESZB.

15.2. Ein konsolidierter Ausweis des ESZB wird wöchentlich veröffentlicht.

15.3. Nach Artikel 284 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union unterbreitet die EZB dem Europäischen Parlament, dem Rat und der Kommission sowie auch dem Europäischen Rat einen Jahresbericht über die Tätigkeit des ESZB und die Geld- und Währungspolitik im vergangenen und im laufenden Jahr.

15.4. Die in diesem Artikel bezeichneten Berichte und Ausweise werden Interessenten kostenlos zur Verfügung gestellt.

Artikel 16

Banknoten

Nach Artikel 128 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union hat der EZB-Rat das ausschließliche Recht, die Ausgabe von Euro-Banknoten innerhalb der Union zu genehmigen. Die EZB und die nationalen Zentralbanken sind zur Ausgabe dieser Banknoten berechtigt. Die von der EZB und den nationalen Zentralbanken ausgegebenen Banknoten sind die einzigen Banknoten, die in der Union als gesetzliches Zahlungsmittel gelten.

Die EZB berücksichtigt so weit wie möglich die Gepflogenheiten bei der Ausgabe und der Gestaltung von Banknoten.

KAPITEL IV

WÄHRUNGSPOLITISCHE AUFGABEN UND OPERATIONEN DES ESZB

*Artikel 17***Konten bei der EZB und den nationalen Zentralbanken**

Zur Durchführung ihrer Geschäfte können die EZB und die nationalen Zentralbanken für Kreditinstitute, öffentliche Stellen und andere Marktteilnehmer Konten eröffnen und Vermögenswerte, einschließlich Schuldbuchforderungen, als Sicherheit hereinnehmen.

*Artikel 18***Offenmarkt- und Kreditgeschäfte**

18.1. Zur Erreichung der Ziele des ESZB und zur Erfüllung seiner Aufgaben können die EZB und die nationalen Zentralbanken

- auf den Finanzmärkten tätig werden, indem sie auf Euro oder sonstige Währungen lautende Forderungen und börsengängige Wertpapiere sowie Edelmetalle endgültig (per Kasse oder Termin) oder im Rahmen von Rückkaufsvereinbarungen kaufen und verkaufen oder entsprechende Darlehensgeschäfte tätigen;
- Kreditgeschäfte mit Kreditinstituten und anderen Marktteilnehmern abschließen, wobei für die Darlehen ausreichende Sicherheiten zu stellen sind.

18.2. Die EZB stellt allgemeine Grundsätze für ihre eigenen Offenmarkt- und Kreditgeschäfte und die der nationalen Zentralbanken auf; hierzu gehören auch die Grundsätze für die Bekanntmachung der Bedingungen, zu denen sie bereit sind, derartige Geschäfte abzuschließen.

*Artikel 19***Mindestreserven**

19.1. Vorbehaltlich des Artikels 2 kann die EZB zur Verwirklichung der geldpolitischen Ziele verlangen, dass die in den Mitgliedstaaten niedergelassenen Kreditinstitute Mindestreserven auf Konten bei der EZB und den nationalen Zentralbanken unterhalten. Verordnungen über die Berechnung und Bestimmung des Mindestreservesolls können vom EZB-Rat erlassen werden. Bei Nichteinhaltung kann die EZB Strafzinsen erheben und sonstige Sanktionen mit vergleichbarer Wirkung verhängen.

19.2. Zum Zwecke der Anwendung dieses Artikels legt der Rat nach dem Verfahren des Artikels 41 die Basis für die Mindestreserven und die höchstzulässigen Relationen zwischen diesen Mindestreserven und ihrer Basis sowie die angemessenen Sanktionen fest, die bei Nichteinhaltung anzuwenden sind.

Artikel 20

Sonstige geldpolitische Instrumente

Der EZB-Rat kann mit der Mehrheit von zwei Dritteln der abgegebenen Stimmen über die Anwendung anderer Instrumente der Geldpolitik entscheiden, die er bei Beachtung des Artikels 2 für zweckmäßig hält.

Der Rat legt nach dem Verfahren des Artikels 41 den Anwendungsbereich solcher Instrumente fest, wenn sie Verpflichtungen für Dritte mit sich bringen.

Artikel 21

Geschäfte mit öffentlichen Stellen

21.1. Nach Artikel 123 des Vertrags über die Arbeitsweise der Europäischen Union sind Überziehungs- oder andere Kreditfazilitäten bei der EZB oder den nationalen Zentralbanken für Organe, Einrichtungen oder sonstige Stellen der Union, Zentralregierungen, regionale oder lokale Gebietskörperschaften oder andere öffentlich-rechtliche Körperschaften, sonstige Einrichtungen des öffentlichen Rechts oder öffentliche Unternehmen der Mitgliedstaaten ebenso verboten wie der unmittelbare Erwerb von Schuldtiteln von diesen durch die EZB oder die nationalen Zentralbanken.

21.2. Die EZB und die nationalen Zentralbanken können als Fiskalagent für die in Artikel 21.1 bezeichneten Stellen tätig werden.

21.3. Die Bestimmungen dieses Artikels gelten nicht für Kreditinstitute in öffentlichem Eigentum; diese werden von der jeweiligen nationalen Zentralbank und der EZB, was die Bereitstellung von Zentralbankgeld betrifft, wie private Kreditinstitute behandelt.

Artikel 22

Verrechnungs- und Zahlungssysteme

Die EZB und die nationalen Zentralbanken können Einrichtungen zur Verfügung stellen und die EZB kann Verordnungen erlassen, um effiziente und zuverlässige Verrechnungs- und Zahlungssysteme innerhalb der Union und im Verkehr mit dritten Ländern zu gewährleisten.

Artikel 23

Geschäfte mit dritten Ländern und internationalen Organisationen

Die EZB und die nationalen Zentralbanken sind befugt,

- mit Zentralbanken und Finanzinstituten in dritten Ländern und, soweit zweckdienlich, mit internationalen Organisationen Beziehungen aufzunehmen;
- alle Arten von Devisen und Edelmetalle per Kasse und per Termin zu kaufen und zu verkaufen; der Begriff „Devisen“ schließt Wertpapiere und alle sonstigen Vermögenswerte, die auf beliebige Währungen oder Rechnungseinheiten lauten, unabhängig von deren Ausgestaltung ein;

- die in diesem Artikel bezeichneten Vermögenswerte zu halten und zu verwalten;
- alle Arten von Bankgeschäften, einschließlich der Aufnahme und Gewährung von Krediten, im Verkehr mit dritten Ländern sowie internationalen Organisationen zu tätigen.

Artikel 24

Sonstige Geschäfte

Die EZB und die nationalen Zentralbanken sind befugt, außer den mit ihren Aufgaben verbundenen Geschäften auch Geschäfte für ihren eigenen Betrieb und für ihre Bediensteten zu tätigen.

KAPITEL V

AUFSICHT

Artikel 25

Aufsicht

25.1. Die EZB kann den Rat, die Kommission und die zuständigen Behörden der Mitgliedstaaten in Fragen des Geltungsbereichs und der Anwendung der Rechtsvorschriften der Union hinsichtlich der Aufsicht über die Kreditinstitute sowie die Stabilität des Finanzsystems beraten und von diesen konsultiert werden.

25.2. Aufgrund von Verordnungen des Rates nach Artikel 127 Absatz 6 des Vertrags über die Arbeitsweise der Europäischen Union kann die EZB besondere Aufgaben im Zusammenhang mit der Aufsicht über die Kreditinstitute und sonstige Finanzinstitute mit Ausnahme von Versicherungsunternehmen wahrnehmen.

KAPITEL VI

FINANZVORSCHRIFTEN DES ESZB

Artikel 26

Jahresabschlüsse

26.1. Das Geschäftsjahr der EZB und der nationalen Zentralbanken beginnt am 1. Januar und endet am 31. Dezember.

26.2. Der Jahresabschluss der EZB wird vom Direktorium nach den vom EZB-Rat aufgestellten Grundsätzen erstellt. Der Jahresabschluss wird vom EZB-Rat festgestellt und sodann veröffentlicht.

26.3. Für Analyse- und Geschäftsführungszwecke erstellt das Direktorium eine konsolidierte Bilanz des ESZB, in der die zum ESZB gehörenden Aktiva und Passiva der nationalen Zentralbanken ausgewiesen werden.

26.4. Zur Anwendung dieses Artikels erlässt der EZB-Rat die notwendigen Vorschriften für die Standardisierung der buchmäßigen Erfassung und der Meldung der Geschäfte der nationalen Zentralbanken.

Artikel 27

Rechnungsprüfung

27.1. Die Jahresabschlüsse der EZB und der nationalen Zentralbanken werden von unabhängigen externen Rechnungsprüfern, die vom EZB-Rat empfohlen und vom Rat anerkannt wurden, geprüft. Die Rechnungsprüfer sind befugt, alle Bücher und Konten der EZB und der nationalen Zentralbanken zu prüfen und alle Auskünfte über deren Geschäfte zu verlangen.

27.2. Artikel 287 des Vertrags über die Arbeitsweise der Europäischen Union ist nur auf eine Prüfung der Effizienz der Verwaltung der EZB anwendbar.

Artikel 28

Kapital der EZB

28.1. Das Kapital der EZB beträgt 5 Milliarden Euro. Das Kapital kann durch einen Beschluss des EZB-Rates mit der in Artikel 10.3 vorgesehenen qualifizierten Mehrheit innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 41 festlegt, erhöht werden.

28.2. Die nationalen Zentralbanken sind alleinige Zeichner und Inhaber des Kapitals der EZB. Die Zeichnung des Kapitals erfolgt nach dem gemäß Artikel 29 festgelegten Schlüssel.

28.3. Der EZB-Rat bestimmt mit der in Artikel 10.3 vorgesehenen qualifizierten Mehrheit, in welcher Höhe und welcher Form das Kapital einzuzahlen ist.

28.4. Vorbehaltlich des Artikels 28.5 können die Anteile der nationalen Zentralbanken am gezeichneten Kapital der EZB nicht übertragen, verpfändet oder gepfändet werden.

28.5. Im Falle einer Anpassung des in Artikel 29 bezeichneten Schlüssels sorgen die nationalen Zentralbanken durch Übertragungen von Kapitalanteilen untereinander dafür, dass die Verteilung der Kapitalanteile dem angepassten Schlüssel entspricht. Die Bedingungen für derartige Übertragungen werden vom EZB-Rat festgelegt.

Artikel 29

Schlüssel für die Kapitalzeichnung

29.1 Der Schlüssel für die Zeichnung des Kapitals der EZB, der 1998 bei der Errichtung des ESZB erstmals festgelegt wurde, wird festgelegt, indem jede nationale Zentralbank in diesem Schlüssel einen Gewichtsanteil, der der Summe folgender Prozentsätze entspricht, erhält:

- 50 % des Anteils des jeweiligen Mitgliedstaats an der Bevölkerung der Union im vorletzten Jahr vor der Errichtung des ESZB;
- 50 % des Anteils des jeweiligen Mitgliedstaats am Bruttoinlandsprodukt der Union zu Marktpreisen in den fünf Jahren vor dem vorletzten Jahr vor der Errichtung des ESZB.

Die Prozentsätze werden zum nächsten Vielfachen von 0,0001 Prozentpunkten ab- oder aufgerundet.

29.2. Die zur Anwendung dieses Artikels zu verwendenden statistischen Daten werden von der Kommission nach den Regeln bereitgestellt, die der Rat nach dem Verfahren des Artikels 41 festlegt.

29.3. Die den nationalen Zentralbanken zugeteilten Gewichtsanteile werden nach Errichtung des ESZB alle fünf Jahre unter sinngemäßer Anwendung der Bestimmungen des Artikels 29.1 angepasst. Der neue Schlüssel gilt jeweils vom ersten Tag des folgenden Jahres an.

29.4. Der EZB-Rat trifft alle weiteren Maßnahmen, die zur Anwendung dieses Artikels erforderlich sind.

Artikel 30

Übertragung von Währungsreserven auf die EZB

30.1. Unbeschadet des Artikels 28 wird die EZB von den nationalen Zentralbanken mit Währungsreserven, die jedoch nicht aus Währungen der Mitgliedstaaten, Euro, IWF-Reservepositionen und SZR gebildet werden dürfen, bis zu einem Gegenwert von 50 Milliarden Euro ausgestattet. Der EZB-Rat entscheidet über den von der EZB nach ihrer Errichtung einzufordernden Teil sowie die zu späteren Zeitpunkten einzufordernden Beträge. Die EZB hat das uneingeschränkte Recht, die ihr übertragenen Währungsreserven zu halten und zu verwalten sowie für die in dieser Satzung genannten Zwecke zu verwenden.

30.2. Die Beiträge der einzelnen nationalen Zentralbanken werden entsprechend ihrem jeweiligen Anteil am gezeichneten Kapital der EZB bestimmt.

30.3. Die EZB schreibt jeder nationalen Zentralbank eine ihrem Beitrag entsprechende Forderung gut. Der EZB-Rat entscheidet über die Denominierung und Verzinsung dieser Forderungen.

30.4. Die EZB kann nach Artikel 30.2 über den in Artikel 30.1 festgelegten Betrag hinaus innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 41 festlegt, die Einzahlung weiterer Währungsreserven fordern.

30.5. Die EZB kann IWF-Reservepositionen und SZR halten und verwalten sowie die Zusammenlegung solcher Aktiva vorsehen.

30.6. Der EZB-Rat trifft alle weiteren Maßnahmen, die zur Anwendung dieses Artikels erforderlich sind.

Artikel 31

Währungsreserven der nationalen Zentralbanken

31.1. Die nationalen Zentralbanken sind befugt, zur Erfüllung ihrer Verpflichtungen gegenüber internationalen Organisationen nach Artikel 23 Geschäfte abzuschließen.

31.2. Alle sonstigen Geschäfte mit den Währungsreserven, die den nationalen Zentralbanken nach den in Artikel 30 genannten Übertragungen verbleiben, sowie von Mitgliedstaaten ausgeführte Transaktionen mit ihren Arbeitsguthaben in Fremdwährungen bedürfen oberhalb eines bestimmten im Rahmen des Artikels 31.3 festzulegenden Betrags der Zustimmung der EZB, damit Übereinstimmung mit der Wechselkurs- und der Währungspolitik der Union gewährleistet ist.

31.3. Der EZB-Rat erlässt Richtlinien mit dem Ziel, derartige Geschäfte zu erleichtern.

Artikel 32

Verteilung der monetären Einkünfte der nationalen Zentralbanken

32.1. Die Einkünfte, die den nationalen Zentralbanken aus der Erfüllung der währungspolitischen Aufgaben des ESZB zufließen (im Folgenden als „monetäre Einkünfte“ bezeichnet), werden am Ende eines jeden Geschäftsjahres nach diesem Artikel verteilt.

32.2. Der Betrag der monetären Einkünfte einer jeden nationalen Zentralbank entspricht ihren jährlichen Einkünften aus Vermögenswerten, die sie als Gegenposten zum Bargeldumlauf und zu ihren Verbindlichkeiten aus Einlagen der Kreditinstitute hält. Diese Vermögenswerte werden von den nationalen Zentralbanken gemäß den vom EZB-Rat zu erlassenden Richtlinien gesondert erfasst.

32.3. Wenn nach der Einführung des Euro die Bilanzstrukturen der nationalen Zentralbanken nach Auffassung des EZB-Rates die Anwendung des Artikels 32.2 nicht gestatten, kann der EZB-Rat beschließen, dass die monetären Einkünfte für einen Zeitraum von höchstens fünf Jahren abweichend von Artikel 32.2 nach einem anderen Verfahren bemessen werden.

32.4. Der Betrag der monetären Einkünfte einer jeden nationalen Zentralbank vermindert sich um den Betrag etwaiger Zinsen, die von dieser Zentralbank auf ihre Verbindlichkeiten aus Einlagen der Kreditinstitute nach Artikel 19 gezahlt werden.

Der EZB-Rat kann beschließen, dass die nationalen Zentralbanken für Kosten in Verbindung mit der Ausgabe von Banknoten oder unter außergewöhnlichen Umständen für spezifische Verluste aus für das ESZB unternommenen währungspolitischen Operationen entschädigt werden. Die Entschädigung erfolgt in einer Form, die der EZB-Rat für angemessen hält; diese Beträge können mit den monetären Einkünften der nationalen Zentralbanken verrechnet werden.

32.5. Die Summe der monetären Einkünfte der nationalen Zentralbanken wird vorbehaltlich etwaiger Beschlüsse des EZB-Rates nach Artikel 33.2 unter den nationalen Zentralbanken entsprechend ihren eingezahlten Anteilen am Kapital der EZB verteilt.

32.6. Die Verrechnung und den Ausgleich der Salden aus der Verteilung der monetären Einkünfte nimmt die EZB gemäß den Richtlinien des EZB-Rates vor.

32.7. Der EZB-Rat trifft alle weiteren Maßnahmen, die zur Anwendung dieses Artikels erforderlich sind.

Artikel 33

Verteilung der Nettogewinne und Verluste der EZB

33.1. Der Nettogewinn der EZB wird in der folgenden Reihenfolge verteilt:

- a) Ein vom EZB-Rat zu bestimmender Betrag, der 20 % des Nettogewinns nicht übersteigen darf, wird dem allgemeinen Reservefonds bis zu einer Obergrenze von 100 % des Kapitals zugeführt;
- b) der verbleibende Nettogewinn wird an die Anteilseigner der EZB entsprechend ihren eingezahlten Anteilen ausgeschüttet.

33.2. Falls die EZB einen Verlust erwirtschaftet, kann der Fehlbetrag aus dem allgemeinen Reservefonds der EZB und erforderlichenfalls nach einem entsprechenden Beschluss des EZB-Rates aus den monetären Einkünften des betreffenden Geschäftsjahres im Verhältnis und bis in Höhe der Beträge gezahlt werden, die nach Artikel 32.5 an die nationalen Zentralbanken verteilt werden.

KAPITEL VII

ALLGEMEINE BESTIMMUNGEN

Artikel 34

Rechtsakte

34.1. Nach Artikel 132 des Vertrags über die Arbeitsweise der Europäischen Union werden von der EZB

- Verordnungen erlassen, insoweit dies für die Erfüllung der in Artikel 3.1 erster Gedankenstrich, Artikel 19.1, Artikel 22 oder Artikel 25.2 festgelegten Aufgaben erforderlich ist; sie erlässt Verordnungen ferner in den Fällen, die in den Rechtsakten des Rates nach Artikel 41 vorgesehen werden;
- die Beschlüsse erlassen, die zur Erfüllung der dem ESZB nach den Verträgen und dieser Satzung übertragenen Aufgaben erforderlich sind;
- Empfehlungen und Stellungnahmen abgeben.

34.2. Die EZB kann die Veröffentlichung ihrer Beschlüsse, Empfehlungen und Stellungnahmen beschließen.

34.3. Innerhalb der Grenzen und unter den Bedingungen, die der Rat nach dem Verfahren des Artikels 41 festlegt, ist die EZB befugt, Unternehmen bei Nichteinhaltung der Verpflichtungen, die sich aus ihren Verordnungen und Beschlüssen ergeben, mit Geldbußen oder in regelmäßigen Abständen zu zahlenden Strafgeldern zu belegen.

Artikel 35

Gerichtliche Kontrolle und damit verbundene Angelegenheiten

35.1. Die Handlungen und Unterlassungen der EZB unterliegen in den Fällen und unter den Bedingungen, die in den Verträgen vorgesehen sind, der Überprüfung und Auslegung durch den Gerichtshof der Europäischen Union. Die EZB ist in den Fällen und unter den Bedingungen, die in den Verträgen vorgesehen sind, klageberechtigt.

35.2. Über Rechtsstreitigkeiten zwischen der EZB einerseits und ihren Gläubigern, Schuldern oder dritten Personen andererseits entscheiden die zuständigen Gerichte der einzelnen Staaten vorbehaltlich der Zuständigkeiten, die dem Gerichtshof der Europäischen Union zuerkannt sind.

35.3. Die EZB unterliegt der Haftungsregelung des Artikels 340 des Vertrags über die Arbeitsweise der Europäischen Union. Die Haftung der nationalen Zentralbanken richtet sich nach dem jeweiligen innerstaatlichen Recht.

35.4. Der Gerichtshof der Europäischen Union ist für Entscheidungen aufgrund einer Schiedsklausel zuständig, die in einem von der EZB oder für ihre Rechnung abgeschlossenen öffentlich-rechtlichen oder privatrechtlichen Vertrag enthalten ist.

35.5. Für einen Beschluss der EZB, den Gerichtshof der Europäischen Union anzurufen, ist der EZB-Rat zuständig.

35.6. Der Gerichtshof der Europäischen Union ist für Streitsachen zuständig, die die Erfüllung der Verpflichtungen aus den Verträgen und dieser Satzung durch eine nationale Zentralbank betreffen. Ist die EZB der Auffassung, dass eine nationale Zentralbank einer Verpflichtung aus den Verträgen und dieser Satzung nicht nachgekommen ist, so legt sie in der betreffenden Sache eine mit Gründen versehene Stellungnahme vor, nachdem sie der nationalen Zentralbank Gelegenheit zur Vorlage von Bemerkungen gegeben hat. Entspricht die nationale Zentralbank nicht innerhalb der von der EZB gesetzten Frist deren Stellungnahme, so kann die EZB den Gerichtshof der Europäischen Union anrufen.

Artikel 36

Personal

36.1. Der EZB-Rat legt auf Vorschlag des Direktoriums die Beschäftigungsbedingungen für das Personal der EZB fest.

36.2. Der Gerichtshof der Europäischen Union ist für alle Streitsachen zwischen der EZB und deren Bediensteten innerhalb der Grenzen und unter den Bedingungen zuständig, die sich aus den Beschäftigungsbedingungen ergeben.

Artikel 37 (ex-Artikel 38)**Geheimhaltung**

37.1. Die Mitglieder der Leitungsgremien und des Personals der EZB und der nationalen Zentralbanken dürfen auch nach Beendigung ihres Dienstverhältnisses keine der Geheimhaltungspflicht unterliegenden Informationen weitergeben.

37.2. Auf Personen mit Zugang zu Daten, die unter Unionsvorschriften fallen, die eine Verpflichtung zur Geheimhaltung vorsehen, finden diese Unionsvorschriften Anwendung.

Artikel 38 (ex-Artikel 39)**Unterschriftsberechtigte**

Die EZB wird Dritten gegenüber durch den Präsidenten oder zwei Direktoriumsmitglieder oder durch die Unterschriften zweier vom Präsidenten zur Zeichnung im Namen der EZB gehörig ermächtigter Bediensteter der EZB rechtswirksam verpflichtet.

Artikel 39 (ex-Artikel 40)**Vorrechte und Befreiungen**

Die EZB genießt im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen nach Maßgabe des Protokolls über die Vorrechte und Befreiungen der Europäischen Union.

KAPITEL VIII

ÄNDERUNG DER SATZUNG UND ERGÄNZENDE RECHTSVORSCHRIFTEN

Artikel 40 (ex-Artikel 41)**Vereinfachtes Änderungsverfahren**

40.1. Nach Artikel 129 Absatz 5 des Vertrags über die Arbeitsweise der Europäischen Union können das Europäische Parlament und der Rat gemäß dem ordentlichen Gesetzgebungsverfahren die Artikel 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1.a und 36 dieser Satzung entweder auf Empfehlung der EZB nach Anhörung der Kommission oder auf Vorschlag der Kommission nach Anhörung der EZB ändern.

40.2. Artikel 10.2 kann durch einen Beschluss des Europäischen Rates entweder auf Empfehlung der Europäischen Zentralbank nach Anhörung des Europäischen Parlaments und der Kommission oder auf Empfehlung der Kommission nach Anhörung des Europäischen Parlaments und der Europäischen Zentralbank einstimmig geändert werden. Diese Änderungen treten erst nach Zustimmung der Mitgliedstaaten im Einklang mit ihren jeweiligen verfassungsrechtlichen Vorschriften in Kraft.

40.3. Eine Empfehlung der EZB nach diesem Artikel erfordert einen einstimmigen Beschluss des EZB-Rates.

Artikel 41 (ex-Artikel 42)

Ergänzende Rechtsvorschriften

Nach Artikel 129 Absatz 6 des Vertrags über die Arbeitsweise der Europäischen Union erlässt der Rat entweder auf Vorschlag der Kommission nach Anhörung des Europäischen Parlaments und der EZB oder auf Empfehlung der EZB nach Anhörung des Europäischen Parlaments und der Kommission die in den Artikeln 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 und 34.3 dieser Satzung genannten Bestimmungen.

KAPITEL IX

ÜBERGANGSBESTIMMUNGEN UND SONSTIGE BESTIMMUNGEN FÜR DAS
ESZB

Artikel 42 (ex-Artikel 43)

Allgemeine Bestimmungen

42.1. Eine Ausnahmeregelung nach Artikel 139 des Vertrags über die Arbeitsweise der Europäischen Union bewirkt, dass folgende Artikel dieser Satzung für den betreffenden Mitgliedstaat keinerlei Rechte oder Verpflichtungen entstehen lassen: Artikel 3, 6, 9.2, 12.1, 14.3, 16, 18, 19, 20, 22, 23, 26.2, 27, 30, 31, 32, 33, 34 und 49.

42.2. Die Zentralbanken der Mitgliedstaaten, für die eine Ausnahmeregelung nach Artikel 139 des genannten Vertrags gilt, behalten ihre währungspolitischen Befugnisse nach innerstaatlichem Recht.

42.3. In den Artikeln 3, 11.2 und 19 bezeichnet der Ausdruck „Mitgliedstaaten“ gemäß Artikel 139 des genannten Vertrags die „Mitgliedstaaten, deren Währung der Euro ist“.

42.4. In den Artikeln 9.2, 10.2, 10.3, 12.1, 16, 17, 18, 22, 23, 27, 30, 31, 32, 33.2 und 49 dieser Satzung ist der Ausdruck „nationale Zentralbanken“ im Sinne von „Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist“ zu verstehen.

42.5. In den Artikeln 10.3 und 33.1 bezeichnet der Ausdruck „Anteilseigner“ die „Zentralbanken der Mitgliedstaaten, deren Währung der Euro ist“.

42.6. In den Artikeln 10.3 und 30.2 ist der Ausdruck „gezeichnetes Kapital der EZB“ im Sinne von „Kapital der EZB, das von den Zentralbanken der Mitgliedstaaten gezeichnet wurde, deren Währung der Euro ist“ zu verstehen.

Artikel 43 (ex-Artikel 44)**Vorübergehende Aufgaben der EZB**

Die EZB übernimmt die in Artikel 141 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union genannten früheren Aufgaben des EWI, die infolge der für einen oder mehrere Mitgliedstaaten geltenden Ausnahmeregelungen nach der Einführung des Euro noch erfüllt werden müssen.

Bei der Vorbereitung der Aufhebung der Ausnahmeregelungen nach Artikel 140 des genannten Vertrags nimmt die EZB eine beratende Funktion wahr.

Artikel 44 (ex-Artikel 45)**Der Erweiterte Rat der EZB**

44.1. Unbeschadet des Artikels 129 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union wird der Erweiterte Rat als drittes Beschlussorgan der EZB eingesetzt.

44.2. Der Erweiterte Rat besteht aus dem Präsidenten und dem Vizepräsidenten der EZB sowie den Präsidenten der nationalen Zentralbanken. Die weiteren Mitglieder des Direktoriums können an den Sitzungen des Erweiterten Rates teilnehmen, besitzen aber kein Stimmrecht.

44.3. Die Verantwortlichkeiten des Erweiterten Rates sind in Artikel 46 dieser Satzung vollständig aufgeführt.

Artikel 45 (ex-Artikel 46)**Geschäftsordnung des Erweiterten Rates**

45.1. Der Präsident oder bei seiner Verhinderung der Vizepräsident der EZB führt den Vorsitz im Erweiterten Rat der EZB.

45.2. Der Präsident des Rates und ein Mitglied der Kommission können an den Sitzungen des Erweiterten Rates teilnehmen, besitzen aber kein Stimmrecht.

45.3. Der Präsident bereitet die Sitzungen des Erweiterten Rates vor.

45.4. Abweichend von Artikel 12.3 gibt sich der Erweiterte Rat eine Geschäftsordnung.

45.5. Das Sekretariat des Erweiterten Rates wird von der EZB gestellt.

Artikel 46 (ex-Artikel 47)**Verantwortlichkeiten des Erweiterten Rates**

46.1. Der Erweiterte Rat

— nimmt die in Artikel 43 aufgeführten Aufgaben wahr,

— wirkt bei der Erfüllung der Beratungsfunktionen nach den Artikeln 4 und 25.1 mit.

46.2. Der Erweiterte Rat wirkt auch mit bei

- der Erhebung der statistischen Daten im Sinne von Artikel 5;
- den Berichtstätigkeiten der EZB im Sinne von Artikel 15;
- der Festlegung der erforderlichen Regeln für die Anwendung von Artikel 26 gemäß Artikel 26.4;
- allen sonstigen erforderlichen Maßnahmen zur Anwendung von Artikel 29 gemäß Artikel 29.4;
- der Festlegung der Beschäftigungsbedingungen für das Personal der EZB gemäß Artikel 36.

46.3. Der Erweiterte Rat trägt zu den Vorarbeiten bei, die erforderlich sind, um für die Währungen der Mitgliedstaaten, für die eine Ausnahmeregelung gilt, die Wechselkurse gegenüber dem Euro gemäß Artikel 140 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union unwiderruflich festzulegen.

46.4. Der Erweiterte Rat wird vom Präsidenten der EZB über die Beschlüsse des EZB-Rates unterrichtet.

Artikel 47 (ex-Artikel 48)

Übergangsbestimmungen für das Kapital der EZB

Nach Artikel 29.1 wird jeder nationalen Zentralbank ein Gewichtsanteil in dem Schlüssel für die Zeichnung des Kapitals der EZB zugeteilt. Abweichend von Artikel 28.3 zahlen Zentralbanken von Mitgliedstaaten, für die eine Ausnahmeregelung gilt, das von ihnen gezeichnete Kapital nicht ein, es sei denn, dass der Erweiterte Rat mit der Mehrheit von mindestens zwei Dritteln des gezeichneten Kapitals der EZB und zumindest der Hälfte der Anteilseigner beschließt, dass als Beitrag zu den Betriebskosten der EZB ein Mindestprozentsatz eingezahlt werden muss.

Artikel 48 (ex-Artikel 49)

Zurückgestellte Einzahlung von Kapital, Reserven und Rückstellungen der EZB

48.1. Die Zentralbank eines Mitgliedstaats, dessen Ausnahmeregelung aufgehoben wurde, zahlt den von ihr gezeichneten Anteil am Kapital der EZB im selben Verhältnis wie die Zentralbanken von anderen Mitgliedstaaten ein, deren Währung der Euro ist, und überträgt der EZB Währungsreserven gemäß Artikel 30.1. Die Höhe der Übertragungen bestimmt sich durch Multiplikation des in Euro zum jeweiligen Wechselkurs ausgedrückten Wertes der Währungsreserven, die der EZB schon gemäß Artikel 30.1 übertragen wurden, mit dem Faktor, der das Verhältnis zwischen der Anzahl der von der betreffenden nationalen Zentralbank gezeichneten Anteile und der Anzahl der von den anderen nationalen Zentralbanken bereits eingezahlten Anteile ausdrückt.

48.2. Zusätzlich zu der Einzahlung nach Artikel 48.1 leistet die betreffende Zentralbank einen Beitrag zu den Reserven der EZB und zu den diesen Reserven gleichwertigen Rückstellungen sowie zu dem Betrag, der gemäß dem Saldo der Gewinn-und-Verlust-Rechnung zum 31. Dezember des Jahres vor der Aufhebung der Ausnahmeregelung noch für die Reserven und Rückstellungen bereitzustellen

ist. Die Höhe des zu leistenden Beitrags bestimmt sich durch Multiplikation des in der genehmigten Bilanz der EZB ausgewiesenen Betrags der Reserven im Sinne der obigen Definition mit dem Faktor, der das Verhältnis zwischen der Anzahl der von der betreffenden Zentralbank gezeichneten Anteile und der Anzahl der von den anderen Zentralbanken bereits eingezahlten Anteile ausdrückt.

48.3. Wenn ein Land oder mehrere Länder Mitgliedstaaten werden und ihre jeweiligen nationalen Zentralbanken sich dem ESZB anschließen, erhöht sich automatisch das gezeichnete Kapital der EZB und der Höchstbetrag der Währungsreserven, die der EZB übertragen werden können. Die Erhöhung bestimmt sich durch Multiplikation der dann jeweils geltenden Beträge mit dem Faktor, der das Verhältnis zwischen dem Gewichtsanteil der betreffenden beitretenden nationalen Zentralbanken und dem Gewichtsanteil der nationalen Zentralbanken, die bereits Mitglied des ESZB sind, im Rahmen des erweiterten Schlüssels für die Zeichnung des Kapitals ausdrückt. Der Gewichtsanteil jeder nationalen Zentralbank am Schlüssel für die Zeichnung des Kapitals wird analog zu Artikel 29.1 und nach Maßgabe des Artikels 29.2 berechnet. Die Bezugszeiträume für die statistischen Daten entsprechen denjenigen, die für die letzte der alle fünf Jahre vorzunehmenden Anpassungen der Gewichtsanteile nach Artikel 29.3 herangezogen wurden.

Artikel 49 (ex-Artikel 52)

Umtausch von auf Währungen der Mitgliedstaaten lautenden Banknoten

Im Anschluss an die unwiderrufliche Festlegung der Wechselkurse nach Artikel 140 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union ergreift der EZB-Rat die erforderlichen Maßnahmen, um sicherzustellen, dass Banknoten, die auf Währungen mit unwiderruflich festgelegten Wechselkursen lauten, von den nationalen Zentralbanken zu ihrer jeweiligen Parität umgetauscht werden.

Artikel 50 (ex-Artikel 53)

Anwendbarkeit der Übergangsbestimmungen

Sofern und solange es Mitgliedstaaten gibt, für die eine Ausnahmeregelung gilt, sind die Artikel 42 bis 47 anwendbar.

PROTOKOLL (Nr. 5)
**ÜBER DIE SATZUNG DER EUROPÄISCHEN
INVESTITIONSBANK**

DIE HOHEN VERTRAGSPARTEIEN,

IN DEM WUNSCH, die in Artikel 308 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehene Satzung der Europäischen Investitionsbank festzulegen,

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Die durch Artikel 308 des Vertrags über die Arbeitsweise der Europäischen Union gegründete Europäische Investitionsbank, im Folgenden als „Bank“ bezeichnet, wird entsprechend diesem Vertrag und dieser Satzung errichtet; sie übt ihre Aufgaben und ihre Tätigkeit nach Maßgabe dieser Übereinkünfte aus.

Artikel 2

Die Aufgabe der Bank ist in Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union bestimmt.

Artikel 3

Nach Artikel 308 des Vertrags über die Arbeitsweise der Europäischen Union sind Mitglieder der Bank die Mitgliedstaaten.

Artikel 4

(1) Die Bank wird mit einem Kapital von 164 808 169 000 EUR ausgestattet, das von den Mitgliedstaaten in folgender Höhe gezeichnet wird:

Deutschland	26 649 532 500
Frankreich	26 649 532 500
Italien	26 649 532 500
Vereinigtes Königreich	26 649 532 500
Spanien	15 989 719 500
Belgien	7 387 065 000
Niederlande	7 387 065 000
Schweden	4 900 585 500
Dänemark	3 740 283 000
Österreich	3 666 973 500
Polen	3 411 263 500
Finnland	2 106 816 000

Griechenland	2 003 725 500
Portugal	1 291 287 000
Tschechische Republik	1 258 785 500
Ungarn	1 190 868 500
Irland	935 070 000
Rumänien	863 514 500
Slowakei	428 490 500
Slowenien	397 815 000
Bulgarien	290 917 500
Litauen	249 617 500
Luxemburg	187 015 500
Zypern	183 382 000
Lettland	152 335 000
Estland	117 640 000
Malta	69 804 000

Die Mitgliedstaaten haften nur bis zur Höhe ihres Anteils am gezeichneten und nicht eingezahlten Kapital.

(2) Bei Aufnahme eines neuen Mitglieds erhöht sich das gezeichnete Kapital entsprechend dem Beitrag des neuen Mitglieds.

(3) Der Rat der Gouverneure kann einstimmig über eine Erhöhung des gezeichneten Kapitals entscheiden.

(4) Der Anteil am gezeichneten Kapital kann weder abgetreten noch verpfändet noch gepfändet werden.

Artikel 5

(1) Das gezeichnete Kapital wird von den Mitgliedstaaten in Höhe von durchschnittlich 5 v.H. der in Artikel 4 Absatz 1 festgesetzten Beträge eingezahlt.

(2) Im Falle einer Erhöhung des gezeichneten Kapitals setzt der Rat der Gouverneure einstimmig den einzuzahlenden Hundertsatz sowie die Art und Weise der Einzahlung fest. Barzahlungen werden ausschließlich in Euro geleistet.

(3) Der Verwaltungsrat kann die Zahlung des restlichen gezeichneten Kapitals verlangen, soweit dies erforderlich wird, um den Verpflichtungen der Bank nachzukommen.

Die Zahlung erfolgt im Verhältnis zu den Anteilen der Mitgliedstaaten am gezeichneten Kapital.

Artikel 6
(ex-Artikel 8)

Die Bank wird von einem Rat der Gouverneure, einem Verwaltungsrat und einem Direktorium verwaltet und geleitet.

Artikel 7
(ex-Artikel 9)

- (1) Der Rat der Gouverneure besteht aus den von den Mitgliedstaaten benannten Ministern.
- (2) Er erlässt die allgemeinen Richtlinien für die Kreditpolitik der Bank nach den Zielen der Union.

Er achtet auf die Durchführung dieser Richtlinien.

- (3) Er hat ferner folgende Befugnisse:
- a) Er entscheidet über die Erhöhung des gezeichneten Kapitals gemäß Artikel 4 Absatz 3 und Artikel 5 Absatz 2;
 - b) für die Zwecke des Artikels 9 Absatz 1 legt er die Grundsätze fest, die für die Finanzgeschäfte im Rahmen der Aufgaben der Bank gelten;
 - c) er übt die in den Artikeln 9 und 11 für die Ernennung und Amtsenthebung der Mitglieder des Verwaltungsrats und des Direktoriums sowie die in Artikel 11 Absatz 1 Unterabsatz 2 vorgesehenen Befugnisse aus;
 - d) er entscheidet nach Artikel 16 Absatz 1 über die Gewährung von Finanzierungen für Investitionsvorhaben, die ganz oder teilweise außerhalb der Hoheitsgebiete der Mitgliedstaaten durchgeführt werden sollen;
 - e) er genehmigt den vom Verwaltungsrat ausgearbeiteten Jahresbericht;
 - f) er genehmigt die Jahresbilanz und die Ertragsrechnung;
 - g) er nimmt die sonstigen Befugnisse und Obliegenheiten wahr, die ihm in dieser Satzung übertragen werden;
 - h) er genehmigt die Geschäftsordnung der Bank.

- (4) Der Rat der Gouverneure ist im Rahmen der Verträge und dieser Satzung befugt, einstimmig alle Entscheidungen über die Einstellung der Tätigkeit der Bank und ihre etwaige Liquidation zu treffen.

Artikel 8
(ex-Artikel 10)

Soweit in dieser Satzung nichts Gegenteiliges bestimmt ist, werden die Entscheidungen des Rates der Gouverneure mit der Mehrheit seiner Mitglieder gefasst. Diese Mehrheit muss mindestens 50 v.H. des gezeichneten Kapitals vertreten.

Für die qualifizierte Mehrheit sind 18 Stimmen und 68 Prozent des gezeichneten Kapitals erforderlich.

Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen von Entscheidungen, für die Einstimmigkeit erforderlich ist, nicht entgegen.

Artikel 9
(ex-Artikel 11)

(1) Der Verwaltungsrat entscheidet über die Gewährung von Finanzierungen, insbesondere in Form von Darlehen und Bürgschaften, und die Aufnahme von Anleihen; er setzt die Darlehenszinssätze und Provisionen sowie sonstige Gebühren fest. Er kann auf der Grundlage eines mit qualifizierter Mehrheit erlassenen Beschlusses dem Direktorium einige seiner Befugnisse übertragen. Er legt die Bedingungen und Einzelheiten für die Übertragung dieser Befugnisse fest und überwacht deren Ausübung.

Der Verwaltungsrat sorgt für die ordnungsmäßige Verwaltung der Bank; er gewährleistet, dass die Führung der Geschäfte der Bank mit den Verträgen und der Satzung und den allgemeinen Richtlinien des Rates der Gouverneure im Einklang steht.

Am Ende des Geschäftsjahres hat er dem Rat der Gouverneure einen Bericht vorzulegen und ihn, nachdem er genehmigt ist, zu veröffentlichen.

(2) Der Verwaltungsrat besteht aus achtundzwanzig ordentlichen und achtzehn stellvertretenden Mitgliedern.

Die ordentlichen Mitglieder werden für fünf Jahre vom Rat der Gouverneure bestellt, wobei die einzelnen Mitgliedstaaten und die Kommission jeweils ein ordentliches Mitglied benennen.

Die stellvertretenden Mitglieder werden für fünf Jahre vom Rat der Gouverneure wie folgt bestellt:

- zwei stellvertretende Mitglieder, die von der Bundesrepublik Deutschland benannt werden;
- zwei stellvertretende Mitglieder, die von der Französischen Republik benannt werden;
- zwei stellvertretende Mitglieder, die von der Italienischen Republik benannt werden;
- zwei stellvertretende Mitglieder, die vom Vereinigten Königreich Großbritannien und Nordirland benannt werden;
- ein stellvertretendes Mitglied, das vom Königreich Spanien und von der Portugiesischen Republik im gegenseitigen Einvernehmen benannt wird;

- ein stellvertretendes Mitglied, das vom Königreich Belgien, vom Großherzogtum Luxemburg und vom Königreich der Niederlande im gegenseitigen Einvernehmen benannt wird;
- zwei stellvertretende Mitglieder, die vom Königreich Dänemark, von der Hellenischen Republik, Irland und Rumänien im gegenseitigen Einvernehmen benannt werden;
- zwei stellvertretende Mitglieder, die von der Republik Estland, der Republik Lettland, der Republik Litauen, der Republik Österreich, der Republik Finnland und dem Königreich Schweden im gegenseitigen Einvernehmen benannt werden;
- drei stellvertretende Mitglieder, die von der Republik Bulgarien, der Tschechischen Republik, der Republik Zypern, der Republik Ungarn, der Republik Malta, der Republik Polen, der Republik Slowenien und der Slowakischen Republik im gegenseitigen Einvernehmen benannt werden;
- ein stellvertretendes Mitglied, das von der Kommission benannt wird.

Der Verwaltungsrat kooptiert sechs Sachverständige ohne Stimmrecht: drei ordentliche und drei stellvertretende Sachverständige.

Die Wiederbestellung der ordentlichen Mitglieder und der stellvertretenden Mitglieder ist zulässig.

Die Einzelheiten für die Teilnahme an den Sitzungen des Verwaltungsrats und die für die stellvertretenden Mitglieder und die kooptierten Sachverständigen geltenden Bestimmungen werden in der Geschäftsordnung festgelegt.

Bei den Sitzungen des Verwaltungsrats führt der Präsident des Direktoriums oder bei seiner Verhinderung ein Vizepräsident den Vorsitz; der Vorsitzende nimmt an Abstimmungen nicht teil.

Zu Mitgliedern des Verwaltungsrats werden Persönlichkeiten bestellt, die jede Gewähr für Unabhängigkeit und Befähigung bieten. Sie sind nur der Bank verantwortlich.

(3) Ein ordentliches Mitglied kann nur dann seines Amtes enthoben werden, wenn es die für die Wahrnehmung seiner Aufgaben erforderlichen Voraussetzungen nicht mehr erfüllt; in diesem Falle kann der Rat der Gouverneure seine Amtsenthebung verfügen.

Wird ein Jahresbericht nicht genehmigt, so hat dies den Rücktritt des Verwaltungsrats zur Folge.

(4) Sitze, die durch Todesfall, freiwilligen Rücktritt, Amtsenthebung oder Gesamtrücktritt frei werden, sind nach Maßgabe des Absatzes 2 neu zu besetzen. Außer den allgemeinen Neubestellungen sind frei werdende Sitze für die verbleibende Amtszeit neu zu besetzen.

(5) Der Rat der Gouverneure bestimmt die Vergütung der Mitglieder des Verwaltungsrats. Er stellt fest, welche Tätigkeiten mit dem Amt eines ordentlichen oder stellvertretenden Mitglieds unvereinbar sind.

Artikel 10
(ex-Artikel 12)

(1) Jedes ordentliche Mitglied verfügt im Verwaltungsrat über eine Stimme. Es kann sein Stimmrecht ohne Einschränkung gemäß den in der Geschäftsordnung der Bank festzulegenden Regeln übertragen.

(2) Soweit in dieser Satzung nicht etwas Gegenteiliges bestimmt ist, werden die Entscheidungen des Verwaltungsrats von mindestens einem Drittel seiner stimmberechtigten Mitglieder, die mindestens 50 % des gezeichneten Kapitals repräsentieren, getroffen. Für die qualifizierte Mehrheit sind 18 Stimmen und 68 % des gezeichneten Kapitals erforderlich. In der Geschäftsordnung der Bank wird festgelegt, wann der Verwaltungsrat beschlussfähig ist.

Artikel 11
(ex-Artikel 13)

(1) Das Direktorium besteht aus einem Präsidenten und acht Vizepräsidenten, die vom Rat der Gouverneure auf Vorschlag des Verwaltungsrats für sechs Jahre bestellt werden. Ihre Wiederbestellung ist zulässig.

Der Rat der Gouverneure kann einstimmig die Zahl der Mitglieder des Direktoriums ändern.

(2) Der Rat der Gouverneure kann mit qualifizierter Mehrheit auf Vorschlag des Verwaltungsrats, der mit qualifizierter Mehrheit beschließt, die Amtsenthebung der Mitglieder des Direktoriums anordnen.

(3) Das Direktorium nimmt unter der Aufsicht des Präsidenten und der Kontrolle des Verwaltungsrats die laufenden Geschäfte der Bank wahr.

Es bereitet die Entscheidungen des Verwaltungsrats vor, insbesondere hinsichtlich der Aufnahme von Anleihen sowie der Gewährung von Finanzierungen, insbesondere in Form von Darlehen und Bürgschaften; es sorgt für die Durchführung dieser Entscheidungen.

(4) Die Stellungnahmen des Direktoriums zu Vorschlägen für die Aufnahme von Anleihen und die Gewährung von Finanzierungen, insbesondere in Form von Darlehen und Bürgschaften, werden mit Mehrheit beschlossen.

(5) Der Rat der Gouverneure setzt die Vergütung der Mitglieder des Direktoriums fest und bestimmt, welche Tätigkeiten mit ihrem Amt unvereinbar sind.

(6) Die Bank wird gerichtlich und außergerichtlich vom Präsidenten oder bei seiner Verhinderung von einem Vizepräsidenten vertreten.

(7) Der Präsident ist der Vorgesetzte der Mitglieder des Personals der Bank. Er stellt sie ein und entlässt sie. Bei der Auswahl des Personals ist nicht nur die persönliche Eignung und die berufliche Befähigung zu berücksichtigen, sondern auch auf eine angemessene Beteiligung von Staatsangehörigen der einzelnen Mitgliedstaaten zu achten. In der Geschäftsordnung wird festgelegt, welches Gremium für den Erlass von Bestimmungen für das Personal zuständig ist.

(8) Das Direktorium und das Personal der Bank sind nur dieser verantwortlich und üben ihre Ämter unabhängig aus.

Artikel 12
(ex-Artikel 14)

(1) Ein Ausschuss, der aus sechs vom Rat der Gouverneure aufgrund ihrer Befähigung ernannten Mitgliedern besteht, prüft, ob die Tätigkeit der Bank mit den bewährtesten Praktiken im Bankwesen im Einklang steht, und ist für die Rechnungsprüfung der Bank verantwortlich.

(2) Der Ausschuss nach Absatz 1 prüft jährlich die Ordnungsmäßigkeit der Geschäfte und der Bücher der Bank. Zu diesem Zweck überprüft er, ob die Geschäfte der Bank unter Einhaltung der in dieser Satzung und der Geschäftsordnung vorgesehenen Formvorschriften und Verfahren durchgeführt worden sind.

(3) Der Ausschuss nach Absatz 1 stellt fest, ob die Finanzausweise sowie sämtliche Finanzinformationen, die in dem vom Verwaltungsrat erstellten Jahresabschluss enthalten sind, ein exaktes Bild der Finanzlage der Bank auf der Aktiv- und Passivseite sowie ihres Geschäftsergebnisses und der Zahlungsströme für das geprüfte Rechnungsjahr wiedergeben.

(4) In der Geschäftsordnung wird im Einzelnen festgelegt, welche Qualifikationen die Mitglieder des Ausschusses nach Artikel 1 besitzen müssen und nach welchen Bedingungen und Einzelheiten der Ausschuss seine Tätigkeit ausübt.

Artikel 13
(ex-Artikel 15)

Die Bank verkehrt mit jedem Mitgliedstaat über die von diesem bezeichnete Behörde. Bei der Durchführung ihrer Finanzgeschäfte nimmt sie die nationale Zentralbank des betreffenden Mitgliedstaats oder andere von diesem genehmigte Finanzinstitute in Anspruch.

Artikel 14
(ex-Artikel 16)

(1) Die Bank arbeitet mit allen in ähnlichen Bereichen tätigen internationalen Organisationen zusammen.

(2) Die Bank nimmt zu den Bank- und Finanzinstituten der Länder, auf die sie ihre Geschäftstätigkeit erstreckt, alle der Zusammenarbeit dienlichen Beziehungen auf.

Artikel 15
(ex-Artikel 17)

Auf Ersuchen eines Mitgliedstaats oder der Kommission oder von Amts wegen nimmt der Rat der Gouverneure die Auslegung oder Ergänzung seiner nach Artikel 7 dieser Satzung erlassenen Richtlinien gemäß den für ihren Erlass maßgebenden Bestimmungen vor.

Artikel 16
(ex-Artikel 18)

(1) Im Rahmen der ihr in Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union gestellten Aufgabe gewährt die Bank ihren Mitgliedern oder privaten oder öffentlichen Unternehmen Finanzierungen, insbesondere in Form von Darlehen und Bürgschaften für Investitionen, die in den Hoheitsgebieten der Mitgliedstaaten zu tätigen sind, soweit Mittel aus anderen Quellen zu angemessenen Bedingungen nicht zur Verfügung stehen.

Die Bank kann auf Vorschlag des Verwaltungsrats durch eine vom Rat der Gouverneure mit qualifizierter Mehrheit gefasste Entscheidung auch Finanzierungen für Investitionen gewähren, die ganz oder teilweise außerhalb der Hoheitsgebiete der Mitgliedstaaten getätigt werden sollen.

(2) Die Gewährung von Darlehen wird so weit wie möglich von dem Einsatz auch anderer Finanzierungsmittel abhängig gemacht.

(3) Wird einem Unternehmen oder einer Körperschaft — mit Ausnahme der Mitgliedstaaten — ein Darlehen gewährt, so macht die Bank dies entweder von einer Bürgschaft des Mitgliedstaats, in dessen Hoheitsgebiet die Investition getätigt wird, oder von anderen ausreichenden Bürgschaften oder der finanziellen Solidität des Schuldners abhängig.

Wenn die Durchführung der Vorhaben nach Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union dies erfordert, legt der Verwaltungsrat außerdem im Rahmen der vom Rat der Gouverneure nach Artikel 7 Absatz 3 Buchstabe b festgelegten Grundsätze mit qualifizierter Mehrheit die Bedingungen und Einzelheiten für alle Finanzierungen fest, die ein spezielles Risikoprofil aufweisen und daher als eine Sondertätigkeit betrachtet werden.

(4) Die Bank kann Bürgschaften für Anleihen übernehmen, die von öffentlichen oder privaten Unternehmen oder von Körperschaften für die Durchführung der in Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union bezeichneten Vorhaben aufgenommen werden.

(5) Die jeweils ausstehenden Darlehen und Bürgschaften der Bank dürfen insgesamt 250 Prozent des gezeichneten Kapitals, der Rücklagen, der nicht zugeteilten Provisionen und des Überschusses der Gewinn- und Verlustrechnung nicht überschreiten. Der kumulierte Betrag der betreffenden Positionen wird unter Abzug einer Summe, die dem für jede Beteiligung der Bank gezeichneten — ausgezahlten oder noch nicht ausgezahlten — Betrag entspricht, berechnet.

Der im Rahmen der Beteiligungen der Bank ausgezahlte Betrag darf zu keinem Zeitpunkt die Gesamtsumme des eingezahlten Teils ihres Kapitals, ihrer Rücklagen, der nicht zugeteilten Provisionen und des Überschusses der Gewinn- und Verlustrechnung überschreiten.

Für die Sondertätigkeiten der Bank, die vom Rat der Gouverneure und vom Verwaltungsrat nach Absatz 3 entschieden werden, ist ausnahmsweise eine besondere Einstellung in die Rücklagen vorzusehen.

Dieser Absatz findet ebenfalls Anwendung auf den konsolidierten Abschluss der Bank.

(6) Die Bank sichert sich gegen das Wechselrisiko, indem sie die Darlehens- und Bürgschaftsverträge mit den ihres Erachtens geeigneten Klauseln versieht.

Artikel 17
(ex-Artikel 19)

(1) Die Darlehenszinssätze, Provisionen und sonstigen Gebühren der Bank werden den jeweiligen Bedingungen des Kapitalmarkts angepasst und so bemessen, dass die Bank aus den Erträgen ihre Verpflichtungen erfüllen, ihre Kosten und ihre Risiken decken und gemäß Artikel 22 einen Reservefonds bilden kann.

(2) Die Bank gewährt keine Zinsermäßigungen. Lässt die Eigenart der zu finanzierenden Investition eine Zinsermäßigung angezeigt erscheinen, so kann der betreffende Mitgliedstaat oder eine dritte Stelle Zinsvergütungen gewähren, soweit die Gewährung mit Artikel 107 des Vertrags über die Arbeitsweise der Europäischen Union vereinbar ist.

Artikel 18
(ex-Artikel 20)

Bei ihren Finanzierungsgeschäften beachtet die Bank folgende Grundsätze:

1. Sie achtet auf die wirtschaftlich zweckmäßigste Verwendung ihrer Mittel im Interesse der Union.

Sie darf nur dann Darlehen gewähren oder Bürgschaft leisten,

- a) wenn der Zinsen- und Tilgungsdienst bei Investitionen von Produktionsunternehmen aus deren Erträgen und bei sonstigen Investitionen durch eine entsprechende Verpflichtung des Staates, in dem die Investition getätigt wird, oder auf andere Weise sichergestellt ist und
- b) wenn die Investition zu einer Steigerung der volkswirtschaftlichen Produktivität im Allgemeinen beiträgt und die Verwirklichung des Binnenmarkts fördert.

2. Sie darf weder Beteiligungen an Unternehmen erwerben noch Verantwortung bei deren Geschäftsführung übernehmen, es sei denn, dass dies für die Wahrnehmung ihrer Rechte erforderlich ist, um die Rückzahlung der von ihr ausgeliehenen Mittel zu sichern.

Wenn die Durchführung der Vorhaben nach Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union dies erfordert, legt der Verwaltungsrat jedoch im Rahmen der vom Rat der Gouverneure nach Artikel 7 Absatz 3 Buchstabe b festgelegten Grundsätze mit qualifizierter Mehrheit die Bedingungen und Einzelheiten für eine Beteiligung am Kapital eines Handelsunternehmens — in der Regel als Ergänzung eines Darlehens oder einer Bürgschaft — fest, soweit dies für die Finanzierung einer Investition oder eines Programms erforderlich ist.

3. Sie kann ihre Forderungen auf dem Kapitalmarkt abtreten und von ihren Darlehensnehmern die Ausgabe von Schuldverschreibungen oder anderen Wertpapieren verlangen.

4. Weder die Bank noch die Mitgliedstaaten dürfen Bedingungen vorschreiben, nach denen Beträge aus ihren Darlehen in einem bestimmten Mitgliedstaat ausgegeben werden müssen.
5. Sie kann die Gewährung von Darlehen davon abhängig machen, dass internationale Ausschreibungen stattfinden.
6. Sie darf eine Investition weder finanzieren noch zu ihrer Finanzierung beitragen, wenn der Mitgliedstaat, in dessen Hoheitsgebiet sie getätigt werden soll, Einspruch erhebt.
7. Ergänzend zu ihren Darlehenstätigkeiten kann die Bank unter den vom Rat der Gouverneure mit qualifizierter Mehrheit festgelegten Bedingungen und Einzelheiten und unter Einhaltung dieser Satzung technische Unterstützungsdienste bereitstellen.

Artikel 19
(ex-Artikel 21)

(1) Jedes Unternehmen oder jede öffentlich- oder privatrechtliche Körperschaft kann bei der Bank direkt einen Finanzierungsantrag einreichen. Dies kann auch entweder über die Kommission oder über denjenigen Mitgliedstaat geschehen, in dessen Hoheitsgebiet die Investition getätigt wird.

(2) Werden der Bank Anträge über die Kommission zugeleitet, so sind sie dem Mitgliedstaat, in dessen Hoheitsgebiet die Investition getätigt wird, zur Stellungnahme vorzulegen. Werden sie der Bank über einen Staat zugeleitet, so sind sie der Kommission zur Stellungnahme vorzulegen. Werden sie von einem Unternehmen unmittelbar eingereicht, so sind sie dem betreffenden Mitgliedstaat und der Kommission vorzulegen.

Die betreffenden Mitgliedstaaten und die Kommission haben eine Frist von zwei Monaten zur Abgabe ihrer Stellungnahme. Ist diese Frist verstrichen, so kann die Bank das betreffende Vorhaben als genehmigt betrachten.

(3) Der Verwaltungsrat beschließt über die ihm vom Direktorium vorgelegten Finanzierungsgeschäfte.

(4) Das Direktorium prüft, ob die ihm vorgelegten Finanzierungsgeschäfte dieser Satzung, insbesondere der Artikel 16 und 18, entsprechen. Spricht sich das Direktorium für die Gewährung der Finanzierung aus, so legt es den entsprechenden Vorschlag dem Verwaltungsrat vor; es kann seine positive Stellungnahme von Voraussetzungen abhängig machen, die es als wesentlich erachtet. Spricht sich das Direktorium gegen die Gewährung der Finanzierung aus, so unterbreitet es die Unterlagen mit seiner Stellungnahme dem Verwaltungsrat.

(5) Bei einer negativen Stellungnahme des Direktoriums kann der Verwaltungsrat die Finanzierung nur einstimmig gewähren.

(6) Bei einer negativen Stellungnahme der Kommission kann der Verwaltungsrat die Finanzierung nur einstimmig gewähren; bei dieser Abstimmung enthält sich das von der Kommission benannte Mitglied des Verwaltungsrates der Stimme.

(7) Bei einer negativen Stellungnahme des Direktoriums und der Kommission darf der Verwaltungsrat die Finanzierung nicht gewähren.

(8) Ist eine Umstrukturierung eines mit genehmigten Investitionen im Zusammenhang stehenden Finanzierungsgeschäfts zum Schutz der Rechte und Interessen der Bank gerechtfertigt, so ergreift das Direktorium unverzüglich die Dringlichkeitsmaßnahmen, die es für erforderlich hält, wobei es dem Verwaltungsrat unverzüglich Bericht zu erstatten hat.

Artikel 20
(ex-Artikel 22)

(1) Die Bank nimmt die zur Durchführung ihrer Aufgaben erforderlichen Anleihen auf den Kapitalmärkten auf.

(2) Die Bank kann auf den Kapitalmärkten der Mitgliedstaaten Anleihen nach den dort geltenden Rechtsvorschriften aufnehmen.

Die zuständigen Stellen eines Mitgliedstaats, für den eine Ausnahmeregelung nach Artikel 139 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union gilt, können dies nur dann ablehnen, wenn auf dem Kapitalmarkt dieses Staates ernstliche Störungen zu befürchten sind.

Artikel 21
(ex-Artikel 23)

(1) Die Bank kann die verfügbaren Mittel, die sie nicht unmittelbar zur Erfüllung ihrer Verpflichtungen benötigt, in folgender Weise verwenden:

- a) Sie kann Anlagen auf den Geldmärkten vornehmen;
- b) vorbehaltlich des Artikels 18 Absatz 2 kann sie Wertpapiere kaufen oder verkaufen;
- c) sie kann alle sonstigen in ihren Aufgabenbereich fallenden Finanzgeschäfte vornehmen.

(2) Unbeschadet des Artikels 23 befasst sich die Bank bei der Handhabung ihrer Anlagen nur mit solchen Devisenarbitragen, die für die Durchführung ihrer Darlehensverträge oder die Erfüllung ihrer Verpflichtungen aus den von ihr aufgenommenen Anleihen oder gewährten Bürgschaften unmittelbar erforderlich sind.

(3) Auf den in diesem Artikel genannten Gebieten handelt die Bank im Einvernehmen mit den zuständigen Behörden oder der nationalen Zentralbank des betreffenden Mitgliedstaats.

Artikel 22
(ex-Artikel 24)

(1) Es wird schrittweise ein Reservefonds bis zum Höchstbetrag von 10 v.H. des gezeichneten Kapitals gebildet. Der Verwaltungsrat kann die Bildung zusätzlicher Rücklagen beschließen, wenn die Verbindlichkeiten der Bank es rechtfertigen. Solange der Reservefonds noch nicht in voller Höhe gebildet ist, sind an ihn abzuführen:

- a) die Zinserträge der Darlehen, welche die Bank aus den nach Artikel 5 von den Mitgliedstaaten einzuzahlenden Beträgen gewährt hat,
- b) die Zinserträge der Darlehen, welche die Bank aus den Rückzahlungen der unter Buchstabe a bezeichneten Darlehen gewährt hat,

soweit diese Zinserträge nicht zur Erfüllung der Verpflichtungen und zur Deckung der Kosten der Bank benötigt werden.

(2) Die Mittel des Reservefonds sind so anzulegen, dass sie jederzeit entsprechend dem Zweck des Fonds eingesetzt werden können.

Artikel 23
(ex-Artikel 25)

(1) Die Bank ist jederzeit ermächtigt, ihre Guthaben in die Währung eines Mitgliedstaats, dessen Währung nicht der Euro ist, zu transferieren, um die Geschäfte durchzuführen, die der ihr in Artikel 309 des Vertrags über die Arbeitsweise der Europäischen Union und in Artikel 21 dieser Satzung gestellten Aufgabe entsprechen. Besitzt die Bank flüssige oder verfügbare Mittel in der von ihr benötigten Währung, so vermeidet sie, soweit möglich, derartige Transferierungen.

(2) Die Bank kann ihre Guthaben in der Währung eines Mitgliedstaats, dessen Währung nicht der Euro ist, nur mit dessen Zustimmung in die Währung dritter Länder konvertieren.

(3) Die Bank kann über die eingezahlten Kapitalbeträge sowie über die auf dritten Märkten aufgenommenen Devisen frei verfügen.

(4) Die Mitgliedstaaten verpflichten sich, den Schuldern der Bank die erforderlichen Devisenbeträge zur Rückzahlung von Kapital sowie zur Zahlung von Zinsen für Darlehen und Provisionen für Bürgschaften zur Verfügung zu stellen, welche die Bank für Investitionen im Hoheitsgebiet der Mitgliedstaaten gewährt hat.

Artikel 24
(ex-Artikel 26)

Kommt ein Mitgliedstaat seinen Mitgliedspflichten aus dieser Satzung, insbesondere der Pflicht zur Einzahlung seines Anteils oder zur Bedienung in Anspruch genommener Darlehen nicht nach, so kann die Gewährung von Darlehen oder Bürgschaften an diesen Staat oder seine Angehörigen durch eine mit qualifizierter Mehrheit gefasste Entscheidung des Rates der Gouverneure ausgesetzt werden.

Diese Entscheidung befreit den Mitgliedstaat oder seine Angehörigen nicht von ihren Verpflichtungen gegenüber der Bank.

Artikel 25
(ex-Artikel 27)

(1) Entscheidet der Rat der Gouverneure, dass die Tätigkeit der Bank einzustellen ist, so wird der gesamte Geschäftsbetrieb unverzüglich beendet; ausgenommen sind lediglich Amtshandlungen, die zur ordnungsmäßigen Verwertung, Sicherstellung und Erhaltung der Vermögenswerte sowie zur Regelung der Verbindlichkeiten notwendig sind.

(2) Im Falle der Liquidation bestellt der Rat der Gouverneure die Liquidatoren und erteilt ihnen Weisungen zur Durchführung der Liquidation. Er achtet auf die Wahrung der Rechte der Mitglieder des Personals.

Artikel 26
(ex-Artikel 28)

(1) Die Bank besitzt in jedem Mitgliedstaat die weitestgehende Rechts- und Geschäftsfähigkeit, die juristischen Personen nach dessen Rechtsvorschriften zuerkannt wird; sie kann insbesondere bewegliches und unbewegliches Vermögen erwerben und veräußern sowie vor Gericht stehen.

(2) Das Vermögen der Bank kann in keiner Form beschlagnahmt oder enteignet werden.

Artikel 27
(ex-Artikel 29)

Über Rechtsstreitigkeiten zwischen der Bank einerseits und ihren Gläubigern, Kreditnehmern oder dritten Personen andererseits entscheiden die zuständigen Gerichte der einzelnen Staaten vorbehaltlich der Zuständigkeiten, die dem Gerichtshof der Europäischen Union zuerkannt sind. Die Bank kann in einem Vertrag ein Schiedsverfahren vorsehen.

Die Bank begründet in jedem Mitgliedstaat einen Gerichtsstand der Niederlassung. Sie kann in Verträgen einen besonderen Gerichtsstand bestimmen.

Das Vermögen und die Guthaben der Bank können nur auf gerichtliche Anordnung beschlagnahmt oder der Zwangsvollstreckung unterworfen werden.

Artikel 28
(ex-Artikel 30)

(1) Der Rat der Gouverneure kann einstimmig entscheiden, Tochtergesellschaften oder andere Rechtsträger mit eigener Rechtspersönlichkeit und finanzieller Autonomie zu errichten.

(2) Der Rat der Gouverneure entscheidet einstimmig über die Satzung der Einrichtungen nach Absatz 1. In dieser Satzung werden insbesondere Ziele, Aufbau, Kapital, Mitgliedschaft, Sitz, finanzielle Mittel, Interventionsmöglichkeiten, Prüfungsverfahren sowie die Beziehungen zwischen den Einrichtungen und den Organen der Bank festgelegt.

(3) Die Bank ist berechtigt, sich an der Verwaltung dieser Einrichtungen zu beteiligen und zum gezeichneten Kapital dieser Einrichtungen bis zur Höhe des vom Rat der Gouverneure einstimmig festgelegten Betrags beizutragen.

(4) Das Protokoll über die Vorrechte und Befreiungen der Europäischen Union gilt für die Einrichtungen nach Absatz 1, soweit sie unter das Unionsrecht fallen, die Mitglieder ihrer Organe in Ausübung ihrer einschlägigen Aufgaben und ihr Personal in dem gleichen Maße und unter denselben Bedingungen wie für die Bank.

Dividenden, Kapitalerträge oder andere Einkommen aus diesen Einrichtungen, auf die die Mitglieder mit Ausnahme der Europäischen Union und der Bank Anspruch haben, unterliegen indessen den einschlägigen Steuerbestimmungen.

(5) Der Gerichtshof der Europäischen Union ist innerhalb der im Folgenden festgelegten Grenzen für Streitfälle zuständig, die Maßnahmen der Organe einer dem Unionsrecht unterliegenden Einrichtung betreffen. Klagen gegen derartige Maßnahmen können von jedem Mitglied einer solchen Einrichtung in dieser Eigenschaft oder von den Mitgliedstaaten nach Artikel 263 des Vertrags über die Arbeitsweise der Europäischen Union erhoben werden.

(6) Der Rat der Gouverneure kann einstimmig entscheiden, dass das Personal von dem Unionsrecht unterliegenden Einrichtungen unter Einhaltung der jeweiligen internen Verfahren Zugang zu gemeinsam mit der Bank geführten Systemen erhält.

PROTOKOLL (Nr. 6)
**ÜBER DIE FESTLEGUNG DER SITZE DER ORGANE
UND BESTIMMTER EINRICHTUNGEN, SONSTIGER
STELLEN UND DIENSTSTELLEN DER EUROPÄISCHEN
UNION**

DIE VERTRETER DER REGIERUNGEN DER MITGLIEDSTAATEN –

GESTÜTZT auf Artikel 341 des Vertrags über die Arbeitsweise der Europäischen Union, und Artikel 189 des Vertrags zur Gründung der Europäischen Atomgemeinschaft,

EINGEDENK UND IN BESTÄTIGUNG des Beschlusses vom 8. April 1965, jedoch unbeschadet der Beschlüsse über den Sitz künftiger Organe, Einrichtungen, sonstiger Stellen und Dienststellen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigelegt sind:

Einziges Artikel

- a) Das Europäische Parlament hat seinen Sitz in Straßburg; dort finden die 12 monatlichen Plenartagungen einschließlich der Haushaltstagung statt. Zusätzliche Plenartagungen finden in Brüssel statt. Die Ausschüsse des Europäischen Parlaments treten in Brüssel zusammen. Das Generalsekretariat des Europäischen Parlaments und dessen Dienststellen verbleiben in Luxemburg.
- b) Der Rat hat seinen Sitz in Brüssel. In den Monaten April, Juni und Oktober hält der Rat seine Tagungen in Luxemburg ab.
- c) Die Kommission hat ihren Sitz in Brüssel. Die in den Artikeln 7, 8 und 9 des Beschlusses vom 8. April 1965 aufgeführten Dienststellen sind in Luxemburg untergebracht.
- d) Der Gerichtshof der Europäischen Union hat seinen Sitz in Luxemburg.
- e) Der Rechnungshof hat seinen Sitz in Luxemburg.
- f) Der Wirtschafts- und Sozialausschuss hat seinen Sitz in Brüssel.
- g) Der Ausschuss der Regionen hat seinen Sitz in Brüssel.
- h) Die Europäische Investitionsbank hat ihren Sitz in Luxemburg.
- i) Die Europäische Zentralbank hat ihren Sitz in Frankfurt.
- j) Das Europäische Polizeiamt (Europol) hat seinen Sitz in Den Haag.

PROTOKOLL (Nr. 7)
**ÜBER DIE VORRECHTE UND BEFREIUNGEN DER
EUROPÄISCHEN UNION**

DIE HOHEN VERTRAGSPARTEIEN,

IN DER ERWÄGUNG, dass die Europäische Union und die Europäische Atomgemeinschaft nach Artikel 343 des Vertrags über die Arbeitsweise der Europäischen Union und Artikel 191 des Vertrags zur Gründung der Europäischen Atomgemeinschaft im Hoheitsgebiet der Mitgliedstaaten die zur Erfüllung ihrer Aufgabe erforderlichen Vorrechte und Befreiungen genießen,

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigelegt sind:

KAPITEL I

VERMÖGENSGEGENSTÄNDE, LIEGENSCHAFTEN, GUTHABEN UND
GESCHÄFTE DER EUROPÄISCHEN UNION

Artikel 1

Die Räumlichkeiten und Gebäude der Union sind unverletzlich. Sie dürfen nicht durchsucht, beschlagnahmt, eingezogen oder enteignet werden. Die Vermögensgegenstände und Guthaben der Union dürfen ohne Ermächtigung des Gerichtshofs nicht Gegenstand von Zwangsmaßnahmen der Verwaltungsbehörden oder Gerichte sein.

Artikel 2

Die Archive der Union sind unverletzlich.

Artikel 3

Die Union, ihre Guthaben, Einkünfte und sonstigen Vermögensgegenstände sind von jeder direkten Steuer befreit.

Die Regierungen der Mitgliedstaaten treffen in allen Fällen, in denen es ihnen möglich ist, geeignete Maßnahmen für den Erlass oder die Erstattung des Betrages der indirekten Steuern und Verkaufsabgaben, die in den Preisen für bewegliche oder unbewegliche Güter inbegriffen sind, wenn die Union für ihren Dienstbedarf größere Einkäufe tätigt, bei denen derartige Steuern und Abgaben im Preis enthalten sind. Die Durchführung dieser Maßnahmen darf jedoch den Wettbewerb innerhalb der Union nicht verfälschen.

Von den Abgaben, die lediglich die Vergütung für Leistungen gemeinnütziger Versorgungsbetriebe darstellen, wird keine Befreiung gewährt.

Artikel 4

Die Union ist von allen Zöllen sowie Ein- und Ausfuhrverboten und -beschränkungen bezüglich der zu ihrem Dienstgebrauch bestimmten Gegenstände befreit; die in dieser Weise eingeführten Gegenstände dürfen im Hoheitsgebiet des Staates, in das sie eingeführt worden sind, weder entgeltlich noch unentgeltlich veräußert werden, es sei denn zu Bedingungen, welche die Regierung dieses Staates genehmigt.

Der Union steht ferner für ihre Veröffentlichungen Befreiung von Zöllen sowie Ein- und Ausfuhrverboten und -beschränkungen zu.

KAPITEL II

NACHRICHTENÜBERMITTLUNG UND AUSWEISE

Artikel 5

(ex-Artikel 6)

Den Organen der Union steht für ihre amtliche Nachrichtenübermittlung und die Übermittlung aller ihrer Schriftstücke im Hoheitsgebiet jedes Mitgliedstaats die gleiche Behandlung wie den diplomatischen Vertretungen zu.

Der amtliche Schriftverkehr und die sonstige amtliche Nachrichtenübermittlung der Organe der Union unterliegen nicht der Zensur.

Artikel 6

(ex-Artikel 7)

Die Präsidenten der Organe der Union können den Mitgliedern und Bediensteten dieser Organe Ausweise ausstellen, deren Form vom Rat mit einfacher Mehrheit bestimmt wird und die von den Behörden der Mitgliedstaaten als gültige Reiseausweise anerkannt werden. Diese Ausweise werden den Beamten und sonstigen Bediensteten nach Maßgabe des Statuts der Beamten und der Beschäftigungsbedingungen für die sonstigen Bediensteten der Union ausgestellt.

Die Kommission kann Abkommen zur Anerkennung dieser Ausweise als im Hoheitsgebiet dritter Länder gültige Reiseausweise schließen.

KAPITEL III

MITGLIEDER DES EUROPÄISCHEN PARLAMENTS

Artikel 7

(ex-Artikel 8)

Die Reise der Mitglieder des Europäischen Parlaments zum und vom Tagungsort des Europäischen Parlaments unterliegt keinen verwaltungsmäßigen oder sonstigen Beschränkungen.

Die Mitglieder des Europäischen Parlaments erhalten bei der Zollabfertigung und Devisenkontrolle

- a) seitens ihrer eigenen Regierung dieselben Erleichterungen wie hohe Beamte, die sich in offiziellem Auftrag vorübergehend ins Ausland begeben;
- b) seitens der Regierungen der anderen Mitgliedstaaten dieselben Erleichterungen wie ausländische Regierungsvertreter mit vorübergehendem offiziellem Auftrag.

Artikel 8
(ex-Artikel 9)

Wegen einer in Ausübung ihres Amtes erfolgten Äußerung oder Abstimmung dürfen Mitglieder des Europäischen Parlaments weder in ein Ermittlungsverfahren verwickelt noch festgenommen oder verfolgt werden.

Artikel 9
(ex-Artikel 10)

Während der Dauer der Sitzungsperiode des Europäischen Parlaments

- a) steht seinen Mitgliedern im Hoheitsgebiet ihres eigenen Staates die den Parlamentsmitgliedern zuerkannte Unverletzlichkeit zu,
- b) können seine Mitglieder im Hoheitsgebiet jedes anderen Mitgliedstaats weder festgehalten noch gerichtlich verfolgt werden.

Die Unverletzlichkeit besteht auch während der Reise zum und vom Tagungsort des Europäischen Parlaments.

Bei Ergreifung auf frischer Tat kann die Unverletzlichkeit nicht geltend gemacht werden; sie steht auch nicht der Befugnis des Europäischen Parlaments entgegen, die Unverletzlichkeit eines seiner Mitglieder aufzuheben.

KAPITEL IV

VERTRETER DER MITGLIEDSTAATEN, DIE AN DEN ARBEITEN DER ORGANE
DER EUROPÄISCHEN UNION TEILNEHMEN

Artikel 10
(ex-Artikel 11)

Den Vertretern der Mitgliedstaaten, die an den Arbeiten der Organe der Union teilnehmen, sowie ihren Beratern und Sachverständigen stehen während der Ausübung ihrer Tätigkeit und auf der Reise zum und vom Tagungsort die üblichen Vorrechte, Befreiungen und Erleichterungen zu.

Dies gilt auch für die Mitglieder der beratenden Organe der Union.

KAPITEL V

BEAMTE UND SONSTIGE BEDIENSTETE DER EUROPÄISCHEN UNION

Artikel 11
(ex-Artikel 12)

Den Beamten und sonstigen Bediensteten der Union stehen im Hoheitsgebiet jedes Mitgliedstaats ohne Rücksicht auf ihre Staatsangehörigkeit folgende Vorrechte und Befreiungen zu:

- a) Befreiung von der Gerichtsbarkeit bezüglich der von ihnen in amtlicher Eigenschaft vorgenommenen Handlungen, einschließlich ihrer mündlichen und schriftlichen Äußerungen, jedoch vorbehaltlich der Anwendung der Bestimmungen der Verträge über die Vorschriften betreffend die Haftung der Beamten und sonstigen Bediensteten gegenüber der Union und über die Zuständigkeit des Gerichtshofs der Europäischen Union für Streitsachen zwischen der Union und ihren Beamten sowie sonstigen Bediensteten. Diese Befreiung gilt auch nach Beendigung ihrer Amtstätigkeit;
- b) Befreiung von Einwanderungsbeschränkungen und von der Meldepflicht für Ausländer; das Gleiche gilt für ihre Ehegatten und die von ihnen unterhaltenen Familienmitglieder;
- c) die den Beamten der internationalen Organisationen üblicherweise gewährten Erleichterungen auf dem Gebiet der Vorschriften des Währungs- und Devisenrechts;
- d) das Recht, ihre Wohnungseinrichtung und ihre persönlichen Gebrauchsgegenstände bei Antritt ihres Dienstes in das in Frage stehende Land zollfrei einzuführen und bei Beendigung ihrer Amtstätigkeit in diesem Land ihre Wohnungseinrichtung und ihre persönlichen Gebrauchsgegenstände zollfrei wieder auszuführen, vorbehaltlich der Bedingungen, welche die Regierung des Landes, in dem dieses Recht ausgeübt wird, in dem einen und anderen Fall für erforderlich erachtet;
- e) das Recht, das zu ihrem eigenen Gebrauch bestimmte Kraftfahrzeug, sofern es im Land ihres letzten ständigen Aufenthalts oder in dem Land, dem sie angehören, zu den auf dem Binnenmarkt dieses Landes geltenden Bedingungen erworben worden ist, zollfrei einzuführen und es zollfrei wieder auszuführen, vorbehaltlich der Bedingungen, welche die Regierung des in Frage stehenden Landes in dem einen und anderen Fall für erforderlich erachtet.

Artikel 12
(ex-Artikel 13)

Von den Gehältern, Löhnen und anderen Bezügen, welche die Union ihren Beamten und sonstigen Bediensteten zahlt, wird zugunsten der Union eine Steuer gemäß den Bestimmungen und dem Verfahren erhoben, die vom Europäischen Parlament und vom Rat durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren und nach Anhörung der betroffenen Organe festgelegt werden.

Die Beamten und sonstigen Bediensteten sind von innerstaatlichen Steuern auf die von der Union gezahlten Gehälter, Löhne und Bezüge befreit.

Artikel 13
(ex-Artikel 14)

Die Beamten und sonstigen Bediensteten der Union, die sich lediglich zur Ausübung einer Amtstätigkeit im Dienst der Union im Hoheitsgebiet eines anderen Mitgliedstaats als des Staates niederlassen, in dem sie zur Zeit des Dienstantritts bei der Union ihren steuerlichen Wohnsitz haben, werden in den beiden genannten Staaten für die Erhebung der Einkommen-, Vermögen- und Erbschaftsteuer sowie für die Anwendung der zur Vermeidung der Doppelbesteuerung zwischen den Mitgliedstaaten der Union geschlossenen Abkommen so behandelt, als hätten sie ihren früheren Wohnsitz beibehalten, sofern sich dieser in einem Mitgliedstaat der Union befindet. Dies gilt auch für den Ehegatten, soweit dieser keine eigene Berufstätigkeit ausübt, sowie für die Kinder, die unter der Aufsicht der in diesem Artikel bezeichneten Personen stehen und von ihnen unterhalten werden.

Das im Hoheitsgebiet des Aufenthaltsstaats befindliche bewegliche Vermögen der in Absatz 1 bezeichneten Personen ist in diesem Staat von der Erbschaftsteuer befreit; für die Veranlagung dieser Steuer wird es vorbehaltlich der Rechte dritter Länder und der etwaigen Anwendung internationaler Abkommen über die Doppelbesteuerung als in dem Staat des steuerlichen Wohnsitzes befindlich betrachtet.

Ein lediglich zur Ausübung einer Amtstätigkeit im Dienste anderer internationaler Organisationen begründeter Wohnsitz bleibt bei der Anwendung dieses Artikels unberücksichtigt.

Artikel 14
(ex-Artikel 15)

Das Europäische Parlament und der Rat legen durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren nach Anhörung der betroffenen Organe das System der Sozialleistungen für die Beamten und sonstigen Bediensteten der Union fest.

Artikel 15
(ex-Artikel 16)

Das Europäische Parlament und der Rat bestimmen durch Verordnungen gemäß dem ordentlichen Gesetzgebungsverfahren nach Anhörung der anderen betroffenen Organe die Gruppen von Beamten und sonstigen Bediensteten der Union, auf welche die Artikel 11, 12 Absatz 2 und Artikel 13 ganz oder teilweise Anwendung finden.

Namen, Dienstrang und -stellung sowie Anschrift der Beamten und sonstigen Bediensteten dieser Gruppen werden den Regierungen der Mitgliedstaaten in regelmäßigen Zeitabständen mitgeteilt.

KAPITEL VI

VORRECHTE UND BEFREIUNGEN DER VERTRETUNGEN DRITTER LÄNDER,
DIE BEI DER EUROPÄISCHEN UNION BEGLAUBIGT SIND*Artikel 16*
(ex-Artikel 17)

Der Mitgliedstaat, in dessen Hoheitsgebiet sich der Sitz der Union befindet, gewährt den bei der Union beglaubigten Vertretungen dritter Länder die üblichen diplomatischen Vorrechte und Befreiungen.

KAPITEL VII

ALLGEMEINE BESTIMMUNGEN

Artikel 17
(ex-Artikel 18)

Die Vorrechte, Befreiungen und Erleichterungen werden den Beamten und sonstigen Bediensteten der Union ausschließlich im Interesse der Union gewährt.

Jedes Organ der Union hat die Befreiung eines Beamten oder sonstigen Bediensteten in allen Fällen aufzuheben, in denen dies nach seiner Auffassung den Interessen der Union nicht zuwiderläuft.

Artikel 18
(ex-Artikel 19)

Bei der Anwendung dieses Protokolls handeln die Organe der Union und die verantwortlichen Behörden der beteiligten Mitgliedstaaten im gegenseitigen Einvernehmen.

Artikel 19
(ex-Artikel 20)

Die Artikel 11 bis 14 und Artikel 17 finden auf die Mitglieder der Kommission Anwendung.

Artikel 20
(ex-Artikel 21)

Die Artikel 11 bis 14 und Artikel 17 finden auf die Richter, die Generalanwälte, die Kanzler und die Hilfsberichterstatter des Gerichtshofs der Europäischen Union Anwendung; die Bestimmungen des Artikels 3 des Protokolls über die Satzung des Gerichtshofs der Europäischen Union betreffend die Befreiung der Richter und Generalanwälte von der Gerichtsbarkeit bleiben hiervon unberührt.

Artikel 21
(ex-Artikel 22)

Dieses Protokoll gilt auch für die Europäische Investitionsbank, die Mitglieder ihrer Organe, ihr Personal und die Vertreter der Mitgliedstaaten, die an ihren Arbeiten teilnehmen; die Bestimmungen des Protokolls über die Satzung der Bank bleiben hiervon unberührt.

Die Europäische Investitionsbank ist außerdem von allen Steuern und sonstigen Abgaben anlässlich der Erhöhungen ihres Kapitals sowie von den verschiedenen Förmlichkeiten befreit, die hiermit in dem Staat, in dem sie ihren Sitz hat, verbunden sind. Desgleichen werden bei ihrer etwaigen Auflösung und Liquidation keine Abgaben erhoben. Ferner unterliegt die Tätigkeit der Bank und ihrer Organe, soweit sie nach Maßgabe der Satzung ausgeübt wird, nicht der Umsatzsteuer.

Artikel 22
(ex-Artikel 23)

Dieses Protokoll gilt auch für die Europäische Zentralbank, die Mitglieder ihrer Beschlussorgane und ihre Bediensteten; die Bestimmungen des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank bleiben hiervon unberührt.

Die Europäische Zentralbank ist außerdem von allen Steuern und sonstigen Abgaben anlässlich der Erhöhungen ihres Kapitals sowie von den verschiedenen Förmlichkeiten befreit, die hiermit in dem Staat, in dem sie ihren Sitz hat, verbunden sind. Ferner unterliegt die Tätigkeit der Bank und ihrer Beschlussorgane, soweit sie nach Maßgabe der Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank ausgeübt wird, nicht der Umsatzsteuer.

PROTOKOLL (Nr. 8)
**ZU ARTIKEL 6 ABSATZ 2 DES VERTRAGS ÜBER DIE
EUROPÄISCHE UNION ÜBER DEN BEITRITT DER
UNION ZUR EUROPÄISCHEN KONVENTION ZUM
SCHUTZ DER MENSCHENRECHTE UND
GRUNDFREIHEITEN**

DIE HOHEN VERTRAGSPARTEIEN

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

In der Übereinkunft über den Beitritt der Union zur Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten (im Folgenden „Europäische Konvention“) nach Artikel 6 Absatz 2 des Vertrags über die Europäische Union wird dafür Sorge getragen, dass die besonderen Merkmale der Union und des Unionsrechts erhalten bleiben, insbesondere in Bezug auf

- a) die besondere Regelung für eine etwaige Beteiligung der Union an den Kontrollgremien der Europäischen Konvention;
- b) die nötigen Mechanismen, um sicherzustellen, dass Beschwerden von Nichtmitgliedstaaten und Individualbeschwerden den Mitgliedstaaten und/oder gegebenenfalls der Union ordnungsgemäß übermittelt werden.

Artikel 2

In der Übereinkunft nach Artikel 1 wird sichergestellt, dass der Beitritt der Union die Zuständigkeiten der Union und die Befugnisse ihrer Organe unberührt lässt. Es wird sichergestellt, dass die Bestimmungen der Übereinkunft die besondere Situation der Mitgliedstaaten in Bezug auf die Europäische Konvention unberührt lassen, insbesondere in Bezug auf ihre Protokolle, auf Maßnahmen, die von den Mitgliedstaaten in Abweichung von der Europäischen Konvention nach deren Artikel 15 getroffen werden, und auf Vorbehalte, die die Mitgliedstaaten gegen die Europäische Konvention nach deren Artikel 57 anbringen.

Artikel 3

Keine der Bestimmungen der Übereinkunft nach Artikel 1 berührt Artikel 344 des Vertrags über die Arbeitsweise der Europäischen Union.

PROTOKOLL (Nr. 9)**ÜBER DEN BESCHLUSS DES RATES ÜBER DIE
ANWENDUNG DES ARTIKELS 16 ABSATZ 4 DES
VERTRAGS ÜBER DIE EUROPÄISCHE UNION UND
DES ARTIKELS 238 ABSATZ 2 DES VERTRAGS ÜBER
DIE ARBEITSWEISE DER EUROPÄISCHEN UNION
ZWISCHEN DEM 1. NOVEMBER 2014 UND DEM
31. MÄRZ 2017 EINERSEITS UND AB DEM 1. APRIL
2017 ANDERERSEITS**

DIE HOHEN VERTRAGSPARTEIEN –

UNTER BERÜCKSICHTIGUNG der Tatsache, dass es zum Zeitpunkt der Billigung des Vertrags von Lissabon von grundlegender Bedeutung war, dass eine Einigung über den Beschluss des Rates über die Anwendung des Artikels 16 Absatz 4 des Vertrags über die Europäische Union und des Artikels 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union zwischen dem 1. November 2014 und dem 31. März 2017 einerseits und ab dem 1. April 2017 andererseits (im Folgenden „Beschluss“) zustande kommt –

SIND über folgende Bestimmung ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt ist:

Einzigster Artikel

Bevor der Rat einen Entwurf prüft, der entweder darauf abzielt, den Beschluss oder eine seiner Bestimmungen zu ändern oder aufzuheben, oder aber darauf abzielt, eine mittelbare Änderung seines Geltungsbereichs oder seiner Bedeutung zu bewirken, indem ein anderer Rechtsakt der Union geändert wird, führt der Europäische Rat eine vorläufige Beratung über diesen Entwurf durch, wobei er gemäß Artikel 15 Absatz 4 des Vertrags über die Europäische Union im Konsens handelt.

PROTOKOLL (Nr. 10)
ÜBER DIE STÄNDIGE STRUKTURIERTE
ZUSAMMENARBEIT NACH ARTIKEL 42 DES
VERTRAGS ÜBER DIE EUROPÄISCHE UNION

DIE HOHEN VERTRAGSPARTEIEN –

GESTÜTZT AUF Artikel 42 Absatz 6 und Artikel 46 des Vertrags über die Europäische Union,

EINGEDENK DESSEN, dass die Union eine Gemeinsame Außen- und Sicherheitspolitik verfolgt, die auf der Erreichung einer immer stärkeren Konvergenz des Handelns der Mitgliedstaaten beruht,

EINGEDENK DESSEN, dass die Gemeinsame Sicherheits- und Verteidigungspolitik integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik ist, dass sie der Union eine auf zivile und militärische Mittel gestützte Fähigkeit zu Operationen sichert, dass die Union hierauf bei Missionen nach Artikel 43 des Vertrags über die Europäische Union außerhalb der Union zur Friedenssicherung, Konfliktverhütung und Stärkung der internationalen Sicherheit nach den Grundsätzen der Charta der Vereinten Nationen zurückgreifen kann und dass diese Aufgaben dank der von den Mitgliedstaaten nach dem Grundsatz der „nur einmal einsetzbaren Streitkräfte“ bereitgestellten militärischen Fähigkeiten erfüllt werden,

EINGEDENK DESSEN, dass die Gemeinsame Sicherheits- und Verteidigungspolitik der Union den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten unberührt lässt,

EINGEDENK DESSEN, dass die Gemeinsame Sicherheits- und Verteidigungspolitik der Union die aus dem Nordatlantikvertrag erwachsenden Verpflichtungen der Mitgliedstaaten achtet, die ihre gemeinsame Verteidigung als durch die Nordatlantikvertrags-Organisation verwirklicht betrachten, die das Fundament der kollektiven Verteidigung ihrer Mitglieder bleibt, und dass sie mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik vereinbar ist,

IN DER ÜBERZEUGUNG, dass eine maßgeblichere Rolle der Union im Bereich von Sicherheit und Verteidigung im Einklang mit den so genannten Berlin-plus-Vereinbarungen zur Vitalität eines erneuerten Atlantischen Bündnisses beitragen wird,

FEST ENTSCLOSSEN, dass die Union in der Lage sein muss, die ihr im Rahmen der Staatengemeinschaft obliegenden Verantwortungen in vollem Umfang wahrzunehmen,

IN DER ERKENNTNIS, dass die Organisation der Vereinten Nationen die Union für die Durchführung dringender Missionen nach den Kapiteln VI und VII der Charta der Vereinten Nationen um Unterstützung ersuchen kann,

IN DER ERKENNTNIS, dass die Stärkung der Sicherheits- und Verteidigungspolitik von den Mitgliedstaaten Anstrengungen im Bereich der Fähigkeiten erfordern wird,

IN DEM BEWUSSTSEIN, dass der Eintritt in eine neue Phase der Entwicklung der Europäischen Sicherheits- und Verteidigungspolitik von den Mitgliedstaaten, die dazu bereit sind, unterschiedene Anstrengungen erfordert,

EINGEDENK der Bedeutung, die der umfassenden Beteiligung des Hohen Vertreters der Union für Außen- und Sicherheitspolitik an den Arbeiten im Rahmen der Ständigen Strukturierten Zusammenarbeit zukommt –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

An der Ständigen Strukturierten Zusammenarbeit nach Artikel 42 Absatz 6 des Vertrags über die Europäische Union kann jeder Mitgliedstaat teilnehmen, der sich ab dem Zeitpunkt des Inkrafttretens des Vertrags von Lissabon verpflichtet,

- a) seine Verteidigungsfähigkeiten durch Ausbau seiner nationalen Beiträge und gegebenenfalls durch Beteiligung an multinationalen Streitkräften, an den wichtigsten europäischen Ausrüstungsprogrammen und an der Tätigkeit der Agentur für die Bereiche Entwicklung der Verteidigungsfähigkeiten, Forschung, Beschaffung und Rüstung (Europäische Verteidigungsagentur) intensiver zu entwickeln und
- b) spätestens 2010 über die Fähigkeit zu verfügen, entweder als nationales Kontingent oder als Teil von multinationalen Truppenverbänden bewaffnete Einheiten bereitzustellen, die auf die in Aussicht genommenen Missionen ausgerichtet sind, taktisch als Gefechtsverband konzipiert sind, über Unterstützung unter anderem für Transport und Logistik verfügen und fähig sind, innerhalb von 5 bis 30 Tagen Missionen nach Artikel 43 des Vertrags über die Europäische Union aufzunehmen, um insbesondere Ersuchen der Organisation der Vereinten Nationen nachzukommen, und diese Missionen für eine Dauer von zunächst 30 Tagen, die bis auf 120 Tage ausgedehnt werden kann, aufrechtzuerhalten.

Artikel 2

Die an der Ständigen Strukturierten Zusammenarbeit teilnehmenden Mitgliedstaaten verpflichten sich zwecks Erreichung der in Artikel 1 genannten Ziele zu

- a) einer Zusammenarbeit ab dem Inkrafttreten des Vertrags von Lissabon zur Verwirklichung der vereinbarten Ziele für die Höhe der Investitionsausgaben für Verteidigungsgüter und zur regelmäßigen Überprüfung dieser Ziele im Lichte des Sicherheitsumfelds und der internationalen Verantwortung der Union;
- b) einer möglichst weit gehenden Angleichung ihres Verteidigungsinstrumentariums, indem sie insbesondere die Ermittlung des militärischen Bedarfs harmonisieren, ihre Verteidigungsmittel und -fähigkeiten gemeinsam nutzen und gegebenenfalls spezialisieren sowie die Zusammenarbeit auf den Gebieten Ausbildung und Logistik stärken;
- c) konkreten Maßnahmen zur Stärkung der Verfügbarkeit, der Interoperabilität, der Flexibilität und der Verlegungsfähigkeit ihrer Truppen insbesondere, indem sie gemeinsame Ziele für die Entsendung von Streitkräften aufstellen und gegebenenfalls ihre nationalen Beschlussfassungsverfahren überprüfen;
- d) einer Zusammenarbeit mit dem Ziel, dass sie die erforderlichen Maßnahmen ergreifen, um unter anderem durch multinationale Konzepte und unbeschadet der sie betreffenden Verpflichtungen im Rahmen der Nordatlantikvertrags-Organisation die im Rahmen des „Mechanismus zur Entwicklung der Fähigkeiten“ festgestellten Lücken zu schließen;

- e) einer eventuellen Mitwirkung an der Entwicklung gemeinsamer oder europäischer Programme für wichtige Güter im Rahmen der Europäischen Verteidigungsagentur.

Artikel 3

Die Europäische Verteidigungsagentur trägt zur regelmäßigen Beurteilung der Beiträge der teilnehmenden Mitgliedstaaten zu den Fähigkeiten bei, insbesondere der Beiträge nach den unter anderem auf der Grundlage von Artikel 2 aufgestellten Kriterien, und erstattet hierüber mindestens einmal jährlich Bericht. Die Beurteilung kann als Grundlage für die Empfehlungen sowie für die Beschlüsse des Rates dienen, die nach Artikel 46 des Vertrags über die Europäische Union erlassen werden.

PROTOKOLL (Nr. 11)
ZU ARTIKEL 42 DES VERTRAGS ÜBER DIE
EUROPÄISCHE UNION

DIE HOHEN VERTRAGSPARTEIEN –

IN ANBETRACHT der Notwendigkeit, den Artikel 42 Absatz 2 des Vertrags über die Europäische Union in vollem Umfang umzusetzen,

IN ANBETRACHT der Tatsache, dass die Politik der Union nach Artikel 42 den besonderen Charakter der Sicherheits- und Verteidigungspolitik bestimmter Mitgliedstaaten nicht berührt, die Verpflichtungen einiger Mitgliedstaaten, die ihre gemeinsame Verteidigung in der NATO verwirklicht sehen, aus dem Nordatlantikvertrag achtet und mit der in jenem Rahmen festgelegten gemeinsamen Sicherheits- und Verteidigungspolitik vereinbar ist –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Die Europäische Union erarbeitet zusammen mit der Westeuropäischen Union Regelungen für eine verstärkte Zusammenarbeit zwischen der Europäischen Union und der Westeuropäischen Union.

PROTOKOLL (Nr. 12)
ÜBER DAS VERFAHREN BEI EINEM ÜBERMÄSSIGEN
DEFIZIT

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, die Einzelheiten des in Artikel 126 des Vertrags über die Arbeitsweise der Europäischen Union genannten Verfahrens bei einem übermäßigen Defizit festzulegen –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Die in Artikel 126 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union genannten Referenzwerte sind:

- 3 % für das Verhältnis zwischen dem geplanten oder tatsächlichen öffentlichen Defizit und dem Bruttoinlandsprodukt zu Marktpreisen,
- 60 % für das Verhältnis zwischen dem öffentlichen Schuldenstand und dem Bruttoinlandsprodukt zu Marktpreisen.

Artikel 2

In Artikel 126 des genannten Vertrags und in diesem Protokoll bedeutet

- „öffentlich“ zum Staat, d. h. zum Zentralstaat (Zentralregierung), zu regionalen oder lokalen Gebietskörperschaften oder Sozialversicherungseinrichtungen gehörig, mit Ausnahme von kommerziellen Transaktionen, im Sinne des Europäischen Systems volkswirtschaftlicher Gesamtrechnungen;
- „Defizit“ das Finanzierungsdefizit im Sinne des Europäischen Systems volkswirtschaftlicher Gesamtrechnungen;
- „Investitionen“ die Brutto-Anlageinvestitionen im Sinne des Europäischen Systems volkswirtschaftlicher Gesamtrechnungen;
- „Schuldenstand“ den Brutto-Gesamtschuldenstand zum Nominalwert am Jahresende nach Konsolidierung innerhalb und zwischen den einzelnen Bereichen des Staatssektors im Sinne des ersten Gedankenstrichs.

Artikel 3

Um die Wirksamkeit des Verfahrens bei einem übermäßigen Defizit zu gewährleisten, sind die Regierungen der Mitgliedstaaten im Rahmen dieses Verfahrens für die Defizite des Staatssektors im Sinne von Artikel 2 erster Gedankenstrich verantwortlich. Die Mitgliedstaaten gewährleisten, dass

die innerstaatlichen Verfahren im Haushaltsbereich sie in die Lage versetzen, ihre sich aus den Verträgen ergebenden Verpflichtungen in diesem Bereich zu erfüllen. Die Mitgliedstaaten müssen ihre geplanten und tatsächlichen Defizite und die Höhe ihres Schuldenstands der Kommission unverzüglich und regelmäßig mitteilen.

Artikel 4

Die zur Anwendung dieses Protokolls erforderlichen statistischen Daten werden von der Kommission zur Verfügung gestellt.

PROTOKOLL (Nr. 13) ÜBER DIE KONVERGENZKRITERIEN

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, die Konvergenzkriterien, welche die Union bei den Beschlüssen nach Artikel 140 des Vertrags über die Arbeitsweise der Europäischen Union über die Aufhebung der Ausnahmeregelungen für die Mitgliedstaaten, für die eine Ausnahmeregelung gilt, leiten sollen, näher festzulegen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Das in Artikel 140 Absatz 1 erster Gedankenstrich des Vertrags über die Arbeitsweise der Europäischen Union genannte Kriterium der Preisstabilität bedeutet, dass ein Mitgliedstaat eine anhaltende Preisstabilität und eine während des letzten Jahres vor der Prüfung gemessene durchschnittliche Inflationsrate aufweisen muss, die um nicht mehr als 1 ½ Prozentpunkte über der Inflationsrate jener — höchstens drei — Mitgliedstaaten liegt, die auf dem Gebiet der Preisstabilität das beste Ergebnis erzielt haben. Die Inflation wird anhand des Verbraucherpreisindex auf vergleichbarer Grundlage unter Berücksichtigung der unterschiedlichen Definitionen in den einzelnen Mitgliedstaaten gemessen.

Artikel 2

Das in Artikel 140 Absatz 1 zweiter Gedankenstrich des genannten Vertrags genannte Kriterium der Finanzlage der öffentlichen Hand bedeutet, dass zum Zeitpunkt der Prüfung kein Beschluss des Rates nach Artikel 126 Absatz 6 des genannten Vertrags vorliegt, wonach in dem betreffenden Mitgliedstaat ein übermäßiges Defizit besteht.

Artikel 3

Das in Artikel 140 Absatz 1 dritter Gedankenstrich des genannten Vertrags genannte Kriterium der Teilnahme am Wechselkursmechanismus des Europäischen Währungssystems bedeutet, dass ein Mitgliedstaat die im Rahmen des Wechselkursmechanismus des Europäischen Währungssystems vorgesehenen normalen Bandbreiten zumindest in den letzten zwei Jahren vor der Prüfung ohne starke Spannungen eingehalten haben muss. Insbesondere darf er den bilateralen Leitkurs seiner Währung innerhalb des gleichen Zeitraums gegenüber dem Euro nicht von sich aus abgewertet haben.

Artikel 4

Das in Artikel 140 Absatz 1 vierter Gedankenstrich des genannten Vertrags genannte Kriterium der Konvergenz der Zinssätze bedeutet, dass im Verlauf von einem Jahr vor der Prüfung in einem Mitgliedstaat der durchschnittliche langfristige Nominalzinssatz um nicht mehr als 2 Prozentpunkte

über dem entsprechenden Satz in jenen — höchstens drei — Mitgliedstaaten liegt, die auf dem Gebiet der Preisstabilität das beste Ergebnis erzielt haben. Die Zinssätze werden anhand langfristiger Staatsschuldverschreibungen oder vergleichbarer Wertpapiere unter Berücksichtigung der unterschiedlichen Definitionen in den einzelnen Mitgliedstaaten gemessen.

Artikel 5

Die zur Anwendung dieses Protokolls erforderlichen statistischen Daten werden von der Kommission zur Verfügung gestellt.

Artikel 6

Der Rat erlässt auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments und der EZB sowie des Wirtschafts- und Finanzausschusses einstimmig geeignete Vorschriften zur Festlegung der Einzelheiten der in Artikel 140 des genannten Vertrags genannten Konvergenzkriterien, die dann an die Stelle dieses Protokolls treten.

PROTOKOLL (Nr. 14)
BETREFFEND DIE EURO-GRUPPE

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, die Voraussetzungen für ein stärkeres Wirtschaftswachstum in der Europäischen Union zu verbessern und zu diesem Zwecke eine immer engere Koordinierung der Wirtschaftspolitik im Euro-Währungsgebiet zu fördern,

IN DEM BEWUSSTSEIN, dass besondere Bestimmungen für einen verstärkten Dialog zwischen den Mitgliedstaaten, deren Währung der Euro ist, vorgesehen werden müssen, bis der Euro zur Währung aller Mitgliedstaaten der Union geworden ist –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Die Minister der Mitgliedstaaten, deren Währung der Euro ist, treten zu informellen Sitzungen zusammen. Diese Sitzungen werden bei Bedarf abgehalten, um Fragen im Zusammenhang mit ihrer gemeinsamen spezifischen Verantwortung im Bereich der einheitlichen Währung zu erörtern. Die Kommission nimmt an den Sitzungen teil. Die Europäische Zentralbank wird zu diesen Sitzungen eingeladen, die von den Vertretern der für Finanzen zuständigen Minister der Mitgliedstaaten, deren Währung der Euro ist, und der Kommission vorbereitet werden.

Artikel 2

Die Minister der Mitgliedstaaten, deren Währung der Euro ist, wählen mit der Mehrheit dieser Mitgliedstaaten einen Präsidenten für zweieinhalb Jahre.

PROTOKOLL (Nr. 15)
ÜBER EINIGE BESTIMMUNGEN BETREFFEND DAS
VEREINIGTE KÖNIGREICH GROSSBRITANNIEN UND
NORDIRLAND

DIE HOHEN VERTRAGSPARTEIEN –

IN DER ERKENNTNIS, dass das Vereinigte Königreich nicht gezwungen oder verpflichtet ist, ohne einen gesonderten diesbezüglichen Beschluss seiner Regierung und seines Parlaments den Euro einzuführen,

ANGESICHTS der Tatsache, dass die Regierung des Vereinigten Königreichs dem Rat am 16. Oktober 1996 und am 30. Oktober 1997 notifiziert hat, dass sie nicht beabsichtigt, an der dritten Stufe der Wirtschafts- und Währungsunion teilzunehmen,

IN ANBETRACHT der Gepflogenheit der Regierung des Vereinigten Königreichs, ihren Kreditbedarf durch Verkauf von Schuldtiteln an den Privatsektor zu decken –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

1. Sofern das Vereinigte Königreich dem Rat nicht notifiziert, dass es den Euro einzuführen beabsichtigt, ist es dazu nicht verpflichtet.
2. Die Nummern 3 bis 8 und Nummer 10 gelten für das Vereinigte Königreich aufgrund der von der Regierung des Vereinigten Königreichs dem Rat am 16. Oktober 1996 und am 30. Oktober 1997 zugeleiteten Notifizierung.
3. Das Vereinigte Königreich behält seine Befugnisse auf dem Gebiet der Währungspolitik nach seinem innerstaatlichen Recht.
4. Artikel 119 Absatz 2, Artikel 126 Absätze 1, 9 und 11, Artikel 127 Absätze 1 bis 5, Artikel 128, die Artikel 130, 131, 132 und 133, Artikel 138, Artikel 140 Absatz 3, Artikel 219, Artikel 282 Absatz 2 mit Ausnahme des ersten und des letzten Satzes, Artikel 282 Absatz 5 und Artikel 283 des Vertrags über die Arbeitsweise der Europäischen Union gelten nicht für das Vereinigte Königreich. Artikel 121 Absatz 2 des genannten Vertrags gilt hinsichtlich der Annahme der das Euro-Währungsgebiet generell betreffenden Teile der Grundzüge der Wirtschaftspolitik ebenfalls nicht für das Vereinigte Königreich. In diesen Bestimmungen enthaltene Bezugnahmen auf die Union oder die Mitgliedstaaten betreffen nicht das Vereinigte Königreich, und Bezugnahmen auf die nationalen Zentralbanken betreffen nicht die Bank of England.
5. Das Vereinigte Königreich bemüht sich, ein übermäßiges öffentliches Defizit zu vermeiden.

Die Artikel 143 und 144 des Vertrags über die Arbeitsweise der Europäischen Union gelten auch weiterhin für das Vereinigte Königreich. Artikel 134 Absatz 4 und Artikel 142 werden so auf das Vereinigte Königreich angewandt, als gelte für dieses eine Ausnahmeregelung.

6. Das Stimmrecht des Vereinigten Königreichs wird in Bezug auf die Rechtsakte des Rates, auf die in den unter Nummer 4 aufgeführten Artikeln Bezug genommen wird, und in den in Artikel 139 Absatz 4 Unterabsatz 1 des Vertrags über die Arbeitsweise der Europäischen Union genannten Fällen ausgesetzt. Zu diesem Zweck findet Artikel 139 Absatz 4 Unterabsatz 2 des genannten Vertrags Anwendung.

Das Vereinigte Königreich ist ferner nicht berechtigt, sich an der Ernennung des Präsidenten, des Vizepräsidenten und der weiteren Mitglieder des Direktoriums der EZB nach Artikel 283 Absatz 2 Buchstabe b des genannten Vertrags zu beteiligen.

7. Die Artikel 3, 4, 6, 7, 9.2, 10.1, 10.3, 11.2, 12.1, 14, 16, 18, 19, 20, 22, 23, 26, 27, 30, 31, 32, 33, 34 und 49 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank („die Satzung“) gelten nicht für das Vereinigte Königreich.

In diesen Artikeln enthaltene Bezugnahmen auf die Union oder die Mitgliedstaaten betreffen nicht das Vereinigte Königreich, und Bezugnahmen auf die nationalen Zentralbanken oder die Anteilseigner betreffen nicht die Bank of England.

In den Artikeln 10.3 und 30.2 der Satzung enthaltene Bezugnahmen auf das „gezeichnete Kapital der EZB“ betreffen nicht das von der Bank of England gezeichnete Kapital.

8. Artikel 141 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union und die Artikel 43 bis 47 der Satzung gelten unabhängig davon, ob es Mitgliedstaaten gibt, für die eine Ausnahmeregelung gilt, vorbehaltlich folgender Änderungen:

- a) Bezugnahmen in Artikel 43 auf die Aufgaben der EZB und des EWI schließen auch die Aufgaben ein, die im Fall einer etwaigen Entscheidung des Vereinigten Königreichs, nicht den Euro einzuführen, nach der Einführung des Euro noch erfüllt werden müssen.
- b) Zusätzlich zu den Aufgaben nach Artikel 46 berät die EZB ferner bei der Vorbereitung von Beschlüssen des Rates betreffend das Vereinigte Königreich nach Nummer 9 Buchstaben a und c dieses Protokolls und wirkt an deren Ausarbeitung mit.
- c) Die Bank of England zahlt das von ihr gezeichnete Kapital der EZB als Beitrag zu den EZB-Betriebskosten auf derselben Grundlage ein wie die nationalen Zentralbanken der Mitgliedstaaten, für die eine Ausnahmeregelung gilt.

9. Das Vereinigte Königreich kann jederzeit notifizieren, dass es beabsichtigt, den Euro einzuführen. In diesem Fall gilt Folgendes:

- a) Das Vereinigte Königreich hat das Recht, den Euro einzuführen, sofern es die notwendigen Voraussetzungen erfüllt. Der Rat entscheidet auf Antrag des Vereinigten Königreichs unter den Bedingungen und nach dem Verfahren des Artikels 140 Absätze 1 und 2 des Vertrags über die Arbeitsweise der Europäischen Union, ob das Vereinigte Königreich die notwendigen Voraussetzungen erfüllt.
- b) Die Bank of England zahlt das von ihr gezeichnete Kapital ein, überträgt der EZB Währungsreserven und leistet ihren Beitrag zu den Reserven der EZB auf derselben Grundlage wie die nationalen Zentralbanken der Mitgliedstaaten, deren Ausnahmeregelung aufgehoben worden ist.

- c) Der Rat fasst unter den Bedingungen und nach dem Verfahren des Artikels 140 Absatz 3 des genannten Vertrags alle weiteren Beschlüsse, die erforderlich sind, um dem Vereinigten Königreich die Einführung des Euro zu ermöglichen.

Führt das Vereinigte Königreich nach den Bestimmungen dieser Nummer den Euro ein, so treten die Nummern 3 bis 9 dieses Protokolls außer Kraft.

10. Unbeschadet des Artikels 123 des Vertrags über die Arbeitsweise der Europäischen Union sowie des Artikels 21.1 der Satzung kann die Regierung des Vereinigten Königreichs ihre „Ways and Means“-Fazilität bei der Bank of England beibehalten, sofern und solange das Vereinigte Königreich nicht den Euro einführt.

PROTOKOLL (Nr. 16)
**ÜBER EINIGE BESTIMMUNGEN BETREFFEND
DÄNEMARK**

DIE HOHEN VERTRAGSPARTEIEN —

MIT RÜCKSICHT DARAUF, dass die dänische Verfassung Bestimmungen enthält, die vor einem Verzicht Dänemarks auf seine Freistellung in Dänemark eine Volksabstimmung erfordern könnten —

ANGESICHTS DER TATSACHE, dass die dänische Regierung dem Rat am 3. November 1993 notifiziert hat, dass sie nicht beabsichtigt, an der dritten Stufe der Wirtschafts- und Währungsunion teilzunehmen

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

1. Aufgrund der Notifikation der dänischen Regierung an den Rat vom 3. November 1993 gilt für Dänemark eine Freistellung. Die Freistellung hat zur Folge, dass alle eine Ausnahmeregelung betreffenden Artikel und Bestimmungen der Verträge und der Satzung des ESZB und der EZB auf Dänemark Anwendung finden.
 2. Zur Aufhebung der Freistellung wird das Verfahren nach Artikel 140 des Vertrags über die Arbeitsweise der Europäischen Union nur dann eingeleitet, wenn Dänemark einen entsprechenden Antrag stellt.
 3. Nach Aufhebung der Freistellung ist dieses Protokoll nicht mehr anwendbar.
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PROTOKOLL (Nr. 17)
BETREFFEND DÄNEMARK

DIE HOHEN VERTRAGSPARTEIEN –

IN DEM WUNSCH, gewisse besondere Probleme betreffend Dänemark zu regeln –

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigefügt sind:

Artikel 14 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank berührt nicht das Recht der Nationalbank Dänemarks, ihre derzeitigen Aufgaben hinsichtlich der nicht der Union angehörenden Teile des Königreichs Dänemark wahrzunehmen.

PROTOKOLL (Nr. 18)
BETREFFEND FRANKREICH

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, einen besonderen Punkt im Zusammenhang mit Frankreich zu berücksichtigen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigefügt sind:

Frankreich behält das Recht, nach Maßgabe seiner innerstaatlichen Rechtsvorschriften in Neukaledonien, in Französisch-Polynesien und in Wallis und Futuna Geldzeichen auszugeben, und ist allein befugt, die Parität des CFP-Franc festzusetzen.

PROTOKOLL (Nr. 19)
**ÜBER DEN IN DEN RAHMEN DER EUROPÄISCHEN
UNION EINBEZOGENEN SCHENGEN-BESITZSTAND**

DIE HOHEN VERTRAGSPARTEIEN —

ANGESICHTS dessen, dass die von einigen Mitgliedstaaten der Europäischen Union am 14. Juni 1985 und am 19. Juni 1990 in Schengen unterzeichneten Übereinkommen betreffend den schrittweisen Abbau der Kontrollen an den gemeinsamen Grenzen sowie damit zusammenhängende Übereinkommen und die auf deren Grundlage erlassenen Regelungen durch den Vertrag von Amsterdam vom 2. Oktober 1997 in den Rahmen der Europäischen Union einbezogen wurden,

IN DEM WUNSCH, den seit Inkrafttreten des Vertrags von Amsterdam weiterentwickelten Schengen-Besitzstand zu wahren und diesen Besitzstand fortzuentwickeln, um zur Verwirklichung des Ziels beizutragen, den Unionsbürgerinnen und Unionsbürgern einen Raum der Freiheit, der Sicherheit und des Rechts ohne Binnengrenzen zu bieten,

MIT RÜCKSICHT auf die besondere Position Dänemarks,

MIT RÜCKSICHT darauf, dass Irland und das Vereinigte Königreich Großbritannien und Nordirland sich nicht an sämtlichen Bestimmungen des Schengen-Besitzstands beteiligen, dass es diesen Mitgliedstaaten jedoch ermöglicht werden sollte, andere Bestimmungen dieses Besitzstands ganz oder teilweise anzunehmen,

IN DER ERKENNTNIS, dass es infolgedessen erforderlich ist, auf die in den Verträgen enthaltenen Bestimmungen über eine Verstärkte Zusammenarbeit zwischen einigen Mitgliedstaaten zurückzugreifen,

MIT RÜCKSICHT darauf, dass es notwendig ist, ein besonderes Verhältnis zur Republik Island und zum Königreich Norwegen aufrechtzuerhalten, da diese beiden Staaten sowie diejenigen nordischen Staaten, die Mitglieder der Europäischen Union sind, durch die Bestimmungen der Nordischen Passunion gebunden sind —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Das Königreich Belgien, die Republik Bulgarien, die Tschechische Republik, das Königreich Dänemark, die Bundesrepublik Deutschland, die Republik Estland, die Hellenische Republik, das Königreich Spanien, die Französische Republik, die Italienische Republik, die Republik Zypern, die Republik Lettland, die Republik Litauen, das Großherzogtum Luxemburg, die Republik Ungarn, die Republik Malta, das Königreich der Niederlande, die Republik Österreich, die Republik Polen, die Portugiesische Republik, Rumänien, die Republik Slowenien, die Slowakische Republik, die Republik Finnland und das Königreich Schweden werden ermächtigt, untereinander eine Verstärkte Zusammenarbeit in den Bereichen der vom Rat festgelegten Bestimmungen, die den Schengen-Besitzstand bilden, zu begründen. Diese Zusammenarbeit erfolgt innerhalb des institutionellen und rechtlichen Rahmens der Europäischen Union und unter Beachtung der einschlägigen Bestimmungen der Verträge.

Artikel 2

Der Schengen-Besitzstand ist unbeschadet des Artikels 3 der Beitrittsakte vom 16. April 2003 und des Artikels 4 der Beitrittsakte vom 25. April 2005 für die in Artikel 1 aufgeführten Mitgliedstaaten anwendbar. Der Rat tritt an die Stelle des durch die Schengener Übereinkommen eingesetzten Exekutivausschusses.

Artikel 3

Die Beteiligung Dänemarks am Erlass der Maßnahmen, die eine Weiterentwicklung des Schengen-Besitzstands darstellen, sowie die Umsetzung und Anwendung dieser Maßnahmen in Dänemark unterliegt den einschlägigen Bestimmungen des Protokolls über die Position Dänemarks.

Artikel 4

Irland und das Vereinigte Königreich Großbritannien und Nordirland können jederzeit beantragen, dass einzelne oder alle Bestimmungen dieses Besitzstands auch auf sie Anwendung finden sollen.

Der Rat beschließt einstimmig über einen solchen Antrag, wobei die Einstimmigkeit mit den Stimmen seiner in Artikel 1 genannten Mitglieder und der Stimme des Vertreters der Regierung des betreffenden Staates zustande kommt.

Artikel 5

(1) Vorschläge und Initiativen auf der Grundlage des Schengen-Besitzstands unterliegen den einschlägigen Bestimmungen der Verträge.

In diesem Zusammenhang gilt, sofern Irland oder das Vereinigte Königreich dem Rat nicht innerhalb eines vertretbaren Zeitraums schriftlich mitgeteilt hat, dass es sich beteiligen möchte, die Ermächtigung nach Artikel 329 des Vertrags über die Arbeitsweise der Europäischen Union gegenüber den in Artikel 1 genannten Mitgliedstaaten sowie gegenüber Irland oder dem Vereinigten Königreich als erteilt, sofern einer dieser beiden Mitgliedstaaten sich in den betreffenden Bereichen der Zusammenarbeit beteiligen möchte.

(2) Gilt eine Mitteilung durch Irland oder das Vereinigte Königreich nach einem Beschluss gemäß Artikel 4 als erfolgt, so kann Irland oder das Vereinigte Königreich dennoch dem Rat innerhalb von drei Monaten schriftlich mitteilen, dass es sich an dem Vorschlag oder der Initiative nicht beteiligen möchte. In diesem Fall beteiligt sich Irland bzw. das Vereinigte Königreich nicht an der Annahme des Vorschlags oder der Initiative. Ab der letzteren Mitteilung wird das Verfahren zur Annahme der Maßnahme auf der Grundlage des Schengen-Besitzstands bis zum Ende des Verfahrens nach den Absätzen 3 oder 4 oder bis zu dem Zeitpunkt, zu dem die genannte Mitteilung während des Verfahrens zurückgenommen wird, ausgesetzt.

(3) In Bezug auf den Mitgliedstaat, der eine Mitteilung nach Absatz 2 vorgenommen hat, gilt ein Beschluss des Rates nach Artikel 4 ab dem Inkrafttreten der vorgeschlagenen Maßnahme nicht mehr, und zwar in dem vom Rat für erforderlich gehaltenen Ausmaß und unter den vom Rat mit qualifizierter Mehrheit auf Vorschlag der Kommission in einem Beschluss festzulegenden Bedingungen. Dieser Beschluss wird nach den folgenden Kriterien gefasst: Der Rat bemüht sich, das größtmögliche Maß an Beteiligung des betreffenden Mitgliedstaats aufrechtzuerhalten, ohne dass dabei die praktische

Durchführbarkeit der verschiedenen Teile des Schengen-Besitzstands ernsthaft beeinträchtigt wird und unter Wahrung ihrer Kohärenz. Die Kommission unterbreitet ihren Vorschlag so bald wie möglich nach der Mitteilung nach Absatz 2. Der Rat beschließt innerhalb von vier Monaten nach dem Vorschlag der Kommission erforderlichenfalls nach Einberufung von zwei aufeinander folgenden Tagungen.

(4) Hat der Rat nach Ablauf von vier Monaten keinen Beschluss gefasst, so kann ein Mitgliedstaat unverzüglich beantragen, dass der Europäische Rat befasst wird. In diesem Fall fasst der Europäische Rat auf seiner nächsten Tagung mit qualifizierter Mehrheit auf der Grundlage des Vorschlags der Kommission einen Beschluss nach den in Absatz 3 genannten Kriterien.

(5) Hat der Rat oder gegebenenfalls der Europäische Rat bis zum Ende des Verfahrens nach Absatz 3 oder Absatz 4 keinen Beschluss gefasst, so ist die Aussetzung des Verfahrens für die Annahme der Maßnahme auf der Grundlage des Schengen-Besitzstands beendet. Wird die Maßnahme im Anschluss daran angenommen, so gilt ein Beschluss des Rates nach Artikel 4 für den betreffenden Mitgliedstaat ab dem Inkrafttreten der Maßnahme in dem Ausmaß und unter den Bedingungen, die von der Kommission beschlossen wurden, nicht mehr, es sei denn, der betreffende Mitgliedstaat hat seine Mitteilung nach Absatz 2 vor Annahme der Maßnahme zurückgezogen. Die Kommission beschließt bis zum Tag dieser Annahme. Die Kommission beachtet bei ihrem Beschluss die Kriterien nach Absatz 3.

Artikel 6

Die Republik Island und das Königreich Norwegen werden bei der Durchführung des Schengen-Besitzstands und bei seiner weiteren Entwicklung assoziiert. Die entsprechenden Verfahren hierfür werden in einem Übereinkommen mit diesen Staaten festgelegt, das vom Rat mit einstimmigem Beschluss seiner in Artikel 1 genannten Mitglieder geschlossen wird. Das Übereinkommen enthält auch Bestimmungen über den Beitrag Islands und Norwegens zu etwaigen finanziellen Folgen der Durchführung dieses Protokolls.

Mit Island und Norwegen schließt der Rat mit einstimmigem Beschluss ein gesondertes Übereinkommen zur Festlegung der Rechte und Pflichten zwischen Irland und dem Vereinigten Königreich Großbritannien und Nordirland einerseits und Island und Norwegen andererseits in den für diese Staaten geltenden Bereichen des Schengen-Besitzstands.

Artikel 7

Bei den Verhandlungen über die Aufnahme neuer Mitgliedstaaten in die Europäische Union gelten der Schengen-Besitzstand und weitere Maßnahmen, welche die Organe im Rahmen seines Anwendungsbereichs getroffen haben, als ein Besitzstand, der von allen Staaten, die Beitrittskandidaten sind, vollständig zu übernehmen ist.

PROTOKOLL (Nr. 20)

**ÜBER DIE ANWENDUNG BESTIMMTER ASPEKTE DES
ARTIKELS 26 DES VERTRAGS ÜBER DIE
ARBEITSWEISE DER EUROPÄISCHEN UNION AUF
DAS VEREINIGTE KÖNIGREICH UND AUF IRLAND**

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, bestimmte das Vereinigte Königreich und Irland betreffende Fragen zu regeln,

IM HINBLICK darauf, dass seit vielen Jahren zwischen dem Vereinigten Königreich und Irland besondere Reiseregungen bestehen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Das Vereinigte Königreich darf ungeachtet der Artikel 26 und 77 des Vertrags über die Arbeitsweise der Europäischen Union, anderer Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union, im Rahmen dieser Verträge beschlossener Maßnahmen oder von der Union oder der Union und ihren Mitgliedstaaten mit einem oder mehreren Drittstaaten geschlossener internationaler Übereinkünfte an seinen Grenzen mit anderen Mitgliedstaaten bei Personen, die in das Vereinigte Königreich einreisen wollen, Kontrollen durchführen, die nach seiner Auffassung erforderlich sind

- a) zur Überprüfung des Rechts auf Einreise in das Vereinigte Königreich bei Staatsangehörigen von Mitgliedstaaten und ihren unterhaltsberechtigten Angehörigen, welche die ihnen nach dem Unionsrecht zustehenden Rechte wahrnehmen, sowie bei Staatsangehörigen anderer Staaten, denen solche Rechte aufgrund einer Übereinkunft zustehen, an die das Vereinigte Königreich gebunden ist, und
- b) zur Entscheidung darüber, ob anderen Personen die Genehmigung zur Einreise in das Vereinigte Königreich erteilt wird.

Die Artikel 26 und 77 des Vertrags über die Arbeitsweise der Europäischen Union oder die anderen Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder die im Rahmen dieser Verträge beschlossenen Maßnahmen berühren in keiner Weise das Recht des Vereinigten Königreichs, solche Kontrollen ein- oder durchzuführen. Wird im vorliegenden Artikel auf das Vereinigte Königreich Bezug genommen, so gilt diese Bezugnahme auch für die Gebiete, für deren Außenbeziehungen das Vereinigte Königreich verantwortlich ist.

Artikel 2

Das Vereinigte Königreich und Irland können weiterhin untereinander Regelungen über den freien Personenverkehr zwischen ihren Hoheitsgebieten („einheitliches Reisegebiet“) treffen, sofern die Rechte der in Artikel 1 Absatz 1 Buchstabe a dieses Protokolls genannten Personen in vollem Umfang gewahrt bleiben. Dementsprechend findet, solange sie solche Regelungen beibehalten, Artikel 1 dieses

Protokolls unter denselben Bedingungen und Voraussetzungen wie im Falle des Vereinigten Königreichs auf Irland Anwendung. Die Artikel 26 und 77 des Vertrags über die Arbeitsweise der Europäischen Union oder andere Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder im Rahmen dieser Verträge beschlossene Maßnahmen berühren diese Regelungen in keiner Weise.

Artikel 3

Die übrigen Mitgliedstaaten dürfen an ihren Grenzen oder an allen Orten, an denen ihr Hoheitsgebiet betreten werden kann, solche Kontrollen bei Personen durchführen, die aus dem Vereinigten Königreich oder aus Gebieten, deren Außenbeziehungen für die in Artikel 1 dieses Protokolls genannten Zwecke in seiner Verantwortung liegen, oder aber, solange Artikel 1 dieses Protokolls für Irland gilt, aus Irland in ihr Hoheitsgebiet einreisen wollen.

Die Artikel 26 und 77 des Vertrags über die Arbeitsweise der Europäischen Union oder andere Bestimmungen jenes Vertrags oder des Vertrags über die Europäische Union oder im Rahmen dieser Verträge beschlossene Maßnahmen berühren in keiner Weise das Recht der übrigen Mitgliedstaaten, solche Kontrollen ein- oder durchzuführen.

PROTOKOLL (Nr. 21)

**ÜBER DIE POSITION DES VEREINIGTEN
KÖNIGREICHS UND IRLANDS HINSICHTLICH DES
RAUMS DER FREIHEIT, DER SICHERHEIT UND DES
RECHTS**

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, bestimmte das Vereinigte Königreich und Irland betreffende Fragen zu regeln,

UNTER BERÜCKSICHTIGUNG des Protokolls über die Anwendung bestimmter Aspekte des Artikels 26 des Vertrags über die Arbeitsweise der Europäischen Union auf das Vereinigte Königreich und auf Irland —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Vorbehaltlich des Artikels 3 beteiligen sich das Vereinigte Königreich und Irland nicht an der Annahme von Maßnahmen durch den Rat, die nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagen werden. Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme der Vertreter der Regierungen des Vereinigten Königreichs und Irlands erforderlich.

Für die Zwecke dieses Artikels bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union.

Artikel 2

Entsprechend Artikel 1 und vorbehaltlich der Artikel 3, 4 und 6 sind Vorschriften des Dritten Teils Titel V des Vertrags über die Arbeitsweise der Europäischen Union, nach jenem Titel beschlossene Maßnahmen, Vorschriften internationaler Übereinkünfte, die von der Union nach jenem Titel geschlossen werden, sowie Entscheidungen des Gerichtshofs der Europäischen Union, in denen solche Vorschriften oder Maßnahmen ausgelegt werden, für das Vereinigte Königreich oder Irland nicht bindend oder anwendbar; und diese Vorschriften, Maßnahmen oder Entscheidungen berühren in keiner Weise die Zuständigkeiten, Rechte und Pflichten dieser Staaten; ebenso wenig berühren diese Vorschriften, Maßnahmen oder Entscheidungen in irgendeiner Weise den Besitzstand der Gemeinschaft oder der Union oder sind sie Teil des Unionsrechts, soweit sie auf das Vereinigte Königreich und Irland Anwendung finden.

Artikel 3

(1) Das Vereinigte Königreich oder Irland kann dem Präsidenten des Rates innerhalb von drei Monaten nach der Vorlage eines Vorschlags oder einer Initiative nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union beim Rat schriftlich mitteilen, dass es sich an der Annahme und Anwendung der betreffenden Maßnahme beteiligen möchte, was dem betreffenden Staat daraufhin gestattet ist.

Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung aller Mitglieder des Rates mit Ausnahme der Mitglieder, die keine solche Mitteilung gemacht haben, erforderlich. Eine nach diesem Absatz beschlossene Maßnahme ist für alle an der Annahme beteiligten Mitgliedstaaten bindend.

Die Bedingungen für eine Beteiligung des Vereinigten Königreichs und Irlands an den Bewertungen, die die unter den Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union fallenden Bereiche betreffen, werden in den nach Artikel 70 des genannten Vertrags erlassenen Maßnahmen geregelt.

Für die Zwecke dieses Artikels bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union.

(2) Kann eine Maßnahme nach Absatz 1 nicht innerhalb eines angemessenen Zeitraums mit Beteiligung des Vereinigten Königreichs oder Irlands angenommen werden, so kann der Rat die betreffende Maßnahme nach Artikel 1 ohne Beteiligung des Vereinigten Königreichs oder Irlands annehmen. In diesem Fall findet Artikel 2 Anwendung.

Artikel 4

Das Vereinigte Königreich oder Irland kann nach der Annahme einer Maßnahme nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union durch den Rat dem Rat und der Kommission jederzeit mitteilen, dass es die Maßnahme anzunehmen wünscht. In diesem Fall findet das in Artikel 331 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehene Verfahren sinngemäß Anwendung.

Artikel 4a

(1) Die Bestimmungen dieses Protokolls gelten für das Vereinigte Königreich und Irland auch für nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagene oder erlassene Maßnahmen, mit denen eine bestehende Maßnahme, die für sie bindend ist, geändert wird.

(2) In Fällen, in denen der Rat auf Vorschlag der Kommission feststellt, dass die Nichtbeteiligung des Vereinigten Königreichs oder Irlands an der geänderten Fassung einer bestehenden Maßnahme die Anwendung dieser Maßnahme für andere Mitgliedstaaten oder die Union unpraktikabel macht, kann er das Vereinigte Königreich bzw. Irland nachdrücklich ersuchen, eine Mitteilung nach Artikel 3 oder Artikel 4 vorzunehmen. Für die Zwecke des Artikels 3 beginnt ab dem Tag, an dem der Rat die Feststellung trifft, eine weitere Frist von zwei Monaten.

Hat das Vereinigte Königreich oder Irland bei Ablauf der Frist von zwei Monaten ab der Feststellung des Rates keine Mitteilung nach Artikel 3 oder Artikel 4 vorgenommen, so ist die bestehende Maßnahme für den betreffenden Mitgliedstaat weder bindend noch anwendbar, es sei denn, er nimmt vor dem Inkrafttreten der Änderungsmaßnahme eine Mitteilung nach Artikel 4 vor. Dies gilt mit Wirkung ab dem Tag des Inkrafttretens der Änderungsmaßnahme oder ab dem Tag des Ablaufs der Frist von zwei Monaten, je nachdem, welcher Zeitpunkt später liegt.

Für die Zwecke dieses Absatzes beschließt der Rat nach eingehender Erörterung der Angelegenheit mit der qualifizierten Mehrheit derjenigen Mitglieder des Rates, die Mitgliedstaaten vertreten, die sich an der Annahme der Änderungsmaßnahme beteiligen oder beteiligt haben. Die qualifizierte Mehrheit des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union.

(3) Der Rat kann mit qualifizierter Mehrheit auf Vorschlag der Kommission festlegen, dass das Vereinigte Königreich oder Irland etwaige unmittelbare finanzielle Folgen zu tragen hat, die sich zwangsläufig und unvermeidbar daraus ergeben, dass sich das Vereinigte Königreich bzw. Irland nicht mehr an der bestehenden Maßnahme beteiligt.

(4) Dieser Artikel lässt Artikel 4 unberührt.

Artikel 5

Ein Mitgliedstaat, der durch eine nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union beschlossene Maßnahme nicht gebunden ist, hat außer den für die Organe sich ergebenden Verwaltungskosten keine finanziellen Folgen dieser Maßnahme zu tragen, sofern der Rat nicht mit allen seinen Mitgliedern nach Anhörung des Europäischen Parlaments einstimmig etwas anderes beschließt.

Artikel 6

In Fällen, in denen nach diesem Protokoll das Vereinigte Königreich oder Irland durch eine vom Rat nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union beschlossene Maßnahme gebunden ist, gelten hinsichtlich dieser Maßnahme für den betreffenden Staat die einschlägigen Bestimmungen der Verträge.

Artikel 6a

Die auf der Grundlage des Artikels 16 des Vertrags über die Arbeitsweise der Europäischen Union festgelegten Vorschriften über die Verarbeitung personenbezogener Daten durch die Mitgliedstaaten im Rahmen der Ausübung von Tätigkeiten, die in den Anwendungsbereich des Dritten Teils Titel V Kapitel 4 und 5 des genannten Vertrags fallen, werden für das Vereinigte Königreich und Irland nicht bindend sein, wenn das Vereinigte Königreich und Irland nicht durch Unionsvorschriften gebunden sind, die Formen der justiziellen Zusammenarbeit in Strafsachen oder der polizeilichen Zusammenarbeit regeln, in deren Rahmen die auf der Grundlage des Artikels 16 festgelegten Vorschriften eingehalten werden müssen.

Artikel 7

Die Artikel 3, 4 und 4a berühren nicht das Protokoll über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand.

Artikel 8

Irland kann dem Rat schriftlich mitteilen, dass dieses Protokoll nicht mehr für Irland gelten soll. In diesem Fall gelten für Irland die üblichen Vertragsbestimmungen.

Artikel 9

Im Falle Irlands gilt dieses Protokoll nicht für Artikel 75 des Vertrags über die Arbeitsweise der Europäischen Union.

PROTOKOLL (Nr. 22) ÜBER DIE POSITION DÄNEMARKS

DIE HOHEN VERTRAGSPARTEIEN —

UNTER BERUFUNG auf den Beschluss der am 12. Dezember 1992 in Edinburgh im Europäischen Rat vereinigten Staats- und Regierungschefs zu bestimmten von Dänemark aufgeworfenen Problemen betreffend den Vertrag über die Europäische Union,

IN KENNTNIS der in dem Beschluss von Edinburgh festgelegten Haltung Dänemarks in Bezug auf die Unionsbürgerschaft, die Wirtschafts- und Währungsunion sowie auf die Verteidigungspolitik und die Bereiche Justiz und Inneres,

IN DEM BEWUSSTSEIN, dass Dänemarks Beteiligung an wichtigen Bereichen der Zusammenarbeit in der Union erheblich eingeschränkt wird, wenn die auf den Beschluss von Edinburgh zurückgehende Rechtsregelung im Rahmen der Verträge fortgesetzt wird, und dass es im Interesse der Union liegt, die uneingeschränkte Anwendung des Besitzstands im Raum der Freiheit, der Sicherheit und des Rechts zu gewährleisten,

IN DEM WUNSCH, aufgrund dessen einen Rechtsrahmen festzulegen, der Dänemark die Option bieten wird, sich am Erlass von Maßnahmen zu beteiligen, die auf der Grundlage des Dritten Teils Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagen werden, und die Absicht Dänemarks begrüßend, wenn möglich von dieser Option im Einklang mit seinen verfassungsrechtlichen Vorschriften Gebrauch zu machen,

IN ANBETRACHT DESSEN, dass Dänemark die anderen Mitgliedstaaten nicht daran hindern wird, ihre Zusammenarbeit in Bezug auf Maßnahmen, die für Dänemark nicht bindend sind, weiter auszubauen,

EINGEDENK des Artikels 3 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

TEIL I

Artikel 1

Dänemark beteiligt sich nicht an der Annahme von Maßnahmen durch den Rat, die nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagen werden. Für Beschlüsse des Rates, die einstimmig angenommen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme des Vertreters der Regierung Dänemarks erforderlich.

Für die Zwecke dieses Artikels bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union.

Artikel 2

Vorschriften des Dritten Teils Titel V des Vertrags über die Arbeitsweise der Europäischen Union, nach jenem Titel beschlossene Maßnahmen, Vorschriften internationaler Übereinkünfte, die von der Union nach jenem Titel geschlossen werden, sowie Entscheidungen des Gerichtshofs der Europäischen Union, in denen solche Vorschriften oder Maßnahmen oder nach jenem Titel geänderte oder änderbare Maßnahmen ausgelegt werden, sind für Dänemark nicht bindend oder anwendbar. Diese Vorschriften, Maßnahmen oder Entscheidungen berühren in keiner Weise die Zuständigkeiten, Rechte und Pflichten Dänemarks; ebenso wenig berühren diese Vorschriften, Maßnahmen oder Entscheidungen in irgendeiner Weise den Besitzstand der Gemeinschaft oder der Union oder sind sie Teil des Unionsrechts, soweit sie auf Dänemark Anwendung finden. Insbesondere sind Rechtsakte der Union auf dem Gebiet der polizeilichen und justiziellen Zusammenarbeit in Strafsachen, die vor dem Inkrafttreten des Vertrags von Lissabon angenommen wurden und die geändert werden, für Dänemark ohne die Änderungen weiterhin bindend und anwendbar.

Artikel 2a

Artikel 2 dieses Protokolls gilt auch für die auf der Grundlage des Artikels 16 des Vertrags über die Arbeitsweise der Europäischen Union festgelegten Vorschriften über die Verarbeitung personenbezogener Daten durch die Mitgliedstaaten im Rahmen der Ausübung von Tätigkeiten, die in den Anwendungsbereich des Dritten Teils Titel V Kapitel 4 und 5 des genannten Vertrags fallen.

Artikel 3

Dänemark hat außer den für die Organe sich ergebenden Verwaltungskosten keine finanziellen Folgen von Maßnahmen nach Artikel 1 zu tragen.

Artikel 4

(1) Dänemark beschließt innerhalb von sechs Monaten, nachdem der Rat über einen Vorschlag oder eine Initiative zur Ergänzung des Schengen-Besitzstands nach diesem Teil beschlossen hat, ob es diese Maßnahme in einzelstaatliches Recht umsetzt. Fasst es einen solchen Beschluss, so begründet diese Maßnahme eine Verpflichtung nach dem Völkerrecht zwischen Dänemark und den übrigen Mitgliedstaaten, für die diese Maßnahme bindend ist.

(2) Beschließt Dänemark, eine Maßnahme des Rates nach Absatz 1 nicht umzusetzen, so werden die Mitgliedstaaten, für die diese Maßnahme bindend ist, und Dänemark prüfen, welche Maßnahmen zu treffen sind.

TEIL II

Artikel 5

Hinsichtlich der vom Rat im Bereich des Artikels 26 Absatz 1, des Artikels 42 und der Artikel 43 bis 46 des Vertrags über die Europäische Union angenommenen Maßnahmen beteiligt sich Dänemark nicht an der Ausarbeitung und Durchführung von Beschlüssen und Maßnahmen der Union, die verteidigungspolitische Bezüge haben. Dänemark nimmt daher nicht an der Annahme dieser

Maßnahmen teil. Es wird die anderen Mitgliedstaaten nicht daran hindern, ihre Zusammenarbeit auf diesem Gebiet weiter auszubauen. Dänemark ist nicht verpflichtet, zur Finanzierung operativer Ausgaben beizutragen, die als Folge solcher Maßnahmen anfallen, oder der Union militärische Fähigkeiten zur Verfügung zu stellen.

Für Rechtsakte des Rates, die einstimmig erlassen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme des Vertreters der Regierung Dänemarks erforderlich.

Für die Zwecke dieses Artikels bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union.

TEIL III

Artikel 6

Die Artikel 1, 2 und 3 finden keine Anwendung auf Maßnahmen zur Bestimmung derjenigen Drittländer, deren Staatsangehörige beim Überschreiten der Außengrenzen der Mitgliedstaaten im Besitz eines Visums sein müssen, sowie auf Maßnahmen zur einheitlichen Visumgestaltung.

TEIL IV

Artikel 7

Dänemark kann den übrigen Mitgliedstaaten im Einklang mit seinen verfassungsrechtlichen Vorschriften jederzeit mitteilen, dass es von diesem Protokoll insgesamt oder zum Teil keinen Gebrauch mehr machen will. In diesem Fall wird Dänemark sämtliche im Rahmen der Europäischen Union getroffenen einschlägigen Maßnahmen, die bis dahin in Kraft getreten sind, in vollem Umfang anwenden.

Artikel 8

(1) Dänemark kann jederzeit unbeschadet des Artikels 7 den anderen Mitgliedstaaten im Einklang mit seinen verfassungsrechtlichen Vorschriften mitteilen, dass ab dem ersten Tag des auf die Mitteilung folgenden Monats Teil I dieses Protokolls aus den Bestimmungen im Anhang zu diesem Protokoll besteht. In diesem Fall werden die Artikel 5 bis 8 entsprechend unnummeriert.

(2) Sechs Monate nach dem Tag, an dem die Mitteilung nach Absatz 1 wirksam wird, sind der gesamte Schengen-Besitzstand und alle zur Ergänzung dieses Besitzstands erlassenen Maßnahmen, die für Dänemark bis dahin als Verpflichtungen im Rahmen des Völkerrechts bindend waren, für Dänemark als Unionsrecht bindend.

ANHANG

Artikel 1

Vorbehaltlich des Artikels 3 beteiligt sich Dänemark nicht am Erlass von Maßnahmen durch den Rat, die nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagen werden. Für Rechtsakte des Rates, die einstimmig erlassen werden müssen, ist die Zustimmung der Mitglieder des Rates mit Ausnahme des Vertreters der Regierung Dänemarks erforderlich.

Für die Zwecke dieses Artikels bestimmt sich die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union.

Artikel 2

Entsprechend Artikel 1 und vorbehaltlich der Artikel 3, 4 und 8 sind Vorschriften des Dritten Teils Titel V des Vertrags über die Arbeitsweise der Europäischen Union, nach jenem Titel erlassene Maßnahmen, Vorschriften internationaler Übereinkünfte, die von der Union nach jenem Titel geschlossen werden, sowie Entscheidungen des Gerichtshofs der Europäischen Union, in denen solche Vorschriften oder Maßnahmen ausgelegt werden, für Dänemark nicht bindend oder anwendbar. Diese Vorschriften, Maßnahmen oder Entscheidungen berühren in keiner Weise die Zuständigkeiten, Rechte und Pflichten Dänemarks. Diese Vorschriften, Maßnahmen oder Entscheidungen verändern in keiner Weise den Besitzstand der Gemeinschaft oder der Union und sind nicht Teil des Unionsrechts, soweit sie auf Dänemark Anwendung finden.

Artikel 3

(1) Dänemark kann dem Präsidenten des Rates innerhalb von drei Monaten nach der Vorlage beim Rat eines Vorschlags oder einer Initiative nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union schriftlich mitteilen, dass es sich am Erlass und an der Anwendung der betreffenden Maßnahme beteiligen möchte; dies ist Dänemark daraufhin gestattet.

(2) Kann eine Maßnahme nach Absatz 1 nach Ablauf eines angemessenen Zeitraums nicht mit Beteiligung Dänemarks erlassen werden, so kann der Rat die Maßnahme nach Artikel 1 ohne Beteiligung Dänemarks erlassen. In diesem Fall findet Artikel 2 Anwendung.

Artikel 4

Dänemark kann nach Erlass einer Maßnahme nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union dem Rat und der Kommission jederzeit mitteilen, dass es die Maßnahme anzunehmen wünscht. In diesem Fall findet das in Artikel 331 Absatz 1 des genannten Vertrags vorgesehene Verfahren sinngemäß Anwendung.

Artikel 5

(1) Die Bestimmungen dieses Protokolls gelten für Dänemark auch für nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union vorgeschlagene oder erlassene Maßnahmen, mit denen eine bestehende Maßnahme, die für Dänemark bindend ist, geändert wird.

(2) In Fällen, in denen der Rat auf Vorschlag der Kommission feststellt, dass durch die Nichtbeteiligung Dänemarks an der geänderten Fassung einer bestehenden Maßnahme die Durchführung dieser Maßnahme für andere Mitgliedstaaten oder die Union nicht mehr möglich ist, kann er Dänemark jedoch nachdrücklich ersuchen, eine Mitteilung nach Artikel 3 oder Artikel 4 vorzunehmen. Für die Zwecke des Artikels 3 beginnt ab dem Tag, an dem der Rat die Feststellung trifft, eine weitere Frist von zwei Monaten.

Hat Dänemark bei Ablauf der Frist von zwei Monaten ab dem Zeitpunkt der Feststellung des Rates keine Mitteilung nach Artikel 3 oder Artikel 4 vorgenommen, so ist die bestehende Maßnahme für Dänemark nicht mehr bindend und nicht mehr anwendbar, es sei denn, Dänemark nimmt vor dem Inkrafttreten der Änderungsmaßnahme eine Mitteilung nach Artikel 4 vor. Dies gilt mit Wirkung ab dem Tag des Inkrafttretens der Änderungsmaßnahme oder ab dem Tag des Ablaufs der Frist von zwei Monaten, je nachdem, welcher Zeitpunkt später liegt.

Für die Zwecke dieses Absatzes beschließt der Rat nach eingehender Erörterung der Angelegenheit mit der qualifizierten Mehrheit derjenigen Mitglieder des Rates, die Mitgliedstaaten vertreten, die sich an der Annahme der Änderungsmaßnahme beteiligen oder beteiligt haben. Die qualifizierte Mehrheit des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union.

(3) Der Rat kann mit qualifizierter Mehrheit auf Vorschlag der Kommission festlegen, dass Dänemark etwaige unmittelbare finanzielle Folgen zu tragen hat, die sich zwangsläufig und unvermeidbar daraus ergeben, dass Dänemark sich nicht mehr an der bestehenden Maßnahme beteiligt.

(4) Dieser Artikel lässt Artikel 4 unberührt.

Artikel 6

(1) Die Mitteilung nach Artikel 4 hat spätestens sechs Monate nach dem endgültigen Erlass einer Maßnahme zu erfolgen, wenn diese Maßnahme eine Ergänzung des Schengen-Besitzstands darstellt.

Erfolgt von Dänemark keine Mitteilung nach Artikel 3 oder Artikel 4 zu Maßnahmen, die eine Ergänzung des Schengen-Besitzstands darstellen, so werden die Mitgliedstaaten, für die die Maßnahme bindend ist, und Dänemark prüfen, welche Schritte zu unternehmen sind.

(2) Eine Mitteilung nach Artikel 3 zu Maßnahmen, die eine Ergänzung des Schengen-Besitzstands darstellen, gilt unwiderruflich als Mitteilung nach Artikel 3 zu weiteren Vorschlägen oder Initiativen, mit denen diese Maßnahmen ergänzt werden sollen, sofern diese Vorschläge oder Initiativen eine Ergänzung des Schengen-Besitzstands darstellen.

Artikel 7

Die auf der Grundlage des Artikels 16 des Vertrags über die Arbeitsweise der Europäischen Union festgelegten Vorschriften über die Verarbeitung personenbezogener Daten durch die Mitgliedstaaten im Rahmen der Ausübung von Tätigkeiten, die in den Anwendungsbereich des Dritten Teils Titel V Kapitel 4 und 5 des genannten Vertrags fallen, werden für Dänemark nicht bindend sein, wenn Dänemark nicht durch Unionsvorschriften gebunden ist, die Formen der justiziellen Zusammenarbeit in Strafsachen oder der polizeilichen Zusammenarbeit regeln, in deren Rahmen die auf der Grundlage des Artikels 16 festgelegten Vorschriften eingehalten werden müssen.

Artikel 8

In Fällen, in denen nach diesem Teil Dänemark durch eine vom Rat nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union erlassene Maßnahme gebunden ist, gelten hinsichtlich dieser Maßnahme für Dänemark die einschlägigen Bestimmungen der Verträge.

Artikel 9

Ist Dänemark durch eine nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union erlassene Maßnahme nicht gebunden, so hat es außer den sich für die Organe ergebenden Verwaltungskosten keine finanziellen Folgen dieser Maßnahme zu tragen, es sei denn, der Rat beschließt mit Einstimmigkeit aller seiner Mitglieder nach Anhörung des Europäischen Parlaments etwas anderes.

PROTOKOLL (Nr. 23)
**ÜBER DIE AUSSENBEZIEHUNGEN DER
MITGLIEDSTAATEN HINSICHTLICH DES
ÜBERSCHREITENS DER AUSSENGRENZEN**

DIE HOHEN VERTRAGSPARTEIEN —

EINGEDENK der Notwendigkeit, dass die Mitgliedstaaten, gegebenenfalls in Zusammenarbeit mit Drittländern, für wirksame Kontrollen an ihren Außengrenzen sorgen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Die in Artikel 77 Absatz 2 Buchstabe b des Vertrags über die Arbeitsweise der Europäischen Union aufgenommenen Bestimmungen über Maßnahmen in Bezug auf das Überschreiten der Außengrenzen berühren nicht die Zuständigkeit der Mitgliedstaaten für die Aushandlung und den Abschluss von Übereinkünften mit Drittländern, sofern sie mit den Rechtsvorschriften der Union und anderen in Betracht kommenden internationalen Übereinkünften in Einklang stehen.

PROTOKOLL (Nr. 24)
**ÜBER DIE GEWÄHRUNG VON ASYL FÜR
STAATSANGEHÖRIGE VON MITGLIEDSTAATEN DER
EUROPÄISCHEN UNION**

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, dass die Union nach Artikel 6 Absatz 1 des Vertrags über die Europäische Union die Rechte, Freiheiten und Grundsätze anerkennt, die in der Charta der Grundrechte der Europäischen Union enthalten sind,

IN DER ERWÄGUNG, dass die Grundrechte nach Artikel 6 Absatz 3 des Vertrags über die Europäische Union, wie sie in der Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten gewährleistet sind, als allgemeine Grundsätze zum Unionsrecht gehören,

IN DER ERWÄGUNG, dass der Gerichtshof der Europäischen Union dafür zuständig ist, sicherzustellen, dass die Union bei der Auslegung und Anwendung des Artikels 6 Absätze 1 und 3 des Vertrags über die Europäische Union die Rechtsvorschriften einhält,

IN DER ERWÄGUNG, dass nach Artikel 49 des Vertrags über die Europäische Union jeder europäische Staat, der beantragt, Mitglied der Union zu werden, die in Artikel 2 des Vertrags über die Europäische Union genannten Werte achten muss,

EINGEDENK dessen, dass Artikel 7 des Vertrags über die Europäische Union ein Verfahren für die Aussetzung bestimmter Rechte im Falle einer schwerwiegenden und anhaltenden Verletzung dieser Werte durch einen Mitgliedstaat vorsieht,

UNTER HINWEIS darauf, dass jeder Staatsangehörige eines Mitgliedstaats als Unionsbürger einen besonderen Status und einen besonderen Schutz genießt, welche die Mitgliedstaaten gemäß dem Zweiten Teil des Vertrags über die Arbeitsweise der Europäischen Union gewährleisten,

IN DEM BEWUSSTSEIN, dass die Verträge einen Raum ohne Binnengrenzen schaffen und jedem Unionsbürger das Recht gewähren, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten,

IN DEM WUNSCH, zu verhindern, dass Asyl für andere als die vorgesehenen Zwecke in Anspruch genommen wird,

IN DER ERWÄGUNG, dass dieses Protokoll den Zweck und die Ziele des Genfer Abkommens vom 28. Juli 1951 über die Rechtsstellung der Flüchtlinge beachtet —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Einziges Artikel

In Anbetracht des Niveaus des Schutzes der Grundrechte und Grundfreiheiten in den Mitgliedstaaten der Europäischen Union gelten die Mitgliedstaaten füreinander für alle rechtlichen und praktischen Zwecke im Zusammenhang mit Asylangelegenheiten als sichere Herkunftsländer. Dementsprechend darf ein Asylantrag eines Staatsangehörigen eines Mitgliedstaats von einem anderen Mitgliedstaat nur berücksichtigt oder zur Bearbeitung zugelassen werden,

- a) wenn der Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, nach Inkrafttreten des Vertrags von Amsterdam Artikel 15 der Konvention zum Schutze der Menschenrechte und Grundfreiheiten anwendet und Maßnahmen ergreift, die in seinem Hoheitsgebiet die in der Konvention vorgesehenen Verpflichtungen außer Kraft setzen;
 - b) wenn das Verfahren des Artikels 7 Absatz 1 des Vertrags über die Europäische Union eingeleitet worden ist und bis der Rat oder gegebenenfalls der Europäische Rat diesbezüglich einen Beschluss im Hinblick auf den Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, gefasst hat;
 - c) wenn der Rat einen Beschluss nach Artikel 7 Absatz 1 des Vertrags über die Europäische Union im Hinblick auf den Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, erlassen hat, oder wenn der Europäische Rat einen Beschluss nach Artikel 7 Absatz 2 des genannten Vertrags im Hinblick auf den Mitgliedstaat, dessen Staatsangehöriger der Antragsteller ist, erlassen hat;
 - d) wenn ein Mitgliedstaat in Bezug auf den Antrag eines Staatsangehörigen eines anderen Mitgliedstaats einseitig einen solchen Beschluss fasst; in diesem Fall wird der Rat umgehend unterrichtet; bei der Prüfung des Antrags wird von der Vermutung ausgegangen, dass der Antrag offensichtlich unbegründet ist, ohne dass die Entscheidungsbefugnis des Mitgliedstaats in irgendeiner Weise beeinträchtigt wird.
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PROTOKOLL (Nr. 25)
ÜBER DIE AUSÜBUNG DER GETEILTEN
ZUSTÄNDIGKEIT

DIE HOHEN VERTRAGSPARTEIEN —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Einziges Artikel

Ist die Union in einem bestimmten Bereich im Sinne des Artikels 2 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union betreffend die geteilte Zuständigkeit tätig geworden, so erstreckt sich die Ausübung der Zuständigkeit nur auf die durch den entsprechenden Rechtsakt der Union geregelten Elemente und nicht auf den gesamten Bereich.

PROTOKOLL (Nr. 26)

ÜBER DIENSTE VON ALLGEMEINEM INTERESSE

DIE HOHEN VERTRAGSPARTEIEN —

IN DEM WUNSCH, die Bedeutung der Dienste von allgemeinem Interesse hervorzuheben —

SIND über folgende auslegende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigefügt sind:

Artikel 1

Zu den gemeinsamen Werten der Union in Bezug auf Dienste von allgemeinem wirtschaftlichem Interesse im Sinne des Artikels 14 des Vertrags über die Arbeitsweise der Europäischen Union zählen insbesondere:

- die wichtige Rolle und der weite Ermessensspielraum der nationalen, regionalen und lokalen Behörden in der Frage, wie Dienste von allgemeinem wirtschaftlichem Interesse auf eine den Bedürfnissen der Nutzer so gut wie möglich entsprechende Weise zur Verfügung zu stellen, in Auftrag zu geben und zu organisieren sind;
- die Vielfalt der jeweiligen Dienstleistungen von allgemeinem wirtschaftlichem Interesse und die Unterschiede bei den Bedürfnissen und Präferenzen der Nutzer, die aus unterschiedlichen geografischen, sozialen oder kulturellen Gegebenheiten folgen können;
- ein hohes Niveau in Bezug auf Qualität, Sicherheit und Bezahlbarkeit, Gleichbehandlung und Förderung des universellen Zugangs und der Nutzerrechte.

Artikel 2

Die Bestimmungen der Verträge berühren in keiner Weise die Zuständigkeit der Mitgliedstaaten, nichtwirtschaftliche Dienste von allgemeinem Interesse zur Verfügung zu stellen, in Auftrag zu geben und zu organisieren.

PROTOKOLL (Nr. 27)
ÜBER DEN BINNENMARKT UND DEN WETTBEWERB

DIE HOHEN VERTRAGSPARTEIEN —

UNTER BERÜCKSICHTIGUNG der Tatsache, dass der Binnenmarkt, wie er in Artikel 3 des Vertrags über die Europäische Union beschrieben wird, ein System umfasst, das den Wettbewerb vor Verfälschungen schützt —

SIND ÜBEREINGEKOMMEN, dass

für diese Zwecke die Union erforderlichenfalls nach den Bestimmungen der Verträge, einschließlich des Artikels 352 des Vertrags über die Arbeitsweise der Europäischen Union, tätig wird.

Dieses Protokoll wird dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt.

PROTOKOLL (Nr. 28)
ÜBER DEN WIRTSCHAFTLICHEN, SOZIALEN UND
TERRITORIALEN ZUSAMMENHALT

DIE HOHEN VERTRAGSPARTEIEN —

UNTER HINWEIS darauf, dass in Artikel 3 des Vertrags über die Europäische Union unter anderen Zielen die Förderung des wirtschaftlichen, sozialen und territorialen Zusammenhalts und der Solidarität zwischen den Mitgliedstaaten erwähnt ist und dass dieser Zusammenhalt zu den in Artikel 4 Absatz 2 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union aufgeführten Bereichen gehört, in denen die Union über geteilte Zuständigkeit verfügt,

UNTER HINWEIS darauf, dass der Dritte Teil Titel XVIII über den wirtschaftlichen, sozialen und territorialen Zusammenhalt insgesamt die Rechtsgrundlage für die Konsolidierung und Weiterentwicklung der Unionstätigkeit im Bereich des wirtschaftlichen, sozialen und territorialen Zusammenhalts, einschließlich der Schaffung eines neuen Fonds, darstellt;

UNTER HINWEIS darauf, dass in Artikel 177 des Vertrags über die Arbeitsweise der Europäischen Union die Einrichtung eines Kohäsionsfonds vorgesehen ist,

IN ANBETRACHT dessen, dass die EIB erhebliche und noch steigende Beträge zugunsten der ärmeren Gebiete ausleiht;

IN ANBETRACHT des Wunsches nach größerer Flexibilität bei den Regelungen für die Zuweisungen aus den Strukturfonds;

IN ANBETRACHT des Wunsches nach einer Differenzierung der Höhe der Unionsbeteiligung an den Programmen und Vorhaben in bestimmten Ländern;

ANGESICHTS des Vorschlags, dem relativen Wohlstand der Mitgliedstaaten im Rahmen des Systems der eigenen Mittel stärker Rechnung zu tragen —

BEKRÄFTIGEN, dass die Förderung des wirtschaftlichen, sozialen und territorialen Zusammenhalts für die umfassende Entwicklung und den dauerhaften Erfolg der Union wesentlich ist;

BEKRÄFTIGEN ihre Überzeugung, dass die Strukturfonds bei der Erreichung der Unionsziele hinsichtlich des Zusammenhalts weiterhin eine gewichtige Rolle zu spielen haben;

BEKRÄFTIGEN ihre Überzeugung, dass die EIB weiterhin den Großteil ihrer Mittel für die Förderung des wirtschaftlichen, sozialen und territorialen Zusammenhalts einsetzen sollte, und erklären sich bereit, den Kapitalbedarf der EIB zu überprüfen, sobald dies für diesen Zweck notwendig ist;

VEREINBAREN, dass der Kohäsionsfonds finanzielle Beiträge der Union für Vorhaben in den Bereichen Umwelt und transeuropäische Netze in Mitgliedstaaten mit einem Pro-Kopf-BSP von weniger als 90 v.H. des Unionsdurchschnitts bereitstellt, die ein Programm zur Erfüllung der in Artikel 126 des Vertrags über die Arbeitsweise der Europäischen Union genannten Bedingungen der wirtschaftlichen Konvergenz vorweisen;

BEKUNDEN ihre Absicht, ein größeres Maß an Flexibilität bei der Zuweisung von Finanzmitteln aus den Strukturfonds für besondere Bedürfnisse vorzusehen, die nicht von den derzeitigen Strukturfonds abgedeckt werden;

BEKUNDEN ihre Bereitschaft, die Höhe der Unionsbeteiligung an Programmen und Vorhaben im Rahmen der Strukturfonds zu differenzieren, um einen übermäßigen Anstieg der Haushaltsausgaben in den weniger wohlhabenden Mitgliedstaaten zu vermeiden;

ERKENNEN AN, dass die Fortschritte im Hinblick auf den wirtschaftlichen, sozialen und territorialen Zusammenhalt laufend überwacht werden müssen, und bekunden ihre Bereitschaft, alle dazu erforderlichen Maßnahmen zu prüfen;

ERKLÄREN ihre Absicht, der Beitragskapazität der einzelnen Mitgliedstaaten im Rahmen des Systems der Eigenmittel stärker Rechnung zu tragen und zu prüfen, wie für die weniger wohlhabenden Mitgliedstaaten regressive Elemente im derzeitigen System der Eigenmittel korrigiert werden können;

KOMMEN ÜBEREIN, dieses Protokoll dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beizufügen.

PROTOKOLL (Nr. 29)
**ÜBER DEN ÖFFENTLICH-RECHTLICHEN RUNDfunk
IN DEN MITGLIEDSTAATEN**

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, dass der öffentlich-rechtliche Rundfunk in den Mitgliedstaaten unmittelbar mit den demokratischen, sozialen und kulturellen Bedürfnissen jeder Gesellschaft sowie mit dem Erfordernis verknüpft ist, den Pluralismus in den Medien zu wahren —

SIND über folgende auslegende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Die Bestimmungen der Verträge berühren nicht die Befugnis der Mitgliedstaaten, den öffentlich-rechtlichen Rundfunk zu finanzieren, sofern die Finanzierung der Rundfunkanstalten dem öffentlich-rechtlichen Auftrag, wie er von den Mitgliedstaaten den Anstalten übertragen, festgelegt und ausgestaltet wird, dient und die Handels- und Wettbewerbsbedingungen in der Union nicht in einem Ausmaß beeinträchtigt, das dem gemeinsamen Interesse zuwiderläuft, wobei den Erfordernissen der Erfüllung des öffentlich-rechtlichen Auftrags Rechnung zu tragen ist.

PROTOKOLL (Nr. 30)
**ÜBER DIE ANWENDUNG DER CHARTA DER
GRUNDRECHTE DER EUROPÄISCHEN UNION AUF
POLEN UND DAS VEREINIGTE KÖNIGREICH**

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, dass die Union in Artikel 6 des Vertrags über die Europäische Union die in der Charta der Grundrechte der Europäischen Union enthaltenen Rechte, Freiheiten und Grundsätze anerkennt;

IN DER ERWÄGUNG, dass die Charta streng im Einklang mit den Bestimmungen des genannten Artikels 6 und mit Titel VII der Charta anzuwenden ist;

IN DER ERWÄGUNG, dass der genannte Artikel 6 vorsieht, dass die Charta von den Gerichten Polens und des Vereinigten Königreichs streng im Einklang mit den in jenem Artikel erwähnten Erläuterungen anzuwenden und auszulegen ist;

IN DER ERWÄGUNG, dass die Charta sowohl Rechte als auch Grundsätze enthält,

IN DER ERWÄGUNG, dass die Charta sowohl Bestimmungen bürgerlicher und politischer Art als auch Bestimmungen wirtschaftlicher und sozialer Art enthält;

IN DER ERWÄGUNG, dass die Charta die in der Union anerkannten Rechte, Freiheiten und Grundsätze bekräftigt und diese Rechte besser sichtbar macht, aber keine neuen Rechte oder Grundsätze schafft;

EINGEDENK DER Verpflichtungen Polens und des Vereinigten Königreichs aufgrund des Vertrags über die Europäische Union, des Vertrags über die Arbeitsweise der Europäischen Union und des Unionsrechts im Allgemeinen;

IN KENNTNIS des Wunsches Polens und des Vereinigten Königreichs, bestimmte Aspekte der Anwendung der Charta zu klären;

demzufolge IN DEM WUNSCH, die Anwendung der Charta in Bezug auf die Gesetze und Verwaltungsmaßnahmen Polens und des Vereinigten Königreichs und die Frage der Einklagbarkeit in Polen und im Vereinigten Königreich zu klären;

IN BEKRÄFTIGUNG DESSEN, dass in diesem Protokoll enthaltene Bezugnahmen auf die Wirkungsweise spezifischer Bestimmungen der Charta auf keinen Fall die Wirkungsweise anderer Bestimmungen der Charta berühren;

IN BEKRÄFTIGUNG DESSEN, dass dieses Protokoll die Anwendung der Charta auf andere Mitgliedstaaten nicht berührt;

IN BEKRÄFTIGUNG DESSEN, dass dieses Protokoll andere Verpflichtungen Polens und des Vereinigten Königreichs aufgrund des Vertrags über die Europäische Union, des Vertrags über die Arbeitsweise der Europäischen Union und des Unionsrechts im Allgemeinen nicht berührt —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

(1) Die Charta bewirkt keine Ausweitung der Befugnis des Gerichtshofs der Europäischen Union oder eines Gerichts Polens oder des Vereinigten Königreichs zu der Feststellung, dass die Rechts- und Verwaltungsvorschriften, die Verwaltungspraxis oder -maßnahmen Polens oder des Vereinigten Königreichs nicht mit den durch die Charta bekräftigten Grundrechten, Freiheiten und Grundsätzen im Einklang stehen.

(2) Insbesondere — und um jeden Zweifel auszuräumen — werden mit Titel IV der Charta keine für Polen oder das Vereinigte Königreich geltenden einklagbaren Rechte geschaffen, soweit Polen bzw. das Vereinigte Königreich solche Rechte nicht in seinem nationalen Recht vorgesehen hat.

Artikel 2

Wird in einer Bestimmung der Charta auf das innerstaatliche Recht und die innerstaatliche Praxis Bezug genommen, so findet diese Bestimmung auf Polen und das Vereinigte Königreich nur in dem Maße Anwendung, in dem die darin enthaltenen Rechte oder Grundsätze durch das Recht oder die Praxis Polens bzw. des Vereinigten Königreichs anerkannt sind.

PROTOKOLL (Nr. 31)

**ÜBER DIE EINFUHR IN DEN NIEDERLÄNDISCHEN
ANTILLEN RAFFINierter ERDÖLERZEUGNISSE IN
DIE EUROPÄISCHE UNION**

DIE HOHEN VERTRAGSPARTEIEN,

IN DEM WUNSCH nach einer näheren Regelung für den Handelsverkehr bei der Einfuhr von in den Niederländischen Antillen raffinierten Erdölerzeugnissen in die Union,

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

Dieses Protokoll gilt für die Erdölerzeugnisse der Tarifnummern 27.10, 27.11, 27.12, ex 27.13 (Paraffin, Petrolatum aus Erdöl oder Schieferöl, paraffinische Rückstände) und 27.14 des Brüsseler Zolltarifschemas, soweit sie zum Verbrauch in den Mitgliedstaaten eingeführt werden.

Artikel 2

Die Mitgliedstaaten verpflichten sich, den in den Niederländischen Antillen raffinierten Erdölerzeugnissen nach Maßgabe dieses Protokolls die Zollvorteile einzuräumen, die sich aus der Assoziation der letztgenannten mit der Union ergeben. Diese Bestimmungen gelten ungeachtet der Ursprungsregeln der Mitgliedstaaten.

Artikel 3

(1) Stellt die Kommission auf Antrag eines Mitgliedstaats oder von sich aus fest, dass die gemäß der Regelung des Artikels 2 getätigten Einfuhren in den Niederländischen Antillen raffinierten Erdölerzeugnisse in die Union tatsächlich Schwierigkeiten auf dem Markt eines oder mehrerer Mitgliedstaaten hervorrufen, so beschließt sie, dass die Zollsätze für die genannte Einfuhr von den betreffenden Mitgliedstaaten eingeführt, erhöht oder wieder eingeführt werden, soweit und solange dies erforderlich ist, um dieser Lage gerecht zu werden. Die so eingeführten, erhöhten oder wieder eingeführten Zollsätze dürfen nicht über den Sätzen der Zölle liegen, die gegenüber dritten Ländern für dieselben Erzeugnisse angewendet werden.

(2) Absatz 1 kann auf jeden Fall angewendet werden, wenn die Einfuhr von in den Niederländischen Antillen raffinierten Erdölerzeugnissen nach den Mitgliedstaaten zwei Millionen Tonnen pro Jahr erreicht.

(3) Die Beschlüsse der Kommission gemäß den Absätzen 1 und 2 einschließlich derjenigen, die auf die Ablehnung des Antrags eines Mitgliedstaats abzielen, werden dem Rat bekannt gegeben. Dieser kann sich auf Antrag eines jeden Mitgliedstaats mit den genannten Beschlüssen befassen, und er kann sie jederzeit abändern oder zurückstellen.

Artikel 4

(1) Ist ein Mitgliedstaat der Ansicht, dass die unmittelbar oder über einen anderen Mitgliedstaat gemäß der Regelung des Artikels 2 durchgeführte Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse auf seinem Markt tatsächlich Schwierigkeiten hervorruft und dass sofortige Maßnahmen zur Behebung dieser Sachlage erforderlich sind, so kann er von sich aus beschließen, dass auf diese Einfuhr Zölle erhoben werden, deren Sätze nicht über den Zollsätzen liegen dürfen, die gegenüber dritten Staaten für dieselben Erzeugnisse angewendet werden. Er notifiziert diesen Beschluss der Kommission, die binnen eines Monats beschließt, ob die von dem Staat getroffenen Maßnahmen aufrechterhalten werden können oder geändert bzw. aufgehoben werden müssen. Artikel 3 Absatz 3 ist auf diesen Beschluss der Kommission anwendbar.

(2) Überschreitet die unmittelbar oder über einen anderen Mitgliedstaat gemäß der Regelung des Artikels 2 durchgeführte Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse in einem oder mehreren Mitgliedstaaten der Europäischen Union während eines Kalenderjahrs die im Anhang zu diesem Protokoll angegebene Menge, so werden die von dem oder den betreffenden Mitgliedstaaten für das laufende Jahr gemäß Absatz 1 etwa getroffenen Maßnahmen als rechtmäßig betrachtet; die Kommission nimmt von den getroffenen Maßnahmen Kenntnis, nachdem sie sich vergewissert hat, dass die festgelegte Menge erreicht wurde. In einem solchen Fall sehen die übrigen Mitgliedstaaten davon ab, den Rat zu befassen.

Artikel 5

Beschließt die Union die Anwendung von mengenmäßigen Beschränkungen auf die Einfuhr von Erdölerzeugnissen jeder Herkunft, so können diese auch auf die Einfuhr dieser Erzeugnisse aus den Niederländischen Antillen angewendet werden. In einem derartigen Fall wird den Niederländischen Antillen eine Vorzugsbehandlung gegenüber dritten Ländern gewährt.

Artikel 6

(1) Der Rat revidiert die Bestimmungen der Artikel 2 bis 5 einstimmig nach Anhörung des Europäischen Parlaments und der Kommission, wenn er eine gemeinsame Ursprungsbestimmung für die Erdölerzeugnisse aus dritten Ländern und assoziierten Ländern erlässt oder im Rahmen einer gemeinsamen Handelspolitik für die betreffenden Erzeugnisse Beschlüsse fasst oder eine gemeinsame Energiepolitik aufstellt.

(2) Bei einer derartigen Revision müssen jedoch auf jeden Fall gleichwertige Vorteile zugunsten der Niederländischen Antillen in geeigneter Form und für eine Menge von mindestens 2 ½ Millionen Tonnen Erdölerzeugnissen aufrechterhalten werden.

(3) Die Verpflichtungen der Union bezüglich der gleichwertigen Vorteile gemäß Absatz 2 können erforderlichenfalls auf die einzelnen Länder aufgeteilt werden, wobei die im Anhang zu diesem Protokoll aufgeführten Mengen zu berücksichtigen sind.

Artikel 7

Zur Durchführung dieses Protokolls hat die Kommission die Entwicklung der Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse in die Mitgliedstaaten zu verfolgen. Die Mitgliedstaaten teilen der Kommission, die für die entsprechende Verteilung sorgt, alle diesem Zweck dienenden Aufschlüsse nach den von der Kommission empfohlenen Verwaltungsmodalitäten mit.

ANHANG ZUM PROTOKOLL

Zur Durchführung des Artikels 4 Absatz 2 des Protokolls über die Einfuhr in den Niederländischen Antillen raffinierter Erdölerzeugnisse in die Europäische Union haben die Hohen Vertragsparteien beschlossen, dass die Menge von 2 Millionen Tonnen Erdölerzeugnissen aus den Antillen sich wie folgt auf die Mitgliedstaaten verteilt:

Deutschland	625 000 Tonnen
Belgisch-Luxemburgische Wirtschaftsgemeinschaft	200 000 Tonnen
Frankreich	75 000 Tonnen
Italien	100 000 Tonnen
Niederlande	1 000 000 Tonnen

PROTOKOLL (Nr. 32)**BETREFFEND DEN ERWERB VON IMMOBILIEN IN
DÄNEMARK**

DIE HOHEN VERTRAGSPARTEIEN —

VON DEM WUNSCH GELEITET, gewisse besondere Probleme betreffend Dänemark zu regeln —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Ungeachtet der Verträge kann Dänemark seine geltenden Rechtsvorschriften für den Erwerb von Zweitwohnungen beibehalten.

PROTOKOLL (Nr. 33)

**ZU ARTIKEL 157 DES VERTRAGS ÜBER DIE
ARBEITSWEISE DER EUROPÄISCHEN UNION**

DIE HOHEN VERTRAGSPARTEIEN

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigefügt sind:

Im Sinne des Artikels 157 des Vertrags über die Arbeitsweise der Europäischen Union gelten Leistungen aufgrund eines betrieblichen Systems der sozialen Sicherheit nicht als Entgelt, sofern und soweit sie auf Beschäftigungszeiten vor dem 17. Mai 1990 zurückgeführt werden können, außer im Fall von Arbeitnehmern oder deren anspruchsberechtigten Angehörigen, die vor diesem Zeitpunkt eine Klage bei Gericht oder ein gleichwertiges Verfahren nach geltendem einzelstaatlichen Recht anhängig gemacht haben.

PROTOKOLL (Nr. 34)
ÜBER DIE SONDERREGELUNG FÜR GRÖNLAND

Einziger Artikel

(1) Die Behandlung von der gemeinsamen Fischereimarktorganisation unterliegenden Erzeugnissen mit Ursprung in Grönland bei der Einfuhr in die Union erfolgt unter Beachtung der Mechanismen der gemeinsamen Marktorganisation frei von Zöllen und Abgaben gleicher Wirkung sowie ohne mengenmäßige Beschränkungen und Maßnahmen gleicher Wirkung, sofern die aufgrund eines Abkommens zwischen der Union und der für Grönland zuständigen Behörde eingeräumten Möglichkeiten des Zugangs der Union zu den grönländischen Fischereizonen für die Union zufriedenstellend sind.

(2) Alle die Einfuhrregelung für die genannten Erzeugnisse betreffenden Maßnahmen einschließlich derjenigen zur Einführung dieser Maßnahmen werden nach dem Verfahren des Artikels 43 des Vertrags über die Arbeitsweise der Europäischen Union beschlossen.

PROTOKOLL (Nr. 35)
ÜBER ARTIKEL 40.3.3 DER VERFASSUNG IRLANDS

DIE HOHEN VERTRAGSPARTEIEN

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigelegt sind:

Die Verträge, der Vertrag zur Gründung der Europäischen Atomgemeinschaft sowie die Verträge und Akte zur Änderung oder Ergänzung der genannten Verträge berühren nicht die Anwendung des Artikels 40.3.3 der irischen Verfassung in Irland.

PROTOKOLL (Nr. 36) ÜBER DIE ÜBERGANGSBESTIMMUNGEN

DIE HOHEN VERTRAGSPARTEIEN —

IN DER ERWÄGUNG, dass zur Regelung des Übergangs von den institutionellen Bestimmungen der Verträge, die vor dem Inkrafttreten des Vertrags von Lissabon anwendbar sind, zu den Bestimmungen des genannten Vertrags Übergangsbestimmungen vorgesehen werden müssen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union, dem Vertrag über die Arbeitsweise der Europäischen Union und dem Vertrag zur Gründung der Europäischen Atomgemeinschaft beigefügt sind:

Artikel 1

In diesem Protokoll bezeichnet der Ausdruck „die Verträge“ den Vertrag über die Europäische Union, den Vertrag über die Arbeitsweise der Europäischen Union und den Vertrag zur Gründung der Europäischen Atomgemeinschaft.

TITEL I

BESTIMMUNGEN ÜBER DAS EUROPÄISCHE PARLAMENT

Artikel 2

Rechtzeitig vor den Wahlen zum Europäischen Parlament 2009 erlässt der Europäische Rat nach Artikel 14 Absatz 2 Unterabsatz 2 des Vertrags über die Europäische Union einen Beschluss über die Zusammensetzung des Europäischen Parlaments.

Bis zum Ende der Wahlperiode 2004-2009 entsprechen die Zusammensetzung und die Anzahl der Mitglieder des Europäischen Parlaments der bei Inkrafttreten des Vertrags von Lissabon geltenden Zusammensetzung und Anzahl.

TITEL II

BESTIMMUNGEN ÜBER DIE QUALIFIZIERTE MEHRHEIT

Artikel 3

(1) Nach Artikel 16 Absatz 4 des Vertrags über die Europäische Union treten die Bestimmungen dieses Absatzes und die Bestimmungen des Artikels 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union zur Definition der qualifizierten Mehrheit im Europäischen Rat und im Rat am 1. November 2014 in Kraft.

(2) Für den Zeitraum vom 1. November 2014 bis zum 31. März 2017 gilt Folgendes: Ist für eine Beschlussfassung eine qualifizierte Mehrheit erforderlich, kann ein Mitglied des Rates beantragen, dass die Beschlussfassung mit der qualifizierten Mehrheit nach Absatz 3 erfolgt. In diesem Fall finden die Absätze 3 und 4 Anwendung.

(3) Bis zum 31. Oktober 2014 gelten unbeschadet des Artikels 235 Absatz 1 Unterabsatz 2 des Vertrags über die Arbeitsweise der Europäischen Union die nachstehenden Bestimmungen:

Ist für die Beschlussfassung im Europäischen Rat und im Rat eine qualifizierte Mehrheit erforderlich, so werden die Stimmen der Mitglieder wie folgt gewichtet:

Belgien	12	Luxemburg	4
Bulgarien	10	Ungarn	12
Tschechische Republik	12	Malta	3
Dänemark	7	Niederlande	13
Deutschland	29	Österreich	10
Estland	4	Polen	27
Irland	7	Portugal	12
Griechenland	12	Rumänien	14
Spanien	27	Slowenien	4
Frankreich	29	Slowakei	7
Italien	29	Finnland	7
Zypern	4	Schweden	10
Lettland	4	Vereinigtes Königreich	29
Litauen	7		

In den Fällen, in denen Beschlüsse nach den Verträgen auf Vorschlag der Kommission zu fassen sind, kommen diese Beschlüsse mit einer Mindestzahl von 255 Stimmen zustande, die die Zustimmung der Mehrheit der Mitglieder umfasst. In den anderen Fällen kommen die Beschlüsse mit einer Mindestzahl von 255 Stimmen zustande, die die Zustimmung von mindestens zwei Dritteln der Mitglieder umfasst.

Ein Mitglied des Europäischen Rates oder des Rates kann beantragen, dass beim Erlass eines Rechtsakts des Europäischen Rates oder des Rates mit qualifizierter Mehrheit überprüft wird, ob die Mitgliedstaaten, die diese qualifizierte Mehrheit bilden, mindestens 62 % der Gesamtbevölkerung der Union ausmachen. Falls sich erweist, dass diese Bedingung nicht erfüllt ist, wird der betreffende Rechtsakt nicht erlassen.

(4) Bis zum 31. Oktober 2014 gilt in den Fällen, in denen in Anwendung der Verträge nicht alle Mitglieder des Rates stimmberechtigt sind, das heißt in den Fällen, in denen auf die qualifizierte Mehrheit nach Artikel 238 Absatz 3 des Vertrags über die Arbeitsweise der Europäischen Union Bezug genommen wird, als qualifizierte Mehrheit derselbe Anteil der gewogenen Stimmen und derselbe Anteil der Anzahl der Mitglieder des Rates sowie gegebenenfalls derselbe Prozentsatz der Bevölkerung der betreffenden Mitgliedstaaten wie in Absatz 3 dieses Artikels festgelegt.

TITEL III

BESTIMMUNGEN ÜBER DIE ZUSAMMENSETZUNGEN DES RATES

Artikel 4

Bis zum Inkrafttreten des Beschlusses nach Artikel 16 Absatz 6 Unterabsatz 1 des Vertrags über die Europäische Union kann der Rat in den in den Unterabsätzen 2 und 3 des genannten Absatzes vorgesehenen Zusammensetzungen sowie in anderen Zusammensetzungen zusammentreten, deren Liste durch einen Beschluss des Rates in seiner Zusammensetzung „Allgemeine Angelegenheiten“ festgesetzt wird, der mit einfacher Mehrheit beschließt.

TITEL IV

**BESTIMMUNGEN ÜBER DIE KOMMISSION EINSCHLIESSLICH DES HOHEN
VERTRETERS DER UNION FÜR AUSSEN- UND SICHERHEITSPOLITIK***Artikel 5*

Die zum Zeitpunkt des Inkrafttretens des Vertrags von Lissabon amtierenden Mitglieder der Kommission bleiben bis zum Ende ihrer Amtszeit im Amt. Am Tag der Ernennung des Hohen Vertreters der Union für Außen- und Sicherheitspolitik endet jedoch die Amtszeit des Mitglieds, das die gleiche Staatsangehörigkeit wie dieser besitzt.

TITEL V

**BESTIMMUNGEN BETREFFEND DEN GENERALSEKRETÄR DES RATES UND HOHEN
VERTRETER FÜR DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK UND DEN
STELLVERTRETENDEN GENERALSEKRETÄR DES RATES***Artikel 6*

Die Amtszeit des Generalsekretärs des Rates und Hohen Vertreters für die Gemeinsame Außen- und Sicherheitspolitik sowie des Stellvertretenden Generalsekretärs des Rates endet zum Zeitpunkt des Inkrafttretens des Vertrags von Lissabon. Der Rat ernannt seinen Generalsekretär nach Artikel 240 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union.

TITEL VI

BESTIMMUNGEN ÜBER DIE BERATENDEN EINRICHTUNGEN*Artikel 7*

Bis zum Inkrafttreten des Beschlusses nach Artikel 301 des Vertrags über die Arbeitsweise der Europäischen Union verteilen sich die Mitglieder des Wirtschafts- und Sozialausschusses wie folgt:

Belgien	12	Spanien	21
Bulgarien	12	Frankreich	24
Tschechische Republik	12	Italien	24
Dänemark	9	Zypern	6
Deutschland	24	Lettland	7
Estland	7	Litauen	9
Irland	9	Luxemburg	6
Griechenland	12	Ungarn	12

Malta	5	Slowakei	9
Niederlande	12	Finnland	9
Österreich	12	Schweden	12
Polen	21	Vereinigtes Königreich	24
Portugal	12		
Rumänien	15		
Slowenien	7		

Artikel 8

Bis zum Inkrafttreten des Beschlusses nach Artikel 305 des Vertrags über die Arbeitsweise der Europäischen Union verteilen sich die Mitglieder des Ausschusses der Regionen wie folgt:

Belgien	12	Ungarn	12
Bulgarien	12	Malta	5
Tschechische Republik	12	Niederlande	12
Dänemark	9	Österreich	12
Deutschland	24	Polen	21
Estland	7	Portugal	12
Irland	9	Rumänien	15
Griechenland	12	Slowenien	7
Spanien	21	Slowakei	9
Frankreich	24	Finnland	9
Italien	24	Schweden	12
Zypern	6	Vereinigtes Königreich	24
Lettland	7		
Litauen	9		
Luxemburg	6		

TITEL VII

ÜBERGANGSBESTIMMUNGEN ÜBER DIE VOR DEM INKRAFTTRETEN DES VERTRAGS VON LISSABON AUF DER GRUNDLAGE DER TITEL V UND VI DES VERTRAGS ÜBER DIE EUROPÄISCHE UNION ANGENOMMENEN RECHTSAKTE

Artikel 9

Die Rechtsakte der Organe, Einrichtungen und sonstigen Stellen der Union, die vor dem Inkrafttreten des Vertrags von Lissabon auf der Grundlage des Vertrags über die Europäische Union angenommen wurden, behalten so lange Rechtswirkung, bis sie in Anwendung der Verträge aufgehoben, für nichtig erklärt oder geändert werden. Dies gilt auch für Übereinkommen, die auf der Grundlage des Vertrags über die Europäische Union zwischen Mitgliedstaaten geschlossen wurden.

Artikel 10

(1) Als Übergangsmaßnahme gilt bezüglich der Befugnisse der Organe bei Rechtsakten der Union im Bereich der polizeilichen Zusammenarbeit und der justiziellen Zusammenarbeit in Strafsachen, die vor dem Inkrafttreten des Vertrags von Lissabon angenommen wurden, bei Inkrafttreten des genannten

Vertrags Folgendes: Die Befugnisse der Kommission nach Artikel 258 des Vertrags über die Arbeitsweise der Europäischen Union gelten nicht, und die Befugnisse des Gerichtshofs der Europäischen Union nach Titel VI des Vertrags über die Europäische Union in der vor dem Inkrafttreten des Vertrags von Lissabon geltenden Fassung bleiben unverändert, einschließlich in den Fällen, in denen sie nach Artikel 35 Absatz 2 des genannten Vertrags über die Europäische Union anerkannt wurden.

(2) Die Änderung eines in Absatz 1 genannten Rechtsakts hat zur Folge, dass hinsichtlich des geänderten Rechtsakts in Bezug auf diejenigen Mitgliedstaaten, für die der geänderte Rechtsakt gilt, die in den Verträgen vorgesehenen Befugnisse der in Absatz 1 genannten Organe gelten.

(3) Die Übergangsmaßnahme nach Absatz 1 tritt auf jeden Fall fünf Jahre nach dem Inkrafttreten des Vertrags von Lissabon außer Kraft.

(4) Das Vereinigte Königreich kann dem Rat spätestens sechs Monate vor dem Ende des Übergangszeitraums nach Absatz 3 mitteilen, dass es hinsichtlich der Rechtsakte nach Absatz 1 die in den Verträgen festgelegten Befugnisse der in Absatz 1 genannten Organe nicht anerkennt. Im Falle einer solchen Mitteilung durch das Vereinigte Königreich gelten alle Rechtsakte nach Absatz 1 für das Vereinigte Königreich nicht mehr ab dem Tag, an dem der Übergangszeitraum nach Absatz 3 endet. Dieser Unterabsatz gilt nicht in Bezug auf die geänderten Rechtsakte nach Absatz 2, die für das Vereinigte Königreich gelten.

Der Rat beschließt mit qualifizierter Mehrheit auf Vorschlag der Kommission die erforderlichen Folge- und Übergangsmaßnahmen. Das Vereinigte Königreich nimmt an der Annahme dieses Beschlusses nicht teil. Die qualifizierte Mehrheit des Rates bestimmt sich nach Artikel 238 Absatz 3 Buchstabe a des Vertrags über die Arbeitsweise der Europäischen Union.

Der Rat kann mit qualifizierter Mehrheit auf Vorschlag der Kommission ferner einen Beschluss annehmen, mit dem bestimmt wird, dass das Vereinigte Königreich etwaige unmittelbare finanzielle Folgen trägt, die sich zwangsläufig und unvermeidbar daraus ergeben, dass es sich nicht mehr an diesen Rechtsakten beteiligt.

(5) Das Vereinigte Königreich kann dem Rat in der Folge jederzeit mitteilen, dass es sich an Rechtsakten beteiligen möchte, die nach Absatz 4 Unterabsatz 1 für das Vereinigte Königreich nicht mehr gelten. In diesem Fall finden die einschlägigen Bestimmungen des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand bzw. des Protokolls über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts Anwendung. In Bezug auf diese Rechtsakte gelten die in den Verträgen festgelegten Befugnisse der Organe. Handeln die Organe der Union und das Vereinigte Königreich im Rahmen der betreffenden Protokolle, so bemühen sie sich, das größtmögliche Maß an Beteiligung des Vereinigten Königreichs am Besitzstand der Union bezüglich des Raums der Freiheit, der Sicherheit und des Rechts wiederherzustellen, ohne dass die praktische Funktionsfähigkeit seiner verschiedenen Bestandteile ernsthaft beeinträchtigt wird, und unter Wahrung von deren Kohärenz.

PROTOKOLL (Nr. 37)

**ÜBER DIE FINANZIELLEN FOLGEN DES ABLAUFES
DES EGKS-VERTRAGS UND ÜBER DEN
FORSCHUNGSFONDS FÜR KOHLE UND STAHL**

DIE HOHEN VERTRAGSPARTEIEN —

UNTER HINWEIS DARAUF, dass das gesamte Vermögen und alle Verbindlichkeiten der Europäischen Gemeinschaft für Kohle und Stahl zum Stand vom 23. Juli 2002 am 24. Juli 2002 auf die Europäische Gemeinschaft übergegangen sind,

EINGEDENK der Tatsache, dass diese Mittel für die Forschung in Sektoren verwendet werden sollten, die mit der Kohle- und Stahlindustrie zusammenhängen, und der sich daraus ergebenden Notwendigkeit, hierfür eine Reihe besonderer Vorschriften vorzusehen —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union beigelegt sind:

Artikel 1

(1) Der Nettowert dieses Vermögens und dieser Verbindlichkeiten gemäß der Bilanz der EGKS vom 23. Juli 2002, vorbehaltlich etwaiger Erhöhungen oder Minderungen infolge der Abwicklungsvorgänge, gilt als Vermögen für Forschung in Sektoren, die die Kohle- und Stahlindustrie betreffen, und erhält die Bezeichnung „EGKS in Abwicklung“. Nach Abschluss der Abwicklung wird dieses Vermögen als „Vermögen des Forschungsfonds für Kohle und Stahl“ bezeichnet.

(2) Die Erträge aus diesem Vermögen, die als „Forschungsfonds für Kohle und Stahl“ bezeichnet werden, werden im Einklang mit diesem Protokoll und den auf dieser Grundlage erlassenen Rechtsakten ausschließlich für die außerhalb des Forschungsrahmenprogramms durchgeführten Forschungsarbeiten in Sektoren, die mit der Kohle- und Stahlindustrie zusammenhängen, verwendet.

Artikel 2

Der Rat erlässt gemäß einem besonderen Gesetzgebungsverfahren und nach Zustimmung des Europäischen Parlaments alle für die Durchführung dieses Protokolls erforderlichen Bestimmungen, einschließlich der wesentlichen Grundsätze.

Der Rat erlässt auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments die Maßnahmen zur Festlegung der mehrjährigen Finanzleitlinien für die Verwaltung des Vermögens des Forschungsfonds für Kohle und Stahl sowie technischer Leitlinien für das Forschungsprogramm des Fonds.

Artikel 3

Soweit in diesem Protokoll und in den auf der Grundlage dieses Protokolls erlassenen Rechtsakten nichts anderes vorgesehen ist, finden die Verträge Anwendung.

ANHÄNGE

ANHANG I

LISTE ZU ARTIKEL 38 DES VERTRAGS ÜBER DIE ARBEITSWEISE DER
EUROPÄISCHEN UNION

– 1 – Nummer des Brüsseler Zolltarifschemas	– 2 – Warenbezeichnung
Kapitel 1	Lebende Tiere
Kapitel 2	Fleisch und genießbarer Schlachtabfall
Kapitel 3	Fische, Krebstiere und Weichtiere
Kapitel 4	Milch und Milcherzeugnisse, Vogelei; natürlicher Honig
Kapitel 5	
05.04	Därme, Blasen und Mägen von anderen Tieren als Fischen, ganz oder geteilt
05.15	Waren tierischen Ursprungs, anderweit weder genannt noch inbegriffen; nicht lebende Tiere des Kapitels 1 oder 3, ungenießbar
Kapitel 6	Lebende Pflanzen und Waren des Blumenhandels
Kapitel 7	Gemüse, Pflanzen, Wurzeln und Knollen, die zu Ernährungszwecken verwendet werden
Kapitel 8	Genießbare Früchte, Schalen von Zitrusfrüchten oder von Melonen
Kapitel 9	Kaffee, Tee und Gewürze, ausgenommen Mate (Position 09.03)
Kapitel 10	Getreide
Kapitel 11	Müllereierzeugnisse, Malz; Stärke; Kleber, Inulin
Kapitel 12	Ölsaaten und ölhaltige Früchte; verschiedene Samen und Früchte; Pflanzen zum Gewerbe- oder Heilgebrauch, Stroh und Futter
Kapitel 13	
ex 13.03	Pektin
Kapitel 15	
15.01	Schweineschmalz; Geflügelfett, ausgepresst oder ausgeschmolzen
15.02	Talg von Rindern, Schafen oder Ziegen, roh oder ausgeschmolzen, einschließlich Premier Jus
15.03	Schmalzstearin; Oleostearin; Schmalzöl, Oleomargarine und Talgöl, weder emulgiert, vermischt noch anders verarbeitet
15.04	Fette und Öle von Fischen oder Meeressäugetieren, auch raffiniert
15.07	Fette pflanzliche Öle, flüssig oder fest, roh, gereinigt oder raffiniert
15.12	Tierische und pflanzliche Fette und Öle, gehärtet, auch raffiniert, jedoch nicht weiter verarbeitet

– 1 – Nummer des Brüsseler Zolltarifschemas	– 2 – Warenbezeichnung
15.13	Margarine, Kunstspeisefett und andere genießbare verarbeitete Fette
15.17	Rückstände aus der Verarbeitung von Fettstoffen oder von tierischen oder pflanzlichen Wachsen
Kapitel 16	Zubereitungen von Fleisch, Fischen, Krebstieren und Weichtieren
Kapitel 17	
17.01	Rüben- und Rohrzucker, fest
17.02	Andere Zucker; Sirupe; Kunsthonig, auch mit natürlichem Honig vermischt; Zucker und Melassen, karamellisiert
17.03	Melassen, auch entfärbt
17.05 (*)	Zucker, Sirupe und Melassen, aromatisiert oder gefärbt (einschließlich Vanille- und Vanillinzucker), ausgenommen Fruchtsäfte mit beliebigem Zusatz von Zucker
Kapitel 18	
18.01	
18.02	Kakaobohnen, auch Bruch, roh oder geröstet
Kapitel 20	Zubereitungen von Gemüse, Küchenkräutern, Früchten und anderen Pflanzen oder Pflanzenteilen
Kapitel 22	
22.04	
22.05	Wein aus frischen Weintrauben; mit Alkohol stummgemachter Most aus frischen Weintrauben
22.07	Apfelwein, Birnenwein, Met und andere gegorene Getränke
ex 22.08 (*)	Äthylalkohol und Spirit, vergällt und unvergällt, mit einem beliebigen Äthylalkoholgehalt, hergestellt aus landwirtschaftlichen Erzeugnissen, die in Anhang I aufgeführt sind (ausgenommen Branntwein, Likör und andere alkoholische Getränke, zusammengesetzte alkoholische Zubereitungen — Essenzen — zur Herstellung von Getränken)
ex 22.09 (*)	
ex 22.10 (*)	Speiseessig
Kapitel 23	Rückstände und Abfälle der Lebensmittelindustrie; zubereitetes Futter
Kapitel 24	
24.01	
Kapitel 45	
45.01	

– 1 – Nummer des Brüsseler Zolltarifschemas	– 2 – Warenbezeichnung
Kapitel 54	
54.01	Flachs, roh, geröstet, geschwungen, gehechelt oder anders bearbeitet, jedoch nicht versponnen; Werg und Abfälle (einschließlich Reißspinnstoff)
Kapitel 57	
57.01	Hanf (<i>Cannabis sativa</i>), roh, geröstet, geschwungen, gehechelt oder anders bearbeitet, jedoch nicht versponnen; Werg und Abfälle (einschließlich Reißspinnstoff)

(*) Position eingefügt gemäß Artikel 1 der Verordnung Nr. 7a des Rates der Europäischen Wirtschaftsgemeinschaft vom 18.12.1959 (ABl. 7 vom 30.1.1961, S. 71/61).

*ANHANG II***ÜBERSEEISCHE LÄNDER UND HOHEITSGEBIETE, AUF WELCHE DER VIERTE TEIL DES
VERTRAGS ÜBER DIE ARBEITSWEISE DER EUROPÄISCHEN UNION ANWENDUNG
FINDET**

- Grönland
 - Neukaledonien und Nebengebiete
 - Französisch-Polynesien
 - Französische Süd- und Antarktisgebiete
 - Wallis und Futuna
 - Mayotte
 - St. Pierre und Miquelon
 - Aruba
 - Niederländische Antillen:
 - Bonaire
 - Curaçao
 - Saba
 - Sint Eustatius
 - Sint Maarten
 - Anguilla
 - Kaimaninseln
 - Falklandinseln
 - Südgeorgien und südliche Sandwichinseln
 - Montserrat
 - Pitcairn
 - St. Helena und Nebengebiete
 - Britisches Antarktis-Territorium
 - Britisches Territorium im Indischen Ozean
 - Turks- und Caicosinseln
 - Britische Jungferninseln
 - Bermuda
-

ERKLÄRUNGEN

ZUR SCHLUSSAKTE DER REGIERUNGSKONFERENZ,

die den am 13. Dezember 2007 unterzeichneten Vertrag von Lissabon angenommen hat

A. ERKLÄRUNGEN ZU BESTIMMUNGEN DER VERTRÄGE

1. Erklärung zur Charta der Grundrechte der Europäischen Union

Die Charta der Grundrechte der Europäischen Union, die rechtsverbindlich ist, bekräftigt die Grundrechte, die durch die Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten garantiert werden und die sich aus den gemeinsamen Verfassungsüberlieferungen der Mitgliedstaaten ergeben.

Die Charta dehnt weder den Geltungsbereich des Unionsrechts über die Zuständigkeiten der Union hinaus aus noch begründet sie neue Zuständigkeiten oder neue Aufgaben für die Union, und sie ändert nicht die in den Verträgen festgelegten Zuständigkeiten und Aufgaben.

2. Erklärung zu Artikel 6 Absatz 2 des Vertrags über die Europäische Union

Die Konferenz kommt überein, dass der Beitritt der Union zur Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten unter Bedingungen erfolgen sollte, die es gestatten, die Besonderheiten der Rechtsordnung der Union zu wahren. In diesem Zusammenhang stellt die Konferenz fest, dass der Gerichtshof der Europäischen Union und der Europäische Gerichtshof für Menschenrechte in einem regelmäßigen Dialog stehen; dieser Dialog könnte beim Beitritt der Union zu dieser Konvention intensiviert werden.

3. Erklärung zu Artikel 8 des Vertrags über die Europäische Union

Die Union trägt der besonderen Lage der Länder mit geringer territorialer Ausdehnung Rechnung, die spezifische Nachbarschaftsbeziehungen zur Union unterhalten.

4. Erklärung zur Zusammensetzung des Europäischen Parlaments

Der zusätzliche Sitz im Europäischen Parlament wird Italien zugewiesen.

5. Erklärung zur politischen Einigung des Europäischen Rates über den Entwurf eines Beschlusses über die Zusammensetzung des Europäischen Parlaments

Der Europäische Rat wird seine politische Zustimmung zum überarbeiteten Entwurf eines Beschlusses über die Zusammensetzung des Europäischen Parlaments in der Legislaturperiode 2009-2014 auf der Grundlage des Vorschlags des Europäischen Parlaments erteilen.

6. Erklärung zu Artikel 15 Absätze 5 und 6, Artikel 17 Absätze 6 und 7 und Artikel 18 des Vertrags über die Europäische Union

Bei der Auswahl der Personen, die das Amt des Präsidenten des Europäischen Rates, des Präsidenten der Kommission und des Hohen Vertreters der Union für Außen- und Sicherheitspolitik ausüben sollen, ist gebührend zu berücksichtigen, dass die geografische und demografische Vielfalt der Union und ihrer Mitgliedstaaten angemessen geachtet werden muss.

7. Erklärung zu Artikel 16 Absatz 4 des Vertrags über die Europäische Union und zu Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz erklärt, dass der Beschluss über die Anwendung des Artikels 16 Absatz 4 des Vertrags über die Europäische Union und des Artikels 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union vom Rat am Tag der Unterzeichnung des Vertrags von Lissabon angenommen wird und am Tag des Inkrafttretens jenes Vertrags in Kraft tritt. Der entsprechende Beschlussentwurf ist nachstehend wiedergegeben:

Entwurf eines Beschlusses des Rates
über die Anwendung des Artikels 16 Absatz 4 des Vertrags über die Europäische Union und des Artikels 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union zwischen dem 1. November 2014 und dem 31. März 2017 einerseits und ab dem 1. April 2017 andererseits

DER RAT DER EUROPÄISCHEN UNION —

in Erwägung nachstehender Gründe:

- (1) Es sollten Bestimmungen erlassen werden, die einen reibungslosen Übergang von der Regelung für die Beschlussfassung des Rates mit qualifizierter Mehrheit, die in Artikel 3 Absatz 3 des Protokolls über die Übergangsbestimmungen festgelegt ist und die bis zum 31. Oktober 2014 weiterhin gelten wird, zu der in Artikel 16 Absatz 4 des Vertrags über die Europäische Union und Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union vorgesehenen Abstimmungsregelung gewährleisten, die ab dem 1. November 2014 gelten wird, einschließlich — während eines Übergangszeitraums bis zum 31. März 2017 — der besonderen Bestimmungen gemäß Artikel 3 Absatz 2 des genannten Protokolls.
- (2) Der Rat wird auch in Zukunft alles daran setzen, die demokratische Legitimierung der mit qualifizierter Mehrheit angenommenen Rechtsakte zu erhöhen —

BESCHLIESST:

Abschnitt 1

Für die Zeit vom 1. November 2014 bis zum 31. März 2017 anwendbare Bestimmungen

Artikel 1

Für die Zeit vom 1. November 2014 bis zum 31. März 2017 gilt Folgendes: Wenn Mitglieder des Rates, die

- a) mindestens drei Viertel der Bevölkerung oder
- b) mindestens drei Viertel der Anzahl der Mitgliedstaaten

vertreten, die für die Bildung einer Sperrminorität erforderlich sind, wie sie sich aus der Anwendung von Artikel 16 Absatz 4 Unterabsatz 1 des Vertrags über die Europäische Union oder Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union ergibt, erklären, dass sie die Annahme eines Rechtsakts durch den Rat mit qualifizierter Mehrheit ablehnen, so wird die Frage vom Rat erörtert.

Artikel 2

Der Rat wird im Verlauf dieser Erörterungen alles in seiner Macht Stehende tun, um innerhalb einer angemessenen Zeit und unbeschadet der durch das Unionsrecht vorgeschriebenen zwingenden Fristen eine zufrieden stellende Lösung für die von den Mitgliedern des Rates nach Artikel 1 vorgebrachten Anliegen zu finden.

Artikel 3

Zu diesem Zweck unternimmt der Präsident des Rates mit Unterstützung der Kommission unter Einhaltung der Geschäftsordnung des Rates alle erforderlichen Schritte, um im Rat eine breitere Einigungsgrundlage zu ermöglichen. Die Mitglieder des Rates unterstützen ihn hierbei.

Abschnitt 2

Ab dem 1. April 2017 anwendbare Bestimmungen

Artikel 4

Ab dem 1. April 2017 gilt Folgendes: Wenn Mitglieder des Rates, die

- a) mindestens 55 % der Bevölkerung oder
- b) mindestens 55 % der Anzahl der Mitgliedstaaten

vertreten, die für die Bildung einer Sperrminorität erforderlich sind, wie sie sich aus der Anwendung von Artikel 16 Absatz 4 Unterabsatz 1 des Vertrags über die Europäische Union oder Artikel 238 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union ergibt, erklären, dass sie die Annahme eines Rechtsakts durch den Rat mit qualifizierter Mehrheit ablehnen, so wird die Frage vom Rat erörtert.

Artikel 5

Der Rat wird im Verlauf dieser Erörterungen alles in seiner Macht Stehende tun, um innerhalb einer angemessenen Zeit und unbeschadet der durch das Unionsrecht vorgeschriebenen zwingenden Fristen eine zufrieden stellende Lösung für die von den Mitgliedern des Rates nach Artikel 4 vorgebrachten Anliegen zu finden.

Artikel 6

Zu diesem Zweck unternimmt der Präsident des Rates mit Unterstützung der Kommission unter Einhaltung der Geschäftsordnung des Rates alle erforderlichen Schritte, um im Rat eine breitere Einigungsgrundlage zu ermöglichen. Die Mitglieder des Rates unterstützen ihn hierbei.

Abschnitt 3

Inkrafttreten des Beschlusses

Artikel 7

Dieser Beschluss tritt am Tag des Inkrafttretens des Vertrags von Lissabon in Kraft.

8. Erklärung zu den praktischen Maßnahmen, die zum Zeitpunkt des Inkrafttretens des Vertrags von Lissabon in Bezug auf den Vorsitz im Europäischen Rat und im Rat „Auswärtige Angelegenheiten“ zu ergreifen sind

Für den Fall, dass der Vertrag von Lissabon nach dem 1. Januar 2009 in Kraft tritt, ersucht die Konferenz die zuständigen Behörden des Mitgliedstaats, der zu jenem Zeitpunkt den halbjährlich wechselnden Vorsitz im Rat wahrnimmt, einerseits und die Persönlichkeit, die zum Präsidenten des Europäischen Rats gewählt wird, sowie die Persönlichkeit, die zum Hohen Vertreter der Union für Außen- und Sicherheitspolitik ernannt wird, andererseits, in Absprache mit dem nachfolgenden halbjährlichen Vorsitz die konkreten Maßnahmen zu ergreifen, die erforderlich sind, damit der Übergang in Bezug auf die sachbezogenen und die organisatorischen Aspekte der Ausübung des Vorsitzes im Europäischen Rat und im Rat „Auswärtige Angelegenheiten“ reibungslos erfolgen kann.

9. Erklärung zu Artikel 16 Absatz 9 des Vertrags über die Europäische Union betreffend den Beschluss des Europäischen Rates über die Ausübung des Vorsitzes im Rat

Die Konferenz erklärt, dass der Rat nach der Unterzeichnung des Vertrags von Lissabon umgehend mit der Ausarbeitung des Beschlusses zur Festlegung der Verfahren für die Anwendung des Beschlusses über die Ausübung des Vorsitzes im Rat beginnen und innerhalb von sechs Monaten zu einer politischen Einigung gelangen sollte. Ein Entwurf für einen Beschluss des Europäischen Rates, der am Tag des Inkrafttretens jenes Vertrags angenommen wird, ist nachstehend wiedergegeben:

Entwurf eines Beschlusses des Europäischen Rates über die Ausübung des Vorsitzes im Rat

Artikel 1

(1) Der Vorsitz im Rat außer in der Zusammensetzung „Auswärtige Angelegenheiten“ wird von zuvor festgelegten Gruppen von drei Mitgliedstaaten für einen Zeitraum von 18 Monaten wahrgenommen. Diese Gruppen werden in gleichberechtigter Rotation der Mitgliedstaaten unter Berücksichtigung ihrer Verschiedenheit und des geografischen Gleichgewichts innerhalb der Union zusammengestellt.

(2) Jedes Mitglied der Gruppe nimmt den Vorsitz in allen Zusammensetzungen des Rates außer in der Zusammensetzung „Auswärtige Angelegenheiten“ im Wechsel für einen Zeitraum von sechs Monaten wahr. Die anderen Mitglieder der Gruppe unterstützen den Vorsitz auf der Grundlage eines gemeinsamen Programms bei all seinen Aufgaben. Die Mitglieder der Gruppe können untereinander alternative Regelungen beschließen.

Artikel 2

Der Vorsitz im Ausschuss der Ständigen Vertreter der Regierungen der Mitgliedstaaten wird von einem Vertreter des Mitgliedstaats wahrgenommen, der den Vorsitz im Rat in der Zusammensetzung „Allgemeine Angelegenheiten“ innehat.

Der Vorsitz im Politischen und Sicherheitspolitischen Komitee wird von einem Vertreter des Hohen Vertreters der Union für Außen- und Sicherheitspolitik wahrgenommen.

Der Vorsitz in den vorbereitenden Gremien des Rates in seinen verschiedenen Zusammensetzungen außer in der Zusammensetzung „Auswärtige Angelegenheiten“ wird von dem Mitglied der Gruppe wahrgenommen, das den Vorsitz in der entsprechenden Zusammensetzung des Rates führt, sofern nach Artikel 4 nichts anderes beschlossen wird.

Artikel 3

Der Rat in der Zusammensetzung „Allgemeine Angelegenheiten“ sorgt im Rahmen einer Mehrjahresplanung in Zusammenarbeit mit der Kommission für die Kohärenz und die Kontinuität der Arbeiten des Rates in seinen verschiedenen Zusammensetzungen. Die den Vorsitz wahrnehmenden Mitgliedstaaten treffen mit Unterstützung des Generalsekretariats des Rates alle für die Organisation und den reibungslosen Ablauf der Arbeiten des Rates erforderlichen Vorkehrungen.

Artikel 4

Der Rat erlässt einen Beschluss mit Bestimmungen zur Anwendung dieses Beschlusses.

10. Erklärung zu Artikel 17 des Vertrags über die Europäische Union

Die Konferenz ist der Auffassung, dass die Kommission, wenn ihr nicht mehr Staatsangehörige aller Mitgliedstaaten angehören, besonders beachten sollte, dass in den Beziehungen zu allen Mitgliedstaaten vollständige Transparenz gewährleistet sein muss. Dementsprechend sollte die Kommission enge Verbindungen zu allen Mitgliedstaaten unterhalten, unabhängig davon, ob einer ihrer Staatsangehörigen Mitglied der Kommission ist, und in diesem Zusammenhang besonders beachten, dass Informationen mit allen Mitgliedstaaten geteilt und alle Mitgliedstaaten konsultiert werden müssen.

Die Konferenz ist ferner der Auffassung, dass die Kommission alle notwendigen Maßnahmen ergreifen sollte, um sicherzustellen, dass die politischen, sozialen und wirtschaftlichen Gegebenheiten in allen Mitgliedstaaten, auch in Mitgliedstaaten, die kein Kommissionsmitglied stellen, in vollem Umfang berücksichtigt werden. Dabei sollte durch geeignete organisatorische Vorkehrungen auch gewährleistet werden, dass der Standpunkt dieser Mitgliedstaaten berücksichtigt wird.

11. Erklärung zu Artikel 17 Absätze 6 und 7 des Vertrags über die Europäische Union

Die Konferenz ist der Auffassung, dass das Europäische Parlament und der Europäische Rat im Einklang mit den Verträgen gemeinsam für den reibungslosen Ablauf des Prozesses, der zur Wahl des Präsidenten der Europäischen Kommission führt, verantwortlich sind. Vertreter des Europäischen Parlaments und des Europäischen Rates werden daher vor dem Beschluss des Europäischen Rates die erforderlichen Konsultationen in dem Rahmen durchführen, der als am besten geeignet erachtet wird. Nach Artikel 17 Absatz 7 Unterabsatz 1 betreffen diese Konsultationen das Profil der Kandidaten für das Amt des Präsidenten der Kommission unter Berücksichtigung der Wahlen zum Europäischen Parlament. Die Einzelheiten dieser Konsultationen können zu gegebener Zeit einvernehmlich zwischen dem Europäischen Parlament und dem Europäischen Rat festgelegt werden.

12. Erklärung zu Artikel 18 des Vertrags über die Europäische Union

(1) Die Konferenz erklärt, dass bei den Vorbereitungsarbeiten zur Ernennung des Hohen Vertreters der Union für Außen- und Sicherheitspolitik gemäß Artikel 18 des Vertrags über die Europäische Union und Artikel 5 des Protokolls über die Übergangsbestimmungen, die am Tag des Inkrafttretens des Vertrags von Lissabon erfolgen soll, geeignete Kontakte zum Europäischen Parlament erfolgen werden; die Amtszeit des Hohen Vertreters wird am selben Tag beginnen und bis zum Ende der Amtszeit der an diesem Tag amtierenden Kommission dauern.

(2) Des Weiteren erinnert die Konferenz daran, dass die Ernennung desjenigen Hohen Vertreters der Union für Außen- und Sicherheitspolitik, dessen Amtszeit im November 2009 zum gleichen Zeitpunkt wie die Amtszeit der nächsten Kommission beginnen und dieselbe Dauer wie diese haben wird, nach den Artikeln 17 und 18 des Vertrags über die Europäische Union erfolgen wird.

13. Erklärung zur Gemeinsamen Außen- und Sicherheitspolitik

Die Konferenz unterstreicht, dass die Bestimmungen des Vertrags über die Europäische Union betreffend die Gemeinsame Außen- und Sicherheitspolitik, einschließlich der Schaffung des Amtes des Hohen Vertreters der Union für Außen- und Sicherheitspolitik und der Errichtung eines Auswärtigen Dienstes, weder die derzeit bestehenden Zuständigkeiten der Mitgliedstaaten für die Formulierung und Durchführung ihrer Außenpolitik noch ihre nationale Vertretung in Drittländern und internationalen Organisationen berühren.

Die Konferenz erinnert außerdem daran, dass die Bestimmungen über die Gemeinsame Sicherheits- und Verteidigungspolitik den besonderen Charakter der Sicherheits- und Verteidigungspolitik der Mitgliedstaaten unberührt lassen.

Sie hebt hervor, dass die Europäische Union und ihre Mitgliedstaaten nach wie vor durch die Bestimmungen der Charta der Vereinten Nationen und insbesondere durch die Hauptverantwortung des Sicherheitsrats und seiner Mitglieder für die Wahrung des Weltfriedens und der internationalen Sicherheit gebunden sind.

14. Erklärung zur Gemeinsamen Außen- und Sicherheitspolitik

Zusätzlich zu den in Artikel 24 Absatz 1 des Vertrags über die Europäische Union genannten besonderen Regeln und Verfahren betont die Konferenz, dass die Bestimmungen zur Gemeinsamen Außen- und Sicherheitspolitik, einschließlich zum Hohen Vertreter der Union für Außen- und Sicherheitspolitik und zum Auswärtigen Dienst, die bestehenden Rechtsgrundlagen, die Zuständigkeiten und Befugnisse der einzelnen Mitgliedstaaten in Bezug auf die Formulierung und die Durchführung ihrer Außenpolitik, ihre nationalen diplomatischen Dienste, ihre Beziehungen zu Drittländern und ihre Beteiligung an internationalen Organisationen, einschließlich der Mitgliedschaft eines Mitgliedstaats im Sicherheitsrat der Vereinten Nationen, nicht berühren.

Die Konferenz stellt ferner fest, dass der Kommission durch die Bestimmungen zur Gemeinsamen Außen- und Sicherheitspolitik keine neuen Befugnisse zur Einleitung von Beschlüssen übertragen werden und dass diese Bestimmungen die Rolle des Europäischen Parlaments nicht erweitern.

Die Konferenz erinnert außerdem daran, dass die Bestimmungen über die Gemeinsame Sicherheits- und Verteidigungspolitik den besonderen Charakter der Sicherheits- und Verteidigungspolitik der Mitgliedstaaten unberührt lassen.

15. Erklärung zu Artikel 27 des Vertrags über die Europäische Union

Die Konferenz erklärt, dass der Generalsekretär des Rates und Hohe Vertreter für die Gemeinsame Außen- und Sicherheitspolitik, die Kommission und die Mitgliedstaaten die Vorarbeiten zur Errichtung des Europäischen Auswärtigen Dienstes einleiten sollten, sobald der Vertrag von Lissabon unterzeichnet worden ist.

16. Erklärung zu Artikel 55 Absatz 2 des Vertrags über die Europäische Union

Die Konferenz ist der Auffassung, dass die Möglichkeit der Erstellung von Übersetzungen der Verträge in den Sprachen nach Artikel 55 Absatz 2 zur Verwirklichung des Ziels beiträgt, den Reichtum der kulturellen und sprachlichen Vielfalt der Union im Sinne von Artikel 3 Absatz 3 Unterabsatz 4 zu wahren. Sie bekräftigt diesbezüglich, dass die Union großen Wert auf die kulturelle Vielfalt Europas legt und diesen und anderen Sprachen weiterhin besondere Bedeutung beimessen wird.

Die Konferenz empfiehlt, dass die Mitgliedstaaten, die von der in Artikel 55 Absatz 2 vorgesehenen Möglichkeit Gebrauch machen möchten, dem Rat innerhalb von sechs Monaten nach der Unterzeichnung des Vertrags von Lissabon die Sprache bzw. Sprachen mitteilen, in die die Verträge übersetzt werden sollen.

17. Erklärung zum Vorrang

Die Konferenz weist darauf hin, dass die Verträge und das von der Union auf der Grundlage der Verträge gesetzte Recht im Einklang mit der ständigen Rechtsprechung des Gerichtshofs der Europäischen Union unter den in dieser Rechtsprechung festgelegten Bedingungen Vorrang vor dem Recht der Mitgliedstaaten haben.

Darüber hinaus hat die Konferenz beschlossen, dass das Gutachten des Juristischen Dienstes des Rates zum Vorrang in der Fassung des Dokuments 11197/07 (JUR 260) dieser Schlussakte beigefügt wird:

„Gutachten des Juristischen Dienstes des Rates

vom 22. Juni 2007

Nach der Rechtsprechung des Gerichtshofs ist der Vorrang des EG-Rechts einer der Grundpfeiler des Gemeinschaftsrechts. Dem Gerichtshof zufolge ergibt sich dieser Grundsatz aus der Besonderheit der Europäischen Gemeinschaft. Zum Zeitpunkt des ersten Urteils im Rahmen dieser ständigen Rechtsprechung (Rechtssache 6/64, Costa gegen ENEL, 15. Juli 1964 ⁽¹⁾) war dieser Vorrang im Vertrag nicht erwähnt. Dies ist auch heute noch der Fall. Die Tatsache, dass der Grundsatz dieses Vorrangs nicht in den künftigen Vertrag aufgenommen wird, ändert nichts an seiner Existenz und an der bestehenden Rechtsprechung des Gerichtshofs.

⁽¹⁾ „Aus (...) folgt, dass dem vom Vertrag geschaffenen, somit aus einer autonomen Rechtsquelle fließenden Recht wegen dieser seiner Eigenständigkeit keine wie immer gearteten innerstaatlichen Rechtsvorschriften vorgehen können, wenn ihm nicht sein Charakter als Gemeinschaftsrecht aberkannt und wenn nicht die Rechtsgrundlage der Gemeinschaft selbst in Frage gestellt werden soll.“

18. Erklärung zur Abgrenzung der Zuständigkeiten

Die Konferenz unterstreicht, dass gemäß dem in dem Vertrag über die Europäische Union und dem Vertrag über die Arbeitsweise der Europäischen Union vorgesehenen System der Aufteilung der Zuständigkeiten zwischen der Union und den Mitgliedstaaten alle der Union nicht in den Verträgen übertragenen Zuständigkeiten bei den Mitgliedstaaten verbleiben.

Übertragen die Verträge der Union für einen bestimmten Bereich eine mit den Mitgliedstaaten geteilte Zuständigkeit, so nehmen die Mitgliedstaaten ihre Zuständigkeit wahr, sofern und soweit die Union ihre Zuständigkeit nicht ausgeübt hat oder entschieden hat, diese nicht mehr auszuüben. Der letztgenannte Fall ist gegeben, wenn die zuständigen Organe der Union beschließen, einen Gesetzgebungsakt aufzuheben, insbesondere um die ständige Einhaltung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit besser sicherzustellen. Der Rat kann die Kommission auf Initiative eines oder mehrerer seiner Mitglieder (Vertreter der Mitgliedstaaten) gemäß Artikel 241 des Vertrags über die Arbeitsweise der Europäischen Union auffordern, Vorschläge für die Aufhebung eines Gesetzgebungsakts zu unterbreiten. Die Konferenz begrüßt, dass die Kommission erklärt, sie werde solchen Aufforderungen besondere Beachtung schenken.

Ebenso können die Vertreter der Regierungen der Mitgliedstaaten im Rahmen einer Regierungskonferenz gemäß dem ordentlichen Änderungsverfahren nach Artikel 48 Absätze 2 bis 5 des Vertrags über die Europäische Union eine Änderung der Verträge, auf denen die Union beruht, einschließlich einer Ausweitung oder Verringerung der der Union in diesen Verträgen übertragenen Zuständigkeiten, beschließen.

19. Erklärung zu Artikel 8 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz ist sich darüber einig, dass die Union bei ihren allgemeinen Bemühungen, Ungleichheiten zwischen Frauen und Männern zu beseitigen, in den verschiedenen Politikbereichen darauf hinwirken wird, jede Art der häuslichen Gewalt zu bekämpfen. Die Mitgliedstaaten sollten alle erforderlichen Maßnahmen ergreifen, um solche strafbaren Handlungen zu verhindern und zu ahnden sowie die Opfer zu unterstützen und zu schützen.

20. Erklärung zu Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz erklärt, dass immer dann, wenn Bestimmungen über den Schutz personenbezogener Daten, die auf der Grundlage von Artikel 16 zu erlassen sind, direkte Auswirkungen auf die nationale Sicherheit haben könnten, dieser Umstand gebührend zu berücksichtigen ist. Sie weist darauf hin, dass die derzeit geltenden Rechtsvorschriften (siehe insbesondere Richtlinie 95/46/EG) besondere Ausnahmeregelungen hierzu enthalten.

21. Erklärung zum Schutz personenbezogener Daten im Bereich der justiziellen Zusammenarbeit in Strafsachen und der polizeilichen Zusammenarbeit

Die Konferenz erkennt an, dass es sich aufgrund des spezifischen Charakters der Bereiche justizielle Zusammenarbeit in Strafsachen und polizeiliche Zusammenarbeit als erforderlich erweisen könnte, in diesen Bereichen spezifische, auf Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union gestützte Vorschriften über den Schutz personenbezogener Daten und den freien Datenverkehr zu erlassen.

22. Erklärung zu den Artikeln 48 und 79 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz geht davon aus, dass den Interessen des betroffenen Mitgliedstaats gebührend Rechnung getragen wird, wenn ein Entwurf eines Gesetzgebungsakts nach Artikel 79 Absatz 2 — wie in Artikel 48 Absatz 2 dargelegt — wichtige Aspekte, wie den Geltungsbereich, die Kosten oder die Finanzstruktur des Systems der sozialen Sicherheit eines Mitgliedstaats verletzen oder das finanzielle Gleichgewicht dieses Systems beeinträchtigen würde.

23. Erklärung zu Artikel 48 Absatz 2 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz verweist darauf, dass der Europäische Rat in diesem Fall nach Artikel 15 Absatz 4 des Vertrags über die Europäische Union im Konsens entscheidet.

24. Erklärung zur Rechtspersönlichkeit der Europäischen Union

Die Konferenz bestätigt, dass der Umstand, dass die Europäische Union Rechtspersönlichkeit hat, die Union keinesfalls ermächtigt, über die ihr von den Mitgliedstaaten in den Verträgen übertragenen Zuständigkeiten hinaus gesetzgeberisch tätig zu sein oder über diese Zuständigkeiten hinaus zu handeln.

25. Erklärung zu den Artikeln 75 und 215 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz weist darauf hin, dass die Achtung der Grundrechte und -freiheiten es insbesondere erforderlich macht, dass der Rechtsschutz der betreffenden Einzelpersonen oder Einheiten gebührend berücksichtigt wird. Zu diesem Zweck und zur Gewährleistung einer gründlichen gerichtlichen Prüfung von Beschlüssen, durch die Einzelpersonen oder Einheiten restriktiven Maßnahmen unterworfen werden, müssen diese Beschlüsse auf klaren und eindeutigen Kriterien beruhen. Diese Kriterien müssen auf die Besonderheiten der jeweiligen restriktiven Maßnahme zugeschnitten sein.

26. Erklärung zur Nichtbeteiligung eines Mitgliedstaats an einer auf den Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union gestützten Maßnahme

Die Konferenz erklärt, dass der Rat in dem Fall, dass ein Mitgliedstaat entscheidet, sich nicht an einer auf den Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union gestützten Maßnahme zu beteiligen, eine eingehende Erörterung über die möglichen Implikationen und Auswirkungen der Nichtbeteiligung dieses Mitgliedstaats an dieser Maßnahme führen wird.

Außerdem kann jeder Mitgliedstaat die Kommission ersuchen, die Lage auf der Grundlage des Artikels 116 des Vertrags über die Arbeitsweise der Europäischen Union zu prüfen.

Die vorstehenden Absätze berühren nicht die Möglichkeit für einen Mitgliedstaat, den Europäischen Rat mit dieser Frage zu befassen.

27. Erklärung zu Artikel 85 Absatz 1 Unterabsatz 2 des Vertrags über die Arbeitsweise der Europäischen Union

Nach Auffassung der Konferenz sollten die Verordnungen nach Artikel 85 Absatz 1 Unterabsatz 2 des Vertrags über die Arbeitsweise der Europäischen Union den nationalen Vorschriften und Verfahrensweisen im Zusammenhang mit der Einleitung strafrechtlicher Ermittlungsmaßnahmen Rechnung tragen.

28. Erklärung zu Artikel 98 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz stellt fest, dass Artikel 98 nach der gegenwärtigen Praxis anzuwenden ist. Die Formulierung „Maßnahmen (...), soweit sie erforderlich sind, um die wirtschaftlichen Nachteile auszugleichen, die der Wirtschaft bestimmter, von der Teilung Deutschlands betroffener Gebiete der Bundesrepublik aus dieser Teilung entstehen“ wird im Einklang mit der geltenden Rechtsprechung des Gerichtshofs der Europäischen Union ausgelegt.

29. Erklärung zu Artikel 107 Absatz 2 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz stellt fest, dass Artikel 107 Absatz 2 Buchstabe c im Einklang mit der geltenden Rechtsprechung des Gerichtshofs der Europäischen Union zur Anwendbarkeit dieser Bestimmungen auf die Beihilfen für bestimmte, durch die frühere Teilung Deutschlands beeinträchtigte Gebiete der Bundesrepublik Deutschland auszulegen ist.

30. Erklärung zu Artikel 126 des Vertrags über die Arbeitsweise der Europäischen Union

In Bezug auf Artikel 126 bekräftigt die Konferenz, dass die Wirtschafts- und Haushaltspolitik der Union und der Mitgliedstaaten auf die beiden fundamentalen Ziele ausgerichtet ist, das Wachstumspotenzial zu steigern und eine solide Haushaltslage zu gewährleisten. Der Stabilitäts- und Wachstumspakt ist ein wichtiges Instrument für die Verwirklichung dieser Ziele.

Die Konferenz bekennt sich erneut zu den Bestimmungen über den Stabilitäts- und Wachstumspakt als Rahmen für die Koordinierung der Haushaltspolitik in den Mitgliedstaaten.

Die Konferenz bekräftigt, dass sich mit einem auf Regeln beruhenden System am besten gewährleisten lässt, dass die Verpflichtungen tatsächlich eingehalten und alle Mitgliedstaaten gleich behandelt werden.

In diesem Zusammenhang erneuert die Konferenz ferner ihr Bekenntnis zu den Zielen der Lissabonner Strategie: Schaffung von Arbeitsplätzen, Strukturreformen und sozialer Zusammenhalt.

Die Union strebt ein ausgewogenes Wirtschaftswachstum und Preisstabilität an. Deshalb muss die Wirtschafts- und Haushaltspolitik in Zeiten schwachen Wirtschaftswachstums die entsprechenden Prioritäten in Bezug auf Wirtschaftsreformen, Innovation, Wettbewerbsfähigkeit und Steigerung der privaten Investitionen und des privaten Verbrauchs setzen. Dies sollte in der Ausrichtung der Haushaltsbeschlüsse auf Ebene der Mitgliedstaaten und der Union zum Ausdruck kommen,

insbesondere dadurch, dass die öffentlichen Einnahmen und Ausgaben umgeschichtet werden, wobei die Haushaltsdisziplin nach den Verträgen und dem Stabilitäts- und Wachstumspakt zu wahren ist.

Die haushalts- und wirtschaftspolitischen Herausforderungen, vor denen die Mitgliedstaaten stehen, unterstreichen die Bedeutung einer soliden Haushaltspolitik während des gesamten Konjunkturzyklus.

Die Konferenz kommt überein, dass die Mitgliedstaaten Phasen der wirtschaftlichen Erholung aktiv nutzen sollten, um die öffentlichen Finanzen zu konsolidieren und ihre Haushaltslage zu verbessern. Das Ziel ist dabei, in Zeiten günstiger Konjunktur schrittweise einen Haushaltsüberschuss zu erreichen, um in Zeiten der konjunkturellen Abschwächung über den nötigen Spielraum zu verfügen und so zur langfristigen Tragfähigkeit der öffentlichen Finanzen beizutragen.

Die Mitgliedstaaten sehen etwaigen Vorschlägen der Kommission und weiteren Beiträgen der Mitgliedstaaten zu der Frage, wie die Umsetzung des Stabilitäts- und Wachstumspakts verstärkt und klarer gestaltet werden kann, mit Interesse entgegen. Die Mitgliedstaaten werden die notwendigen Maßnahmen zur Steigerung des Wachstumspotenzials ihrer Wirtschaft treffen. Hierzu könnte auch eine bessere Abstimmung der Wirtschaftspolitik beitragen. Diese Erklärung greift künftigen Beratungen über den Stabilitäts- und Wachstumspakt nicht vor.

31. Erklärung zu Artikel 156 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz bestätigt, dass die in Artikel 156 aufgeführten Politikbereiche im Wesentlichen in die Zuständigkeit der Mitgliedstaaten fallen. Die auf Unionsebene nach diesem Artikel zu ergreifenden Förder- und Koordinierungsmaßnahmen haben ergänzenden Charakter. Sie dienen der Stärkung der Zusammenarbeit zwischen den Mitgliedstaaten und nicht der Harmonisierung einzelstaatlicher Systeme. Die in den einzelnen Mitgliedstaaten bestehenden Garantien und Gepflogenheiten hinsichtlich der Verantwortung der Sozialpartner bleiben unberührt.

Diese Erklärung berührt nicht die Bestimmungen der Verträge, einschließlich im Sozialbereich, mit denen der Union Zuständigkeiten übertragen werden.

32. Erklärung zu Artikel 168 Absatz 4 Buchstabe c des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz erklärt, dass die nach Artikel 168 Absatz 4 Buchstabe c zu erlassenden Maßnahmen den gemeinsamen Sicherheitsanliegen Rechnung tragen und auf die Festlegung hoher Qualitäts- und Sicherheitsstandards gerichtet sein müssen, wenn aufgrund nationaler Standards, die den Binnenmarkt berühren, andernfalls ein hohes Gesundheitsschutzniveau nicht erreicht werden könnte.

33. Erklärung zu Artikel 174 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz vertritt die Auffassung, dass die Bezugnahme auf Inselregionen in Artikel 174 auch für Inselstaaten insgesamt gelten kann, sofern die notwendigen Kriterien erfüllt sind.

34. Erklärung zu Artikel 179 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz ist sich darüber einig, dass die Tätigkeit der Union auf dem Gebiet der Forschung und technologischen Entwicklung den grundsätzlichen Ausrichtungen und Entscheidungen in der Forschungspolitik der Mitgliedstaaten angemessen Rechnung tragen wird.

35. Erklärung zu Artikel 194 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz ist der Auffassung, dass Artikel 194 das Recht der Mitgliedstaaten unberührt lässt, Bestimmungen zu erlassen, die für die Gewährleistung ihrer Energieversorgung unter den Bedingungen des Artikels 347 erforderlich sind.

36. Erklärung zu Artikel 218 des Vertrags über die Arbeitsweise der Europäischen Union über die Aushandlung und den Abschluss internationaler Übereinkünfte betreffend den Raum der Freiheit, der Sicherheit und des Rechts durch die Mitgliedstaaten

Die Konferenz bestätigt, dass die Mitgliedstaaten Übereinkünfte mit Drittländern oder internationalen Organisationen in den Bereichen des Dritten Teils Titel V Kapitel 3, 4 und 5 aushandeln und schließen können, sofern diese Übereinkünfte mit dem Unionsrecht im Einklang stehen.

37. Erklärung zu Artikel 222 des Vertrags über die Arbeitsweise der Europäischen Union

Unbeschadet der Maßnahmen der Union zur Erfüllung ihrer Verpflichtung zur Solidarität gegenüber einem Mitgliedstaat, der von einem Terroranschlag, einer Naturkatastrophe oder einer vom Menschen verursachten Katastrophe betroffen ist, zielt keine der Bestimmungen des Artikels 222 darauf ab, das Recht eines anderen Mitgliedstaats zu beeinträchtigen, die am besten geeigneten Mittel zur Erfüllung seiner Verpflichtung zur Solidarität gegenüber dem betreffenden Mitgliedstaat zu wählen.

38. Erklärung zu Artikel 252 des Vertrags über die Arbeitsweise der Europäischen Union zur Zahl der Generalanwälte des Gerichtshofs

Die Konferenz erklärt, dass der Rat, wenn der Gerichtshof gemäß Artikel 252 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union beantragt, die Zahl der Generalanwälte um drei zu erhöhen (elf anstelle von acht), einstimmig eine solche Erhöhung beschließen wird.

Für diesen Fall ist sich die Konferenz darin einig, dass Polen einen ständigen Generalanwalt stellen wird, wie dies bereits für Deutschland, Frankreich, Italien, Spanien und das Vereinigte Königreich der Fall ist, und nicht länger am Rotationssystem teilnehmen wird, wobei das bestehende Rotationssystem dann die Rotation von fünf anstelle von drei Generalanwälten beinhalten wird.

39. Erklärung zu Artikel 290 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz nimmt zur Kenntnis, dass die Kommission beabsichtigt, bei der Ausarbeitung ihrer Entwürfe für delegierte Rechtsakte im Bereich der Finanzdienstleistungen nach ihrer üblichen Vorgehensweise weiterhin von den Mitgliedstaaten benannte Experten zu konsultieren.

40. Erklärung zu Artikel 329 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz erklärt, dass die Mitgliedstaaten, die einen Antrag auf Begründung einer Verstärkten Zusammenarbeit stellen, angeben können, ob sie bereits in diesem Stadium beabsichtigen, Artikel 333 über die Ausdehnung der Beschlussfassung mit qualifizierter Mehrheit anzuwenden oder ob sie das ordentliche Gesetzgebungsverfahren in Anspruch nehmen möchten.

41. Erklärung zu Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz erklärt, dass die in Artikel 352 Absatz 1 des Vertrags über die Arbeitsweise der Europäischen Union enthaltene Bezugnahme auf die Ziele der Union die in Artikel 3 Absätze 2 und 3 des Vertrags über die Europäische Union festgelegten Ziele sowie die Ziele des Artikels 3 Absatz 5 des genannten Vertrags hinsichtlich des auswärtigen Handelns nach dem Fünften Teil des Vertrags über die Arbeitsweise der Europäischen Union betrifft. Es ist daher ausgeschlossen, dass auf Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union gestützte Maßnahmen ausschließlich Ziele nach Artikel 3 Absatz 1 des Vertrags über die Europäische Union verfolgen. In diesem Zusammenhang stellt die Konferenz fest, dass gemäß Artikel 31 Absatz 1 des Vertrags über die Europäische Union im Bereich der Gemeinsamen Außen- und Sicherheitspolitik keine Gesetzgebungsakte erlassen werden dürfen.

42. Erklärung zu Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union

Die Konferenz unterstreicht, dass nach der ständigen Rechtsprechung des Gerichtshofs der Europäischen Union Artikel 352 des Vertrags über die Arbeitsweise der Europäischen Union integrierender Bestandteil einer auf dem Grundsatz der begrenzten Einzelermächtigung beruhenden institutionellen Ordnung ist und daher keine Grundlage dafür bieten kann, den Bereich der Unionsbefugnisse über den allgemeinen Rahmen hinaus auszudehnen, der sich aus der Gesamtheit der Bestimmungen der Verträge und insbesondere der Bestimmungen ergibt, die die Aufgaben und Tätigkeiten der Union festlegen. Dieser Artikel kann jedenfalls nicht als Rechtsgrundlage für den Erlass von Bestimmungen dienen, die der Sache nach, gemessen an ihren Folgen, auf eine Änderung der Verträge ohne Einhaltung des hierzu in den Verträgen vorgesehenen Verfahrens hinauslaufen.

43. Erklärung zu Artikel 355 Absatz 6 des Vertrags über die Arbeitsweise der Europäischen Union

Die Hohen Vertragsparteien kommen überein, dass der Europäische Rat nach Artikel 355 Absatz 6 einen Beschluss im Hinblick auf die Änderung des Status von Mayotte gegenüber der Union erlassen wird, um dieses Gebiet zu einem Gebiet in äußerster Randlage im Sinne des Artikels 355 Absatz 1 und des Artikels 349 zu machen, wenn die französischen Behörden dem Europäischen Rat und der Kommission mitteilen, dass die jüngste Entwicklung des internen Status der Insel dies gestattet.

B. ERKLÄRUNGEN ZU DEN DEN VERTRÄGEN BEIGEFÜGTEN PROTOKOLLEN

44. Erklärung zu Artikel 5 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand

Die Konferenz stellt fest, dass ein Mitgliedstaat, der nach Artikel 5 Absatz 2 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand mitgeteilt hat, dass er sich nicht an einem Vorschlag oder einer Initiative beteiligen möchte, die betreffende Mitteilung vor der Annahme der auf dem Schengen-Besitzstand aufbauenden Maßnahme jederzeit zurückziehen kann.

45. Erklärung zu Artikel 5 Absatz 2 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand

Die Konferenz erklärt, dass der Rat, wenn das Vereinigte Königreich bzw. Irland ihm mitteilt, sich nicht an einer Maßnahme beteiligen zu wollen, die auf einen Teil des Schengen-Besitzstands aufbaut, an dem sich das Vereinigte Königreich bzw. Irland beteiligt, eine eingehende Erörterung der möglichen Auswirkungen der Nichtbeteiligung des betreffenden Mitgliedstaats an der betreffenden Maßnahme führen wird. Die Erörterung im Rat soll im Lichte der Angaben der Kommission zu dem Verhältnis zwischen dem Vorschlag und dem Schengen-Besitzstand geführt werden.

46. Erklärung zu Artikel 5 Absatz 3 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand

Die Konferenz weist darauf hin, dass die Kommission, falls der Rat nach einer ersten vertieften Erörterung der Frage keinen Beschluss fasst, dem Rat einen geänderten Vorschlag im Hinblick auf eine weitere vertiefte Überprüfung durch den Rat, die innerhalb von vier Monaten vorzunehmen ist, vorlegen kann.

47. Erklärung zu Artikel 5 Absätze 3, 4 und 5 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand

Die Konferenz stellt fest, dass in den Bedingungen, die in dem Beschluss nach Artikel 5 Absätze 3, 4 oder 5 des Protokolls über den in den Rahmen der Europäischen Union einbezogenen Schengen-Besitzstand festzulegen sind, vorgesehen werden kann, dass der betreffende Mitgliedstaat etwaige unmittelbare finanzielle Folgen zu tragen hat, die sich zwangsläufig und unvermeidbar daraus ergeben, dass er sich an dem in einem Beschluss des Rates nach Artikel 4 des genannten Protokolls aufgeführten Besitzstand in seiner Gesamtheit oder in Teilen nicht mehr beteiligt.

48. Erklärung zu dem Protokoll über die Position Dänemarks

Die Konferenz nimmt zur Kenntnis, dass Dänemark in Bezug auf Rechtsakte, die vom Rat allein oder gemeinsam mit dem Europäischen Parlament zu erlassen sind und sowohl Bestimmungen enthalten, die auf Dänemark anwendbar sind, als auch Bestimmungen, die auf Dänemark nicht anwendbar sind, da sie sich auf eine Rechtsgrundlage stützen, für die Teil I des Protokolls über die Position Dänemarks gilt, erklärt, dass es nicht von seinem Stimmrecht Gebrauch machen wird, um den Erlass von Bestimmungen zu verhindern, die nicht auf Dänemark anwendbar sind.

Die Konferenz nimmt darüber hinaus zur Kenntnis, dass Dänemark auf der Grundlage seiner Erklärung zu Artikel 222 erklärt, dass Dänemarks Beteiligung an Maßnahmen oder Rechtsakten nach Artikel 222 im Einklang mit Teil I und Teil II des Protokolls über die Position Dänemarks erfolgen wird.

49. Erklärung betreffend Italien

Die Konferenz nimmt zur Kenntnis, dass das Protokoll betreffend Italien, das 1957 dem Vertrag zur Gründung der Europäischen Wirtschaftsgemeinschaft beigelegt war, in der bei der Annahme des Vertrags über die Europäische Union geänderten Fassung Folgendes vorsah:

„DIE HOHEN VERTRAGSPARTEIEN —

VON DEM WUNSCH GELEITET, gewisse besondere Probleme betreffend Italien zu regeln —

SIND über folgende Bestimmungen ÜBEREINGEKOMMEN, die diesem Vertrag als Anhang beigelegt sind:

DIE MITGLIEDSTAATEN DER GEMEINSCHAFT

NEHMEN ZUR KENNNTNIS, dass sich die italienische Regierung mit der Durchführung eines Zehnjahresplans zur wirtschaftlichen Ausweitung befasst, durch den die strukturellen Unterschiede der italienischen Volkswirtschaft ausgeglichen werden sollen, und zwar insbesondere durch die Ausrüstung der weniger entwickelten Gebiete Südtaliens und der italienischen Inseln sowie durch die Schaffung neuer Arbeitsplätze zur Beseitigung der Arbeitslosigkeit;

WEISEN DARAUF HIN, dass die Grundsätze und die Ziele dieses Plans der italienischen Regierung von Organisationen für internationale Zusammenarbeit, deren Mitglieder sie sind, berücksichtigt und gebilligt wurden;

ERKENNEN AN, dass die Erreichung der Ziele des italienischen Plans in ihrem gemeinsamen Interesse liegt;

KOMMEN ÜBEREIN, den Organen der Gemeinschaft die Anwendung aller in diesem Vertrag vorgesehenen Mittel und Verfahren zu empfehlen, insbesondere durch eine angemessene Verwendung der Mittel der Europäischen Investitionsbank und des Europäischen Sozialfonds der italienischen Regierung die Erfüllung dieser Aufgabe zu erleichtern;

SIND DER AUFFASSUNG, dass die Organe der Gemeinschaft bei der Anwendung dieses Vertrags berücksichtigen müssen, dass die italienische Volkswirtschaft in den kommenden Jahren erheblichen Belastungen ausgesetzt sein wird, und dass gefährliche Spannungen, namentlich in der Zahlungsbilanz oder im Beschäftigungsstand, durch welche die Anwendung dieses Vertrags in Italien in Frage gestellt werden könnte, zu vermeiden sind;

ERKENNEN insbesondere AN, dass im Falle der Anwendung der Artikel 109h und 109i darauf zu achten ist, dass bei den Maßnahmen, um welche die italienische Regierung ersucht wird, die Durchführung ihres Plans zur wirtschaftlichen Ausweitung und zur Hebung des Lebensstandards der Bevölkerung gesichert bleibt.“

50. Erklärung zu Artikel 10 des Protokolls über die Übergangsbestimmungen

Die Konferenz ersucht das Europäische Parlament, den Rat und die Kommission, sich im Rahmen ihrer jeweiligen Befugnisse zu bemühen, in geeigneten Fällen und nach Möglichkeit innerhalb der in Artikel 10 Absatz 3 des Protokolls über die Übergangsbestimmungen genannten Frist von fünf Jahren Rechtsakte zu erlassen, mit denen die in Artikel 10 Absatz 1 jenes Protokolls genannten Rechtsakte geändert oder ersetzt werden.

C. ERKLÄRUNGEN VON MITGLIEDSTAATEN

51. Erklärung des Königreichs Belgien zu den nationalen Parlamenten

Belgien erklärt, dass aufgrund seines Verfassungsrechts sowohl das Abgeordnetenhaus und der Senat des Bundesparlaments als auch die Parlamente der Gemeinschaften und Regionen — je nach den von der Union ausgeübten Befugnissen — als Bestandteil des Systems des nationalen Parlaments oder als Kammern des nationalen Parlaments handeln.

52. Erklärung des Königreichs Belgien, der Republik Bulgarien, der Bundesrepublik Deutschland, der Hellenischen Republik, des Königreichs Spanien, der Italienischen Republik, der Republik Zypern, der Republik Litauen, des Großherzogtums Luxemburg, der Republik Ungarn, der Republik Malta, der Republik Österreich, der Portugiesischen Republik, Rumäniens, der Republik Slowenien und der Slowakischen Republik zu den Symbolen der Europäischen Union

Belgien, Bulgarien, Deutschland, Griechenland, Spanien, Italien, Zypern, Litauen, Luxemburg, Ungarn, Malta, Österreich, Portugal, Rumänien, Slowenien und die Slowakei erklären, dass die Flagge mit einem Kreis von zwölf goldenen Sternen auf blauem Hintergrund, die Hymne aus der „Ode an die Freude“ der Neunten Symphonie von Ludwig van Beethoven, der Leitspruch „In Vielfalt geeint“, der Euro als Währung der Europäischen Union und der Europatag am 9. Mai für sie auch künftig als Symbole die Zusammengehörigkeit der Menschen in der Europäischen Union und ihre Verbundenheit mit dieser zum Ausdruck bringen.

53. Erklärung der Tschechischen Republik zur Charta der Grundrechte der Europäischen Union

1. Die Tschechische Republik erinnert daran, dass die Bestimmungen der Charta der Grundrechte der Europäischen Union für die Organe und Einrichtungen der Europäischen Union gelten, wobei das Subsidiaritätsprinzip und die Aufteilung der Zuständigkeiten zwischen der Europäischen Union und ihren Mitgliedstaaten, wie sie in der Erklärung (Nr. 18) zur Abgrenzung der Zuständigkeiten bekräftigt wird, gebührend zu beachten sind. Die Tschechische Republik betont, dass die Bestimmungen der Charta ausschließlich dann für die Mitgliedstaaten gelten, wenn diese Unionsrecht durchführen, nicht aber, wenn sie vom Unionsrecht unabhängige nationale Rechtsvorschriften erlassen und durchführen.

2. Die Tschechische Republik hebt ferner hervor, dass die Charta den Geltungsbereich des Unionsrechts nicht ausdehnt und auch keine neuen Zuständigkeiten für die Union begründet. Weder begrenzt sie den Geltungsbereich der nationalen Rechtsvorschriften noch beschneidet sie die derzeitigen Zuständigkeiten der nationalen Regierungen auf diesem Gebiet.

3. Die Tschechische Republik betont, dass in der Charta Grundrechte und Grundsätze, wie sie sich aus den gemeinsamen Verfassungsüberlieferungen der Mitgliedstaaten ergeben, anerkannt werden und diese Grundrechte und Grundsätze somit im Einklang mit diesen Überlieferungen auszulegen sind.

4. Die Tschechische Republik betont ferner, dass keine Bestimmung dieser Charta als eine Einschränkung oder Verletzung der Menschenrechte und Grundfreiheiten ausgelegt werden darf, die in dem jeweiligen Anwendungsbereich durch das Recht der Union und durch die internationalen Übereinkünfte, bei denen die Union oder alle Mitgliedstaaten Vertragsparteien sind, darunter insbesondere die Europäische Konvention zum Schutz der Menschenrechte und Grundfreiheiten, sowie durch die Verfassungen der Mitgliedstaaten anerkannt werden.

54. Erklärung der Bundesrepublik Deutschland, Irlands, der Republik Ungarn, der Republik Österreich und des Königreichs Schweden

Deutschland, Irland, Ungarn, Österreich und Schweden stellen fest, dass die zentralen Bestimmungen des Vertrags zur Gründung der Europäischen Atomgemeinschaft seit seinem Inkrafttreten in ihrer Substanz nicht geändert worden sind und aktualisiert werden müssen. Daher unterstützen sie den Gedanken einer Konferenz der Vertreter der Regierungen der Mitgliedstaaten, die so rasch wie möglich einberufen werden sollte.

55. Erklärung des Königreichs Spanien und des Vereinigten Königreichs Großbritannien und Nordirland

Die Verträge gelten für Gibraltar als ein europäisches Gebiet, dessen auswärtige Beziehungen ein Mitgliedstaat wahrnimmt. Dies bringt jedoch keine Änderungen der jeweiligen Standpunkte der betreffenden Mitgliedstaaten mit sich.

56. Erklärung Irlands zu Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts

Irland bekräftigt sein Bekenntnis zur Union als einem Raum der Freiheit, der Sicherheit und des Rechts, in dem die Grundrechte und die verschiedenen Rechtsordnungen und -traditionen der Mitgliedstaaten geachtet werden und der den Bürgerinnen und Bürgern ein hohes Sicherheitsniveau bietet.

Dementsprechend bekundet Irland seine feste Absicht, sein Recht nach Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts, sich an der Annahme von Maßnahmen nach dem Dritten Teil Titel V des Vertrags über die Arbeitsweise der Europäischen Union zu beteiligen, im größten Umfang wahrzunehmen, der ihm möglich erscheint.

Irland wird sich insbesondere im größtmöglichen Umfang an Maßnahmen im Bereich der polizeilichen Zusammenarbeit beteiligen.

Ferner weist Irland erneut darauf hin, dass es gemäß Artikel 8 des Protokolls dem Rat schriftlich mitteilen kann, dass die Bestimmungen des Protokolls nicht mehr für Irland gelten sollen. Irland beabsichtigt, die Funktionsweise dieser Regelungen innerhalb von drei Jahren nach Inkrafttreten des Vertrags von Lissabon zu überprüfen.

57. Erklärung der Italienischen Republik zur Zusammensetzung des Europäischen Parlaments

Italien stellt fest, dass sich nach den Artikeln 10 und 14 des Vertrags über die Europäische Union das Europäische Parlament aus Vertretern der Unionsbürgerinnen und Unionsbürger zusammensetzt, deren Vertretung degressiv proportional gestaltet ist.

Italien stellt ferner fest, dass nach Artikel 9 des Vertrags über die Europäische Union und des Artikels 20 des Vertrags über die Arbeitsweise der Europäischen Union Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt.

Italien ist daher der Auffassung dass, unbeschadet des Beschlusses zur Legislaturperiode 2009-2014, jeder vom Europäischen Rat auf Initiative des Europäischen Parlaments und mit seiner Zustimmung angenommene Beschluss zur Festlegung der Zusammensetzung des Europäischen Parlaments die in Artikel 14 Absatz 2 Unterabsatz 1 niedergelegten Grundsätze beachten muss.

58. Erklärung der Republik Lettland, der Republik Ungarn und der Republik Malta zur Schreibweise des Namens der einheitlichen Währung in den Verträgen

Unbeschadet der in den Verträgen enthaltenen vereinheitlichten Schreibweise des Namens der einheitlichen Währung der Europäischen Union, wie sie auf den Banknoten und Münzen erscheint, erklären Lettland, Ungarn und Malta, dass die Schreibweise des Namens der einheitlichen Währung — einschließlich ihrer abgeleiteten Formen, die in der lettischen, der ungarischen und der maltesischen Sprachfassung der Verträge benutzt werden — keine Auswirkungen auf die geltenden Regeln der lettischen, der ungarischen und der maltesischen Sprache hat.

59. Erklärung des Königreichs der Niederlande zu Artikel 312 des Vertrags über die Arbeitsweise der Europäischen Union

Das Königreich der Niederlande wird einem Beschluss nach Artikel 312 Absatz 2 Unterabsatz 2 des Vertrags über die Arbeitsweise der Europäischen Union zustimmen, sobald im Rahmen der Überprüfung des Beschlusses nach Artikel 311 Absatz 3 jenes Vertrags für die Niederlande eine zufrieden stellende Lösung für ihre in Bezug auf den Haushalt der Union äußerst nachteilige Position als Nettozahler gefunden wurde.

60. Erklärung des Königreichs der Niederlande zu Artikel 355 des Vertrags über die Arbeitsweise der Europäischen Union

Das Königreich der Niederlande erklärt, dass eine Initiative für einen Beschluss nach Artikel 355 Absatz 6, die auf eine Änderung des Status der Niederländischen Antillen und/oder Arubas gegenüber der Union abzielt, nur auf der Grundlage eines Beschlusses vorgelegt wird, der im Einklang mit dem Status des Königreichs der Niederlande gefasst worden ist.

61. Erklärung der Republik Polen zur Charta der Grundrechte der Europäischen Union

Die Charta berührt in keiner Weise das Recht der Mitgliedstaaten, in den Bereichen der öffentlichen Sittlichkeit, des Familienrechts sowie des Schutzes der Menschenwürde und der Achtung der körperlichen und moralischen Unversehrtheit Recht zu setzen.

62. Erklärung der Republik Polen zu dem Protokoll über die Anwendung der Charta der Grundrechte der Europäischen Union auf Polen und das Vereinigte Königreich

Polen erklärt, dass es in Anbetracht der Tradition der sozialen Bewegung der „Solidarność“ und ihres bedeutenden Beitrags zur Erkämpfung von Sozial- und Arbeitnehmerrechten die im Recht der Europäischen Union niedergelegten Sozial- und Arbeitnehmerrechte und insbesondere die in Titel IV der Charta der Grundrechte der Europäischen Union bekräftigten Sozial- und Arbeitnehmerrechte uneingeschränkt achtet.

63. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland zur Definition des Begriffs „Staatsangehöriger“

In Bezug auf die Verträge und den Vertrag zur Gründung der Europäischen Atomgemeinschaft sowie alle Rechtsakte, die aus diesen Verträgen abgeleitet werden oder durch diese Verträge weiter in Kraft bleiben, bekräftigt das Vereinigte Königreich seine Erklärung vom 31. Dezember 1982 über die Definition des Begriffs „Staatsangehöriger“ mit der Ausnahme, dass die „Bürger der 'British Dependent Territories'“ als „Bürger der 'British overseas territories'“ zu verstehen sind.

64. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland über das Wahlrecht für die Wahlen zum Europäischen Parlament

Das Vereinigte Königreich stellt fest, dass durch Artikel 14 des Vertrags über die Europäische Union und andere Bestimmungen der Verträge nicht die Grundlagen des Wahlrechts für die Wahlen zum Europäischen Parlament geändert werden sollen.

65. Erklärung des Vereinigten Königreichs Großbritannien und Nordirland zu Artikel 75 des Vertrags über die Arbeitsweise der Europäischen Union

Das Vereinigte Königreich unterstützt voll und ganz entschiedene Maßnahmen im Hinblick auf die Festlegung finanzieller Sanktionen, die der Verhütung und Bekämpfung von Terrorismus und damit verbundener Aktivitäten dienen. Das Vereinigte Königreich erklärt daher, dass es beabsichtigt, sein Recht nach Artikel 3 des Protokolls über die Position des Vereinigten Königreichs und Irlands hinsichtlich des Raums der Freiheit, der Sicherheit und des Rechts wahrzunehmen und sich an der Annahme aller Vorschläge zu beteiligen, die im Rahmen von Artikel 75 des Vertrags über die Arbeitsweise der Europäischen Union vorgelegt werden.

ÜBEREINSTIMMUNGSTABELLEN ⁽¹⁾

Vertrag über die Europäische Union

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
TITEL I — GEMEINSAME BESTIMMUNGEN	TITEL I — GEMEINSAME BESTIMMUNGEN
Artikel 1	Artikel 1
	Artikel 2
Artikel 2	Artikel 3
Artikel 3 (aufgehoben) ⁽¹⁾	
	Artikel 4
	Artikel 5 ⁽²⁾
Artikel 4 (aufgehoben) ⁽³⁾	
Artikel 5 (aufgehoben) ⁽⁴⁾	
Artikel 6	Artikel 6
Artikel 7	Artikel 7
	Artikel 8
TITEL II — BESTIMMUNGEN ZUR ÄNDERUNG DES VERTRAGS ZUR GRÜNDUNG DER EUROPÄISCHEN WIRTSCHAFTSGEMEINSCHAFT IM HINBLICK AUF DIE GRÜNDUNG DER EUROPÄISCHEN GEMEINSCHAFT	TITEL II — BESTIMMUNGEN ÜBER DIE DEMOKRATISCHEN GRUNDSÄTZE
Artikel 8 (aufgehoben) ⁽⁵⁾	Artikel 9
	Artikel 10 ⁽⁶⁾

⁽¹⁾ Im Wesentlichen ersetzt durch Artikel 7 des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) und Artikel 13 Absatz 1 sowie Artikel 21 Absatz 3 Unterabsatz 2 des Vertrags über die Europäische Union (EUV).

⁽²⁾ Ersetzt Artikel 5 des Vertrags über die Gründung der Europäischen Gemeinschaft (EGV).

⁽³⁾ Im Wesentlichen ersetzt durch Artikel 15 EUV.

⁽⁴⁾ Im Wesentlichen ersetzt durch Artikel 13 Absatz 2 EUV.

⁽⁵⁾ Artikel 8 EUV in der Fassung vor dem Inkrafttreten des Vertrags von Lissabon (im Folgenden „bisheriger EUV“) enthielt Vorschriften zur Änderung des EGV. Die in diesem Artikel enthaltenen Änderungen wurden in den EGV eingefügt und Artikel 8 wird aufgehoben. Unter seiner Nummer wird eine neue Bestimmung eingefügt.

⁽⁶⁾ Absatz 4 ersetzt im Wesentlichen Artikel 191 Absatz 1 EGV.

⁽¹⁾ Diese beiden Tabellen beruhen auf den Tabellen nach Artikel 5 des Vertrags von Lissabon ohne die mittlere Spalte mit der vorläufigen Nummerierung des Vertrags von Lissabon.

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
	Artikel 11
	Artikel 12
TITEL III — BESTIMMUNGEN ZUR ÄNDERUNG DES VERTRAGS ÜBER DIE GRÜNDUNG DER EUROPÄISCHEN GEMEINSCHAFT FÜR KOHLE UND STAHL	TITEL III — BESTIMMUNGEN ÜBER DIE ORGANE
Artikel 9 (aufgehoben) ⁽⁷⁾	Artikel 13
	Artikel 14 ⁽⁸⁾
	Artikel 15 ⁽⁹⁾
	Artikel 16 ⁽¹⁰⁾
	Artikel 17 ⁽¹¹⁾
	Artikel 18
	Artikel 19 ⁽¹²⁾
TITEL IV — BESTIMMUNGEN ZUR ÄNDERUNG DES VERTRAGS ZUR GRÜNDUNG DER EUROPÄISCHEN ATOMGEMEINSCHAFT	TITEL IV — BESTIMMUNGEN ÜBER EINE VERSTÄRKTE ZUSAMMENARBEIT
Artikel 10 (aufgehoben) ⁽¹³⁾ Artikel 27a bis 27e (ersetzt) Artikel 40 bis 40b (ersetzt) Artikel 43 bis 45 (ersetzt)	Artikel 20 ⁽¹⁴⁾

⁽⁷⁾ Artikel 9 des bisherigen EUV enthielt Vorschriften zur Änderung des Vertrags über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl. Der EGKS-Vertrag trat am 23. Juli 2002 außer Kraft. Artikel 9 wird aufgehoben und unter seiner Nummer wird eine andere Bestimmung eingefügt.

⁽⁸⁾ — Die Absätze 1 und 2 ersetzen im Wesentlichen Artikel 189 EGV.
— Die Absätze 1 bis 3 ersetzen im Wesentlichen Artikel 190 Absätze 1 bis 3 EGV.
— Absatz 1 ersetzt im Wesentlichen Artikel 192 Absatz 1 EGV
— Absatz 4 ersetzt im Wesentlichen Artikel 197 Absatz 1 EGV.

⁽⁹⁾ Ersetzt im Wesentlichen Artikel 4 des bisherigen EUV.

⁽¹⁰⁾ — Absatz 1 ersetzt im Wesentlichen Artikel 202 erster und zweiter Gedankenstrich EGV.
— Die Absätze 2 und 9 ersetzen im Wesentlichen Artikel 203 EGV.
— Die Absätze 4 und 5 ersetzen im Wesentlichen Artikel 205 Absätze 2 und 4 EGV.

⁽¹¹⁾ — Absatz 1 ersetzt im Wesentlichen Artikel 211 EGV.
— Die Absätze 3 und 7 ersetzen im Wesentlichen Artikel 214 EGV.
— Absatz 6 ersetzt im Wesentlichen Artikel 217 Absätze 1, 3 und 4 EGV.

⁽¹²⁾ — Ersetzt im Wesentlichen Artikel 220 EGV.
— Absatz 2 Unterabsatz 1 ersetzt im Wesentlichen Artikel 221 Absatz 1 EGV.

⁽¹³⁾ Artikel 10 des bisherigen EUV enthielt Vorschriften zur Änderung des Vertrags zur Gründung der Europäischen Atomgemeinschaft. Die in diesem Artikel enthaltenen Änderungen wurden in den Euratom-Vertrag eingefügt und Artikel 10 wird aufgehoben. Unter seiner Nummer wird eine andere Bestimmung eingefügt.

⁽¹⁴⁾ Ersetzt auch die Artikel 11 und 11a EGV.

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
TITEL V — BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK	TITEL V — ALLGEMEINE BESTIMMUNGEN ÜBER DAS AUSWÄRTIGE HANDELN DER UNION UND BESONDERE BESTIMMUNGEN ÜBER DIE GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK
	Kapitel 1 — Allgemeine Bestimmungen über das auswärtige Handeln der Union
	Artikel 21
	Artikel 22
	Kapitel 2 — Besondere Bestimmungen über die Gemeinsame Außen- und Sicherheitspolitik
	Abschnitt 1 — Gemeinsame Bestimmungen
	Artikel 23
Artikel 11	Artikel 24
Artikel 12	Artikel 25
Artikel 13	Artikel 26
	Artikel 27
Artikel 14	Artikel 28
Artikel 15	Artikel 29
Artikel 22 (umgestellt)	Artikel 30
Artikel 23 (umgestellt)	Artikel 31
Artikel 16	Artikel 32
Artikel 17 (umgestellt)	Artikel 42
Artikel 18	Artikel 33
Artikel 19	Artikel 34
Artikel 20	Artikel 35
Artikel 21	Artikel 36
Artikel 22 (umgestellt)	Artikel 30
Artikel 23 (umgestellt)	Artikel 31
Artikel 24	Artikel 37

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
Artikel 25	Artikel 38
	Artikel 39
Artikel 47 (umgestellt)	Artikel 40
Artikel 26 (aufgehoben)	
Artikel 27 (aufgehoben)	
Artikel 27a (ersetzt) ⁽¹⁵⁾	Artikel 20
Artikel 27b (ersetzt) ⁽¹⁵⁾	Artikel 20
Artikel 27c (ersetzt) ⁽¹⁵⁾	Artikel 20
Artikel 27d (ersetzt) ⁽¹⁵⁾	Artikel 20
Artikel 27e (ersetzt) ⁽¹⁵⁾	Artikel 20
Artikel 28	Artikel 41
	Abschnitt 2 — Bestimmungen über die gemeinsame Sicherheits- und Verteidigungs-politik
Artikel 17 (umgestellt)	Artikel 42
	Artikel 43
	Artikel 44
	Artikel 45
	Artikel 46
TITEL VI — BESTIMMUNGEN ÜBER DIE POLIZEILICHE UND JUSTIZIELLE ZUSAMMENARBEIT IN STRAFSACHEN (aufgehoben) ⁽¹⁶⁾	
Artikel 29 (ersetzt) ⁽¹⁷⁾	
Artikel 30 (ersetzt) ⁽¹⁸⁾	
Artikel 31 (ersetzt) ⁽¹⁹⁾	

⁽¹⁵⁾ Die Artikel 27a bis 27e des bisherigen EUV über die Verstärkte Zusammenarbeit werden auch durch die Artikel 326 bis 334 AEUV ersetzt.

⁽¹⁶⁾ Die Bestimmungen des Titels VI des bisherigen EUV über die polizeiliche und justizielle Zusammenarbeit in Strafsachen werden ersetzt durch die Bestimmungen des Dritten Teils, Titel V, Kapitel 1, 4 und 5 AEUV.

⁽¹⁷⁾ Ersetzt durch Artikel 67 AEUV.

⁽¹⁸⁾ Ersetzt durch die Artikel 87 und 88 AEUV.

⁽¹⁹⁾ Ersetzt durch die Artikel 82, 83 und 85 AEUV.

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
Artikel 32 (ersetzt) ⁽²⁰⁾	
Artikel 33 (ersetzt) ⁽²¹⁾	
Artikel 34 (aufgehoben)	
Artikel 35 (aufgehoben)	
Artikel 36 (ersetzt) ⁽²²⁾	
Artikel 37 (aufgehoben)	
Artikel 38 (aufgehoben)	
Artikel 39 (aufgehoben)	
Artikel 40 (ersetzt) ⁽²³⁾	<i>Artikel 20</i>
Artikel 40a (ersetzt) ⁽²³⁾	<i>Artikel 20</i>
Artikel 40b (ersetzt) ⁽²³⁾	<i>Artikel 20</i>
Artikel 41 (aufgehoben)	
Artikel 42 (aufgehoben)	
TITEL VII — BESTIMMUNGEN ÜBER EINE VERSTÄRKTE ZUSAMMENARBEIT (ersetzt) ⁽²⁴⁾	
Artikel 43 (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
Artikel 43a (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
Artikel 43b (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
Artikel 44 (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
Artikel 44a (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
Artikel 45 (ersetzt) ⁽²⁴⁾	<i>Artikel 20</i>
TITEL VIII — SCHLUSSBESTIMMUNGEN	TITEL VI — SCHLUSSBESTIMMUNGEN
Artikel 46 (aufgehoben)	
	<i>Artikel 47</i>

⁽²⁰⁾ Ersetzt durch Artikel 89 AEUV.

⁽²¹⁾ Ersetzt durch Artikel 72 AEUV.

⁽²²⁾ Ersetzt durch Artikel 71 AEUV.

⁽²³⁾ Die Artikel 40 bis 40b des bisherigen EUV über die Verstärkte Zusammenarbeit werden auch durch die Artikel 326 bis 334 AEUV ersetzt.

⁽²⁴⁾ Die Artikel 43 bis 45 und Titel VII des bisherigen EUV über die Verstärkte Zusammenarbeit werden auch durch die Artikel 326 bis 334 AEUV ersetzt.

Bisherige Nummerierung des Vertrags über die Europäische Union	Neue Nummerierung des Vertrags über die Europäische Union
Artikel 47 (ersetzt)	Artikel 40
Artikel 48	Artikel 48
Artikel 49	Artikel 49
	Artikel 50
	Artikel 51
	Artikel 52
Artikel 50 (aufgehoben)	
Artikel 51	Artikel 53
Artikel 52	Artikel 54
Artikel 53	Artikel 55

Vertrag über die Arbeitsweise der Europäischen Union

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
ERSTER TEIL — GRUNDSÄTZE	ERSTER TEIL — GRUNDSÄTZE
Artikel 1 (aufgehoben)	
	Artikel 1
Artikel 2 (aufgehoben) ⁽²⁵⁾	
	Titel I — Arten und Bereiche der Zuständigkeit der Union
	Artikel 2
	Artikel 3
	Artikel 4
	Artikel 5
	Artikel 6
	Titel II — Allgemein geltende Bestimmungen

⁽²⁵⁾ Im Wesentlichen ersetzt durch Artikel 3 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
	Artikel 7
Artikel 3 Absatz 1 (aufgehoben) ⁽²⁶⁾	
Artikel 3 Absatz 2	Artikel 8
Artikel 4 (umgestellt)	Artikel 119
Artikel 5 (ersetzt) ⁽²⁷⁾	
	Artikel 9
	Artikel 10
Artikel 6	Artikel 11
Artikel 153 Absatz 2 (umgestellt)	Artikel 12
	Artikel 13 ⁽²⁸⁾
Artikel 7 (aufgehoben) ⁽²⁹⁾	
Artikel 8 (aufgehoben) ⁽³⁰⁾	
Artikel 9 (aufgehoben)	
Artikel 10 (aufgehoben) ⁽³¹⁾	
Artikel 11 (ersetzt) ⁽³²⁾	Artikel 326 bis 334
Artikel 11a (ersetzt) ⁽³²⁾	Artikel 326 bis 334
Artikel 12 (umgestellt)	Artikel 18
Artikel 13 (umgestellt)	Artikel 19
Artikel 14 (umgestellt)	Artikel 26
Artikel 15 (umgestellt)	Artikel 27
Artikel 16	Artikel 14
Artikel 255 (umgestellt)	Artikel 15
Artikel 286 (ersetzt)	Artikel 16

⁽²⁶⁾ Im Wesentlichen ersetzt durch die Artikel 3 bis 6 AEUV.

⁽²⁷⁾ Ersetzt durch Artikel 5 EUV.

⁽²⁸⁾ Übernahme des verfügenden Teils des Protokolls über das Wohlergehen der Tiere.

⁽²⁹⁾ Im Wesentlichen ersetzt durch Artikel 13 EUV.

⁽³⁰⁾ Im Wesentlichen ersetzt durch Artikel 13 EUV und Artikel 282 Absatz 1 AEUV.

⁽³¹⁾ Im Wesentlichen ersetzt durch Artikel 4 Absatz 3 EUV.

⁽³²⁾ Auch ersetzt durch Artikel 20 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
	Artikel 17
ZWEITER TEIL — DIE UNIONSBÜRGER-SCHAFT	ZWEITER TEIL — NICHTDISKRIMINIERUNG UND UNIONSBÜRGERSCHAFT
Artikel 12 (umgestellt)	Artikel 18
Artikel 13 (umgestellt)	Artikel 19
Artikel 17	Artikel 20
Artikel 18	Artikel 21
Artikel 19	Artikel 22
Artikel 20	Artikel 23
Artikel 21	Artikel 24
Artikel 22	Artikel 25
DRITTER TEIL — DIE POLITIKEN DER GEMEINSCHAFT	DRITTER TEIL — DIE INTERNEN POLITIKEN UND MASSNAHMEN DER UNION
	Titel I — Der Binnenmarkt
Artikel 14 (umgestellt)	Artikel 26
Artikel 15 (umgestellt)	Artikel 27
Titel I — Der freie Warenverkehr	Titel II — Der freie Warenverkehr
Artikel 23	Artikel 28
Artikel 24	Artikel 29
Kapitel 1 — Die Zollunion	Kapitel 1 — Die Zollunion
Artikel 25	Artikel 30
Artikel 26	Artikel 31
Artikel 27	Artikel 32
Dritter Teil Titel X, Zusammenarbeit im Zollwesen (umgestellt)	Kapitel 2 — Die Zusammenarbeit im Zollwesen
Artikel 135 (umgestellt)	Artikel 33
Kapitel 2 — Verbot von mengenmäßigen Beschränkungen zwischen den Mitgliedstaaten	Kapitel 3 — Verbot von mengenmäßigen Beschränkungen zwischen den Mitgliedstaaten
Artikel 28	Artikel 34

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 29	Artikel 35
Artikel 30	Artikel 36
Artikel 31	Artikel 37
Titel II — Die Landwirtschaft	Titel III — Die Landwirtschaft und die Fischerei
Artikel 32	Artikel 38
Artikel 33	Artikel 39
Artikel 34	Artikel 40
Artikel 35	Artikel 41
Artikel 36	Artikel 42
Artikel 37	Artikel 43
Artikel 38	Artikel 44
Titel III — Die Freizügigkeit, der freie Dienstleistungs- und Kapitalverkehr	Titel IV — Die Freizügigkeit, der freie Dienstleistungs- und Kapitalverkehr
Kapitel 1 — Die Arbeitskräfte	Kapitel 1 — Die Arbeitskräfte
Artikel 39	Artikel 45
Artikel 40	Artikel 46
Artikel 41	Artikel 47
Artikel 42	Artikel 48
Kapitel 2 — Das Niederlassungsrecht	Kapitel 2 — Das Niederlassungsrecht
Artikel 43	Artikel 49
Artikel 44	Artikel 50
Artikel 45	Artikel 51
Artikel 46	Artikel 52
Artikel 47	Artikel 53
Artikel 48	Artikel 54
Artikel 294 (umgestellt)	Artikel 55
Kapitel 3 — Dienstleistungen	Kapitel 3 — Dienstleistungen
Artikel 49	Artikel 56

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 50	Artikel 57
Artikel 51	Artikel 58
Artikel 52	Artikel 59
Artikel 53	Artikel 60
Artikel 54	Artikel 61
Artikel 55	Artikel 62
Kapitel 4 — Der Kapital- und Zahlungsverkehr	Kapitel 4 — Der Kapital- und Zahlungsverkehr
Artikel 56	Artikel 63
Artikel 57	Artikel 64
Artikel 58	Artikel 65
Artikel 59	Artikel 66
Artikel 60 (umgestellt)	Artikel 75
Titel IV — Visa, Asyl, Einwanderung und andere Politiken betreffend den freien Personenverkehr	Titel V — Der Raum der Freiheit, der Sicherheit und des Rechts
	Kapitel 1 — Allgemeine Bestimmungen
Artikel 61	Artikel 67 ⁽³³⁾
	Artikel 68
	Artikel 69
	Artikel 70
	Artikel 71 ⁽³⁴⁾
Artikel 64 Absatz 1 (ersetzt)	Artikel 72 ⁽³⁵⁾
	Artikel 73
Artikel 66 (ersetzt)	Artikel 74
Artikel 60 (umgestellt)	Artikel 75
	Artikel 76

⁽³³⁾ Ersetzt auch Artikel 29 des bisherigen EUV.

⁽³⁴⁾ Ersetzt auch Artikel 36 des bisherigen EUV.

⁽³⁵⁾ Ersetzt auch Artikel 33 des bisherigen EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
	Kapitel 2 — Politik im Bereich Grenzkontrollen, Asyl und Einwanderung
Artikel 62	Artikel 77
Artikel 63 Nummern 1 und 2 und Artikel 64 Absatz 2 ⁽³⁶⁾	Artikel 78
Artikel 63 Nummern 3 und 4	Artikel 79
	Artikel 80
Artikel 64 Absatz 1 (ersetzt)	Artikel 72
	Kapitel 3 — Justizielle Zusammenarbeit in Zivilsachen
Artikel 65	Artikel 81
Artikel 66 (ersetzt)	Artikel 74
Artikel 67 (aufgehoben)	
Artikel 68 (aufgehoben)	
Artikel 69 (aufgehoben)	
	Kapitel 4 — Justizielle Zusammenarbeit in Strafsachen
	Artikel 82 ⁽³⁷⁾
	Artikel 83 ⁽³⁷⁾
	Artikel 84
	Artikel 85 ⁽³⁷⁾
	Artikel 86
	Kapitel 5 — Polizeiliche Zusammenarbeit
	Artikel 87 ⁽³⁸⁾
	Artikel 88 ⁽³⁸⁾
	Artikel 89 ⁽³⁹⁾

⁽³⁶⁾ Artikel 63 Nummern 1 und 2 EGV wird durch Artikel 78 Absätze 1 und 2 AEUV und Artikel 64 Absatz 2 wird durch Artikel 78 Absatz 3 AEUV ersetzt.

⁽³⁷⁾ Ersetzt auch Artikel 31 des bisherigen EUV.

⁽³⁸⁾ Ersetzt auch Artikel 30 des bisherigen EUV.

⁽³⁹⁾ Ersetzt auch Artikel 32 des bisherigen EU V.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Titel V — Der Verkehr	Titel VI — Der Verkehr
Artikel 70	Artikel 90
Artikel 71	Artikel 91
Artikel 72	Artikel 92
Artikel 73	Artikel 93
Artikel 74	Artikel 94
Artikel 75	Artikel 95
Artikel 76	Artikel 96
Artikel 77	Artikel 97
Artikel 78	Artikel 98
Artikel 79	Artikel 99
Artikel 80	Artikel 100
Titel VI — Gemeinsame Regeln betreffend Wettbewerb, Steuerfragen und Angleichung der Rechtsvorschriften	Titel VII — Gemeinsame Regeln betreffend Wettbewerb, Steuerfragen und Angleichung der Rechtsvorschriften
Kapitel 1 — Wettbewerbsregeln	Kapitel 1 — Wettbewerbsregeln
Abschnitt 1 — Vorschriften für Unternehmen	Abschnitt 1 — Vorschriften für Unternehmen
Artikel 81	Artikel 101
Artikel 82	Artikel 102
Artikel 83	Artikel 103
Artikel 84	Artikel 104
Artikel 85	Artikel 105
Artikel 86	Artikel 106
Abschnitt 2 — Staatliche Beihilfen	Abschnitt 2 — Staatliche Beihilfen
Artikel 87	Artikel 107
Artikel 88	Artikel 108
Artikel 89	Artikel 109
Kapitel 2 — Steuerliche Vorschriften	Kapitel 2 — Steuerliche Vorschriften

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 90	Artikel 110
Artikel 91	Artikel 111
Artikel 92	Artikel 112
Artikel 93	Artikel 113
Kapitel 3 — Angleichung der Rechtsvorschriften	Kapitel 3 — Angleichung der Rechtsvorschriften
<i>Artikel 95 (umgestellt)</i>	Artikel 114
<i>Artikel 94 (umgestellt)</i>	Artikel 115
Artikel 96	Artikel 116
Artikel 97	Artikel 117
	Artikel 118
Titel VII — Die Wirtschafts- und Währungspolitik	Titel VIII — Die Wirtschafts- und Währungspolitik
<i>Artikel 4 (umgestellt)</i>	Artikel 119
Kapitel 1 — Die Wirtschaftspolitik	Kapitel 1 — Die Wirtschaftspolitik
Artikel 98	Artikel 120
Artikel 99	Artikel 121
Artikel 100	Artikel 122
Artikel 101	Artikel 123
Artikel 102	Artikel 124
Artikel 103	Artikel 125
Artikel 104	Artikel 126
Kapitel 2 — Die Währungspolitik	Kapitel 2 — Die Währungspolitik
Artikel 105	Artikel 127
Artikel 106	Artikel 128
Artikel 107	Artikel 129
Artikel 108	Artikel 130
Artikel 109	Artikel 131
Artikel 110	Artikel 132

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 111 Absätze 1 bis 3 und 5 (umgestellt)	<i>Artikel 219</i>
Artikel 111 Absatz 4 (umgestellt)	<i>Artikel 138</i>
	Artikel 133
Kapitel 3 — Institutionelle Bestimmungen	Kapitel 3 — Institutionelle Bestimmungen
Artikel 112 (umgestellt)	<i>Artikel 283</i>
Artikel 113 (umgestellt)	<i>Artikel 284</i>
Artikel 114	Artikel 134
Artikel 115	Artikel 135
	Kapitel 4 — Besondere Bestimmungen für die Mitgliedstaaten, deren Währung der Euro ist
	Artikel 136
	Artikel 137
<i>Artikel 111 Absatz 4 (umgestellt)</i>	Artikel 138
Kapitel 4 — Übergangsbestimmungen	Kapitel 5 — Übergangsbestimmungen
Artikel 116 (aufgehoben)	
	Artikel 139
Artikel 117 Absätze 1, 2 sechster Gedankenstrich und 3 bis 9 (aufgehoben)	
Artikel 117 Absatz 2 erste fünf Gedankenstriche (umgestellt)	<i>Artikel 141 Absatz 2</i>
<i>Artikel 121 Absatz 1 (umgestellt)</i> <i>Artikel 122 Absatz 2 Satz 2 (umgestellt)</i> <i>Artikel 123 Absatz 5 (umgestellt)</i>	Artikel 140 ⁽⁴⁰⁾
Artikel 118 (aufgehoben)	
<i>Artikel 123 Absatz 3 (umgestellt)</i> <i>Artikel 117 Absatz 2 erste fünf Gedankenstriche (umgestellt)</i>	Artikel 141 ⁽⁴¹⁾

⁽⁴⁰⁾ — Artikel 140 Absatz 1 übernimmt den Wortlaut des Artikels 121.

— Artikel 140 Absatz 2 übernimmt den Wortlaut des Artikels 122 Absatz 2 Satz 2.

— Artikel 140 Absatz 3 übernimmt den Wortlaut des Artikels 123 Absatz 5.

⁽⁴¹⁾ — Artikel 141 Absatz 1 übernimmt den Wortlaut des Artikels 123 Absatz 3.

— Artikel 141 Absatz 2 übernimmt den Wortlaut der fünf ersten Gedankenstriche des Artikels 117.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 124 Absatz 1 (umgestellt)	Artikel 142
Artikel 119	Artikel 143
Artikel 120	Artikel 144
Artikel 121 Absatz 1 (umgestellt)	Artikel 140 Absatz 1
Artikel 121 Absätze 2 bis 4 (aufgehoben)	
Artikel 122 Absätze 1, 2 Satz 1, Absätze 3, 4, 5 und 6 (aufgehoben)	
Artikel 122 Absatz 2 Satz 2 (umgestellt)	Artikel 140 Absatz 2 Unterabsatz 1
Artikel 123 Absätze 1, 2 und 4 (aufgehoben)	
Artikel 123 Absatz 3 (umgestellt)	Artikel 141 Absatz 1
Artikel 123 Absatz 5 (umgestellt)	Artikel 140 Absatz 3
Artikel 124 Absatz 1 (umgestellt)	Artikel 142
Artikel 124 Absatz 2 (aufgehoben)	
Titel VIII — Beschäftigung	Titel IX — Beschäftigung
Artikel 125	Artikel 145
Artikel 126	Artikel 146
Artikel 127	Artikel 147
Artikel 128	Artikel 148
Artikel 129	Artikel 149
Artikel 130	Artikel 150
Titel IX — Gemeinsame Handelspolitik (umgestellt)	Fünfter Teil Titel II — Gemeinsame Handelspolitik
Artikel 131 (umgestellt)	Artikel 206
Artikel 132 (aufgehoben)	
Artikel 133 (umgestellt)	Artikel 207
Artikel 134 (aufgehoben)	
Titel X — Zusammenarbeit im Zollwesen (umgestellt)	Dritter Teil Titel II Kapitel 2 — Zusammenarbeit im Zollwesen

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 135 (umgestellt)	<i>Artikel 33</i>
Titel XI — Sozialpolitik, allgemeine und berufliche Bildung und Jugend	Titel X — Sozialpolitik
Kapitel 1 — Sozialvorschriften (aufgehoben)	
Artikel 136	Artikel 151
	Artikel 152
Artikel 137	Artikel 153
Artikel 138	Artikel 154
Artikel 139	Artikel 155
Artikel 140	Artikel 156
Artikel 141	Artikel 157
Artikel 142	Artikel 158
Artikel 143	Artikel 159
Artikel 144	Artikel 160
Artikel 145	Artikel 161
Kapitel 2 — Der Europäische Sozialfonds	Titel XI — Der Europäische Sozialfonds
Artikel 146	Artikel 162
Artikel 147	Artikel 163
Artikel 148	Artikel 164
Kapitel 3 — Allgemeine und berufliche Bildung und Jugend	Titel XII — Allgemeine und berufliche Bildung, Jugend und Sport
Artikel 149	Artikel 165
Artikel 150	Artikel 166
Titel XII — Kultur	Titel XIII — Kultur
Artikel 151	Artikel 167
Titel XIII — Gesundheitswesen	Titel XIV — Gesundheitswesen
Artikel 152	Artikel 168
Titel XIV — Verbraucherschutz	Titel XV — Verbraucherschutz

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 153, Absätze 1, 3, 4 und 5	Artikel 169
Artikel 153, Absatz 2 (umgestellt)	Artikel 12
Titel XV — Transeuropäische Netze	Titel XVI — Transeuropäische Netze
Artikel 154	Artikel 170
Artikel 155	Artikel 171
Artikel 156	Artikel 172
Titel XVI — Industrie	Titel XVII — Industrie
Artikel 157	Artikel 173
Titel XVII — Wirtschaftlicher und sozialer Zusammenhalt	Titel XVIII — Wirtschaftlicher, sozialer und territorialer Zusammenhalt
Artikel 158	Artikel 174
Artikel 159	Artikel 175
Artikel 160	Artikel 176
Artikel 161	Artikel 177
Artikel 162	Artikel 178
Titel XVIII — Forschung und technologische Entwicklung	Titel XIX — Forschung, technologische Entwicklung und Raumfahrt
Artikel 163	Artikel 179
Artikel 164	Artikel 180
Artikel 165	Artikel 181
Artikel 166	Artikel 182
Artikel 167	Artikel 183
Artikel 168	Artikel 184
Artikel 169	Artikel 185
Artikel 170	Artikel 186
Artikel 171	Artikel 187
Artikel 172	Artikel 188
	Artikel 189

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 173	Artikel 190
Titel XIX — Umwelt	Titel XX — Umwelt
Artikel 174	Artikel 191
Artikel 175	Artikel 192
Artikel 176	Artikel 193
	Titel XXI — Energie
	Artikel 194
	Titel XXII — Tourismus
	Artikel 195
	Titel XXIII — Katastrophenschutz
	Artikel 196
	Titel XXIV — Verwaltungszusammenarbeit
	Artikel 197
Titel XX — Entwicklungszusammenarbeit (umgestellt)	<i>Fünfter Teil Titel III Kapitel 1 — Entwicklungszusammenarbeit</i>
Artikel 177 (umgestellt)	<i>Artikel 208</i>
Artikel 178 (aufgehoben) ⁽⁴²⁾	
Artikel 179 (umgestellt)	<i>Artikel 209</i>
Artikel 180 (umgestellt)	<i>Artikel 210</i>
Artikel 181 (umgestellt)	<i>Artikel 211</i>
Titel XXI — Wirtschaftliche, finanzielle und technische Zusammenarbeit mit Drittländern (umgestellt)	<i>Fünfter Teil Titel III, Kapitel 2 — Wirtschaftliche, finanzielle und technische Zusammenarbeit mit Drittländern</i>
Artikel 181a (umgestellt)	<i>Artikel 212</i>
VIERTER TEIL — DIE ASSOZIIERUNG DER ÜBERSEEISCHEN LÄNDER UND HOHEITSGEBIETE	VIERTER TEIL — DIE ASSOZIIERUNG DER ÜBERSEEISCHEN LÄNDER UND HOHEITSGEBIETE
Artikel 182	Artikel 198
Artikel 183	Artikel 199

⁽⁴²⁾ Im Wesentlichen ersetzt durch Artikel 208 Absatz 1 Unterabsatz 2 Satz 2 AEUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 184	Artikel 200
Artikel 185	Artikel 201
Artikel 186	Artikel 202
Artikel 187	Artikel 203
Artikel 188	Artikel 204
	FÜNFTER TEIL — DAS AUSWÄRTIGE HANDELN DER UNION
	Titel I — Allgemeine Bestimmungen über das auswärtige Handeln der Union
	Artikel 205
Dritter Teil Titel IX — Gemeinsame Handelspolitik (umgestellt)	Titel II — Gemeinsame Handelspolitik
Artikel 131 (umgestellt)	Artikel 206
Artikel 133 (umgestellt)	Artikel 207
	Titel III — Zusammenarbeit mit Drittländern und humanitäre Hilfe
Dritter Teil Titel XX — Entwicklungszusammenarbeit (umgestellt)	Kapitel 1 — Entwicklungszusammenarbeit
Artikel 177 (umgestellt)	Artikel 208 ⁽⁴³⁾
Artikel 179 (umgestellt)	Artikel 209
Artikel 180 (umgestellt)	Artikel 210
Artikel 181 (umgestellt)	Artikel 211
Dritter Teil, Titel XXI — Wirtschaftliche, finanzielle und technische Zusammenarbeit mit Drittländern (umgestellt)	Kapitel 2 — Wirtschaftliche, finanzielle und technische Zusammenarbeit mit Drittländern
Artikel 181a (umgestellt)	Artikel 212
	Artikel 213
	Kapitel 3 — Humanitäre Hilfe
	Artikel 214
	Titel IV — Restriktive Maßnahmen

⁽⁴³⁾ Absatz 1 Unterabsatz 2 Satz 2 ersetzt im Wesentlichen Artikel 178 EGV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 301 (ersetzt)	Artikel 215
	Titel V — Internationale Übereinkünfte
	Artikel 216
Artikel 310 (umgestellt)	Artikel 217
Artikel 300 (ersetzt)	Artikel 218
Artikel 111 Absätze 1 bis 3 und 5 (umgestellt)	Artikel 219
	Titel VI — Beziehungen der Union zu internationalen Organisationen und Drittländern sowie Delegationen der Union
Artikel 302 bis 304 (ersetzt)	Artikel 220
	Artikel 221
	Titel VII — Solidaritätsklausel
	Artikel 222
FÜNFTER TEIL — DIE ORGANE DER GEMEINSCHAFT	SECHSTER TEIL — INSTITUTIONELLE BESTIMMUNGEN UND FINANZVORSCHRIFTEN
Titel I — Vorschriften über die Organe	Titel I — Vorschriften über die Organe
Kapitel 1 — Die Organe	Kapitel 1 — Die Organe
Abschnitt 1 — Das Europäische Parlament	Abschnitt 1 — Das Europäische Parlament
Artikel 189 (aufgehoben) ⁽⁴⁴⁾	
Artikel 190 Absätze 1 bis 3 (aufgehoben) ⁽⁴⁵⁾	
Artikel 190 Absätze 4 und 5	Artikel 223
Artikel 191 Absatz 1 (aufgehoben) ⁽⁴⁶⁾	
Artikel 191 Absatz 2	Artikel 224
Artikel 192 Absatz 1 (aufgehoben) ⁽⁴⁷⁾	
Artikel 192 Absatz 2	Artikel 225
Artikel 193	Artikel 226

⁽⁴⁴⁾ Im Wesentlichen ersetzt durch Artikel 14 Absätze 1 und 2 EUV.

⁽⁴⁵⁾ Im Wesentlichen ersetzt durch Artikel 14 Absätze 1 bis 3 EUV.

⁽⁴⁶⁾ Im Wesentlichen ersetzt durch Artikel 11 Absatz 4 EUV.

⁽⁴⁷⁾ Im Wesentlichen ersetzt durch Artikel 14 Absatz 1 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 194	Artikel 227
Artikel 195	Artikel 228
Artikel 196	Artikel 229
Artikel 197 Absatz 1 (aufgehoben) ⁽⁴⁸⁾	
Artikel 197 Absätze 2, 3 und 4	Artikel 230
Artikel 198	Artikel 231
Artikel 199	Artikel 232
Artikel 200	Artikel 233
Artikel 201	Artikel 234
	Abschnitt 2 — Der Europäische Rat
	Artikel 235
	Artikel 236
Abschnitt 2 — Der Rat	Abschnitt 3 — Der Rat
Artikel 202 (aufgehoben) ⁽⁴⁹⁾	
Artikel 203 (aufgehoben) ⁽⁵⁰⁾	
Artikel 204	Artikel 237
Artikel 205 Absätze 2 und 4 (aufgehoben) ⁽⁵¹⁾	
Artikel 205 Absätze 1 und 3	Artikel 238
Artikel 206	Artikel 239
Artikel 207	Artikel 240
Artikel 208	Artikel 241
Artikel 209	Artikel 242
Artikel 210	Artikel 243
Abschnitt 3 — Die Kommission	Abschnitt 4 — Die Kommission

⁽⁴⁸⁾ Im Wesentlichen ersetzt durch Artikel 14 Absatz 4 EUV.

⁽⁴⁹⁾ Im Wesentlichen ersetzt durch Artikel 16 Absatz 1 EUV und die Artikel 290 und 291 AEUV.

⁽⁵⁰⁾ Im Wesentlichen ersetzt durch Artikel 16 Absätze 2 und 9 EUV.

⁽⁵¹⁾ Im Wesentlichen ersetzt durch Artikel 16 Absätze 4 und 5 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 211 (aufgehoben) ⁽⁵²⁾	
	Artikel 244
Artikel 212 (umgestellt)	Artikel 249 Absatz 2
Artikel 213	Artikel 245
Artikel 214 (aufgehoben) ⁽⁵³⁾	
Artikel 215	Artikel 246
Artikel 216	Artikel 247
Artikel 217 Absätze 1, 3 und 4 (aufgehoben) ⁽⁵⁴⁾	
Artikel 217 Absatz 2	Artikel 248
Artikel 218 Absatz 1 (aufgehoben) ⁽⁵⁵⁾	
Artikel 218 Absatz 2	Artikel 249
Artikel 219	Artikel 250
Abschnitt 4 — Der Gerichtshof	Abschnitt 5 — Der Gerichtshof der Europäischen Union
Artikel 220 (aufgehoben) ⁽⁵⁶⁾	
Artikel 221 Absatz 1 (aufgehoben) ⁽⁵⁷⁾	
Artikel 221 Absätze 2 und 3	Artikel 251
Artikel 222	Artikel 252
Artikel 223	Artikel 253
Artikel 224 ⁽⁵⁸⁾	Artikel 254
	Artikel 255
Artikel 225	Artikel 256
Artikel 225a	Artikel 257

⁽⁵²⁾ Im Wesentlichen ersetzt durch Artikel 17 Absatz 1 EUV.

⁽⁵³⁾ Im Wesentlichen ersetzt durch Artikel 17 Absätze 3 und 7 EUV.

⁽⁵⁴⁾ Im Wesentlichen ersetzt durch Artikel 17 Absatz 6 EUV.

⁽⁵⁵⁾ Im Wesentlichen ersetzt durch Artikel 295 AEUV.

⁽⁵⁶⁾ Im Wesentlichen ersetzt durch Artikel 19 EUV.

⁽⁵⁷⁾ Im Wesentlichen ersetzt durch Artikel 19 Absatz 2 Unterabsatz 1 EUV.

⁽⁵⁸⁾ Absatz 1 Satz 1 wird im Wesentlichen ersetzt durch Artikel 19 Absatz 2 Unterabsatz 2 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 226	Artikel 258
Artikel 227	Artikel 259
Artikel 228	Artikel 260
Artikel 229	Artikel 261
Artikel 229a	Artikel 262
Artikel 230	Artikel 263
Artikel 231	Artikel 264
Artikel 232	Artikel 265
Artikel 233	Artikel 266
Artikel 234	Artikel 267
Artikel 235	Artikel 268
	Artikel 269
Artikel 236	Artikel 270
Artikel 237	Artikel 271
Artikel 238	Artikel 272
Artikel 239	Artikel 273
Artikel 240	Artikel 274
	Artikel 275
	Artikel 276
Artikel 241	Artikel 277
Artikel 242	Artikel 278
Artikel 243	Artikel 279
Artikel 244	Artikel 280
Artikel 245	Artikel 281
	Abschnitt 6 — Die Europäische Zentralbank
	Artikel 282
Artikel 112 (umgestellt)	Artikel 283

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 113 (umgestellt)	Artikel 284
Abschnitt 5 — Der Rechnungshof	Abschnitt 7 — Der Rechnungshof
Artikel 246	Artikel 285
Artikel 247	Artikel 286
Artikel 248	Artikel 287
Kapitel 2 — Gemeinsame Vorschriften für mehrere Organe	Kapitel 2 — Rechtsakte der Union, Annahmeverfahren und sonstige Vorschriften
	Abschnitt 1 — Die Rechtsakte der Union
Artikel 249	Artikel 288
	Artikel 289
	Artikel 290 ⁽⁵⁹⁾
	Artikel 291 ⁽⁵⁹⁾
	Artikel 292
	Abschnitt 2 — Annahmeverfahren und sonstige Vorschriften
Artikel 250	Artikel 293
Artikel 251	Artikel 294
Artikel 252 (aufgehoben)	
	Artikel 295
Artikel 253	Artikel 296
Artikel 254	Artikel 297
	Artikel 298
Artikel 255 (umgestellt)	Artikel 15
Artikel 256	Artikel 299
	Kapitel 3 — Die beratenden Einrichtungen der Union
	Artikel 300
Kapitel 3 — Der Wirtschafts- und Sozialausschuss	Abschnitt 1 — Der Wirtschafts- und Sozialausschuss

⁽⁵⁹⁾ Ersetzt im Wesentlichen den Artikel 202 dritter Gedankenstrich EGV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 257 (aufgehoben) ⁽⁶⁰⁾	
Artikel 258 Absätze 1, 2 und 4	Artikel 301
Artikel 258 Absatz 3 (aufgehoben) ⁽⁶¹⁾	
Artikel 259	Artikel 302
Artikel 260	Artikel 303
Artikel 261 (aufgehoben)	
Artikel 262	Artikel 304
Kapitel 4 — Der Ausschuss der Regionen	Abschnitt 2 — Der Ausschuss der Regionen
Artikel 263, Absätze 1 und 5 (aufgehoben) ⁽⁶²⁾	
Artikel 263 Absätze 2 bis 4	Artikel 305
Artikel 264	Artikel 306
Artikel 265	Artikel 307
Kapitel 5 — Die Europäische Investitionsbank	Kapitel 4 — Die Europäische Investitionsbank
Artikel 266	Artikel 308
Artikel 267	Artikel 309
Titel II — Finanzvorschriften	Titel II — Finanzvorschriften
Artikel 268	Artikel 310
	Kapitel 1 — Die Eigenmittel der Union
Artikel 269	Artikel 311
Artikel 270 (aufgehoben) ⁽⁶³⁾	
	Kapitel 2 — Der mehrjährige Finanzrahmen
	Artikel 312
	Kapitel 3 — Der Jahreshaushaltsplan der Union

⁽⁶⁰⁾ Im Wesentlichen ersetzt durch Artikel 300 Absatz 2 AEUV.

⁽⁶¹⁾ Im Wesentlichen ersetzt durch Artikel 300 Absatz 4 AEUV.

⁽⁶²⁾ Im Wesentlichen ersetzt durch Artikel 300 Absätze 3 und 4 AEUV.

⁽⁶³⁾ Im Wesentlichen ersetzt durch Artikel 310 Absatz 4 AEUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 272 Absatz 1 (umgestellt)	Artikel 313
Artikel 271 (umgestellt)	Artikel 316
Artikel 272 Absatz 1 (umgestellt)	Artikel 313
Artikel 272 Absätze 2 bis 10	Artikel 314
Artikel 273	Artikel 315
Artikel 271 (umgestellt)	Artikel 316
	Kapitel 4 — Ausführung des Haushaltsplans und Entlastung
Artikel 274	Artikel 317
Artikel 275	Artikel 318
Artikel 276	Artikel 319
	Kapitel 5 — Gemeinsame Bestimmungen
Artikel 277	Artikel 320
Artikel 278	Artikel 321
Artikel 279	Artikel 322
	Artikel 323
	Artikel 324
	Kapitel 6 — Betrugsbekämpfung
Artikel 280	Artikel 325
	Titel III — Verstärkte Zusammenarbeit
Artikel 11 und 11a (ersetzt)	Artikel 326 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 327 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 328 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 329 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 330 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 331 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 332 ⁽⁶⁴⁾

⁽⁶⁴⁾ Ersetzt auch die Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 des bisherigen EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 11 und 11a (ersetzt)	Artikel 333 ⁽⁶⁴⁾
Artikel 11 und 11a (ersetzt)	Artikel 334 ⁽⁶⁴⁾
SECHSTER TEIL — ALLGEMEINE UND SCHLUSSBESTIMMUNGEN	SIEBTER TEIL — ALLGEMEINE UND SCHLUSSBESTIMMUNGEN
Artikel 281 (aufgehoben) ⁽⁶⁵⁾	
Artikel 282	Artikel 335
Artikel 283	Artikel 336
Artikel 284	Artikel 337
Artikel 285	Artikel 338
Artikel 286 (ersetzt)	Artikel 16
Artikel 287	Artikel 339
Artikel 288	Artikel 340
Artikel 289	Artikel 341
Artikel 290	Artikel 342
Artikel 291	Artikel 343
Artikel 292	Artikel 344
Artikel 293 (aufgehoben)	
Artikel 294 (umgestellt)	Artikel 55
Artikel 295	Artikel 345
Artikel 296	Artikel 346
Artikel 297	Artikel 347
Artikel 298	Artikel 348
Artikel 299 Absatz 1 (aufgehoben) ⁽⁶⁶⁾	
Artikel 299 Absatz 2 Unterabsätze 2, 3 und 4	Artikel 349
Artikel 299 Absatz 2 Unterabsatz 1 und Absätze 3 bis 6 (umgestellt)	Artikel 355

⁽⁶⁴⁾ Ersetzt auch die Artikel 27a bis 27e, 40 bis 40b und 43 bis 45 des bisherigen EUV.

⁽⁶⁵⁾ Im Wesentlichen ersetzt durch Artikel 47 EUV.

⁽⁶⁶⁾ Im Wesentlichen ersetzt durch Artikel 52 EUV.

Bisherige Nummerierung des Vertrags zur Gründung der Europäischen Gemeinschaft	Neue Nummerierung des Vertrags über die Arbeitsweise der Europäischen Union
Artikel 300 (ersetzt)	<i>Artikel 218</i>
Artikel 301 (ersetzt)	<i>Artikel 215</i>
Artikel 302 (ersetzt)	<i>Artikel 220</i>
Artikel 303 (ersetzt)	<i>Artikel 220</i>
Artikel 304 (ersetzt)	<i>Artikel 220</i>
Artikel 305 (aufgehoben)	
Artikel 306	Artikel 350
Artikel 307	Artikel 351
Artikel 308	Artikel 352
	Artikel 353
Artikel 309	Artikel 354
Artikel 310 (umgestellt)	<i>Artikel 217</i>
Artikel 311 (aufgehoben) ⁽⁶⁷⁾	
<i>Artikel 299 Absatz 2 Unterabsatz 1 und Absätze 3 bis 6 (umgestellt)</i>	Artikel 355
Artikel 312	Artikel 356
Schlussbestimmungen	
Artikel 313	Artikel 357
	Artikel 358
Artikel 314 (aufgehoben) ⁽⁶⁸⁾	

⁽⁶⁷⁾ Im Wesentlichen ersetzt durch Artikel 51 EUV.

⁽⁶⁸⁾ Im Wesentlichen ersetzt durch Artikel 55 EUV.

Abonnementpreise 2008 (ohne MwSt., einschl. Portokosten für Normalversand)

Amtsblatt der EU, Reihen L + C, nur Papierausgabe	22 EU-Amtssprachen	1 000 EUR pro Jahr (*)
Amtsblatt der EU, Reihen L + C, nur Papierausgabe	22 EU-Amtssprachen	100 EUR pro Monat (*)
Amtsblatt der EU, Reihen L + C, Papierausgabe + jährliche CD-ROM + KOM-Dokumente auf CD-ROM	22 EU-Amtssprachen	1 200 EUR pro Jahr
Amtsblatt der EU, Reihe L, nur Papierausgabe	22 EU-Amtssprachen	700 EUR pro Jahr
Amtsblatt der EU, Reihe L, nur Papierausgabe	22 EU-Amtssprachen	70 EUR pro Monat
Amtsblatt der EU, Reihe C, nur Papierausgabe	22 EU-Amtssprachen	400 EUR pro Jahr
Amtsblatt der EU, Reihe C, nur Papierausgabe	22 EU-Amtssprachen	40 EUR pro Monat
Amtsblatt der EU, Reihen L + C, monatliche (kumulative) CD-ROM	22 EU-Amtssprachen	500 EUR pro Jahr
Supplement zum Amtsblatt (Reihe S), öffentliche Aufträge und Ausschreibungen, CD-ROM, 2 Ausgaben pro Woche	Mehrsprachig: 23 EU-Amtssprachen	360 EUR pro Jahr (= 30 EUR pro Monat)
Amtsblatt der EU, Reihe C — Auswahlverfahren	Sprache(n) gemäß Auswahlverfahren	50 EUR pro Jahr

(*) Verkauf von Einzelausgaben:

bis 32 Seiten:	6 EUR
33 bis 64 Seiten:	12 EUR
mehr als 64 Seiten:	Preisfestlegung von Fall zu Fall

Das *Amtsblatt der Europäischen Union*, das in allen EU-Amtssprachen erscheint, kann in 22 Sprachfassungen abonniert werden. Es umfasst die Reihen L (Rechtsvorschriften) und C (Mitteilungen und Bekanntmachungen).

Ein Abonnement gilt jeweils für eine Sprachfassung.

In Übereinstimmung mit der Verordnung (EG) Nr. 920/2005, veröffentlicht im Amtsblatt L 156 vom 18. Juni 2005, die besagt, dass die Organe der Europäischen Union ausnahmsweise und vorübergehend von der Verpflichtung entbunden sind, alle Rechtsakte in irischer Sprache abzufassen und zu veröffentlichen, werden die Amtsblätter in irischer Sprache getrennt verkauft.

Das Abonnement des Supplements zum Amtsblatt (Reihe S — Bekanntmachungen öffentlicher Aufträge) umfasst alle Ausgaben in den 23 Amtssprachen auf einer einzigen mehrsprachigen CD-ROM.

Das Abonnement des *Amtsblatts der Europäischen Union* berechtigt auf einfache Anfrage hin zu dem Bezug der verschiedenen Anhänge des Amtsblatts. Die Abonnenten werden durch einen im Amtsblatt veröffentlichten „Hinweis für den Leser“ über das Erscheinen der Anhänge informiert.

Verkauf und Abonnements

Die vom Amt für Veröffentlichungen herausgegebenen kostenpflichtigen Veröffentlichungen können über die Vertriebsbüros bezogen werden. Die Liste der Vertriebsbüros findet sich im Internet unter folgender Adresse:

http://publications.europa.eu/others/agents/index_de.htm

EUR-Lex (<http://eur-lex.europa.eu>) bietet einen direkten und kostenlosen Zugang zum EU-Recht. Die Site ermöglicht die Abfrage des *Amtsblatts der Europäischen Union* und enthält darüber hinaus die Rubriken Verträge, Gesetzgebung, Rechtsprechung und Vorschläge für Rechtsakte.

Weitere Informationen über die Europäische Union finden Sie unter: <http://europa.eu>



Antrag

der Abgeordneten Volker Beck (Köln), Kai Gehring, Irmingard Schewe-Gerigk, Monika Lazar, Jerzy Montag, Dr. Gerhard Schick, Silke Stokar von Neuforn, Hans-Christian Ströbele, Wolfgang Wieland, Josef Philip Winkler und der Fraktion BÜNDNIS 90/DIE GRÜNEN

Für einen Nationalen Aktionsplan gegen Homophobie

Der Bundestag wolle beschließen:

I. Der Deutsche Bundestag stellt fest:

Homophobie hat keinen Platz in einer demokratischen Gesellschaft. Feindseligkeit gegenüber Lesben, Schwulen, Bisexuellen und trans- oder intersexuellen Menschen schränkt die grundgesetzlich garantierte freie Entfaltung der Persönlichkeit für viele Bürgerinnen und Bürger empfindlich ein. Der Deutsche Bundestag ist besorgt über sich häufende Berichte über Gewalttaten gegen Lesben, Schwule und Transgender.

Der Deutsche Bundestag ruft dazu auf, der Homophobie auf allen politischen Ebenen aktiv entgegenzuwirken – in Bund, Ländern und Kommunen. Auch alle gesellschaftlichen Gruppen sind aufgefordert, sich mit Homophobie auseinanderzusetzen und ihren Beitrag für ein Klima des Respekts und für die Wertschätzung von Vielfalt zu leisten.

II. Der Deutsche Bundestag fordert die Bundesregierung auf,

1. gruppenbezogene Menschenfeindlichkeit konzentriert anzugehen, keine Problemfelder auszusparen und den „Nationalen Aktionsplan der Bundesrepublik Deutschland zur Bekämpfung von Rassismus, Fremdenfeindlichkeit, Antisemitismus und darauf bezogene Intoleranz“ um das Problemfeld Homophobie zu ergänzen;
2. in der Gesellschaft aktiv für die Akzeptanz unterschiedlicher sexueller Identitäten und unterschiedlicher Lebensweisen zu werben, insbesondere auch dafür Sorge zu tragen, dass die Antidiskriminierungsstelle des Bundes künftig ihren gesetzlichen Aufgaben gerecht wird und öffentlichkeitswirksam Diskriminierungen durch geeignete Medien und Materialien entgegentritt sowie vorbeugt;
3. in Zusammenarbeit mit den Bundesländern ein Bund-Länder-Programm gegen antihomosexuelle Gewalt auf den Weg zu bringen, das endlich ein realitätsgenaueres polizeiliches Lagebild über homophobe Gewalt in Deutschland ermöglicht und zielgenau Maßnahmen zur Forschung, Prävention, Aus- und Fortbildung bei Polizei und Justiz sowie Maßnahmen für eine zielgruppensensible Opferhilfe umfasst;

4. endlich eine bundesweite wissenschaftliche Bestandsaufnahme zur Lebenssituation lesbischer und schwuler Jugendlicher durchzuführen, um Diskriminierungen wirksamer entgegenwirken zu können und eine flächendeckende sowie noch systematischere Unterstützungsstruktur u. a. zur Coming-out-Beratung bereitzuhalten;
5. in Zusammenarbeit mit Forschungseinrichtungen sowie der Gemeinsamen Wissenschaftskonferenz geistes- und sozialwissenschaftliche Forschung sowie kriminologische und sexualwissenschaftliche Grundlagenforschung zu den Ursachen und zu Handlungsstrategien gegen Homophobie verstärkt zu fördern und auszubauen;
6. bei den Bundesländern dafür zu werben, dass Lehrpläne in den Schulen um Themen wie die Vielfalt sexueller Identitäten und Lebensweisen, die Geschichte Homosexueller in Deutschland und Menschenrechtsbildung auch in Bezug auf Lesben, Schwule, Bisexuelle, trans- oder intersexuelle Menschen erweitert werden, sowie Kenntnisse für ein Demokratieverständnis vermittelt werden, das Kinder und Jugendliche selbstbewusst und frei von homophoben Einstellungen handeln lässt;
7. bei den Bundesländern dafür zu werben, dass Themen wie Diversity, Antidiskriminierung, Homophobie, Akzeptanz unterschiedlicher sexueller Identitäten und Lebensweisen verbindlich in die Aus- oder Fortbildung von Pädagoginnen und Pädagogen, (Schul-)Psychologinnen und Psychologen, Sozialarbeiterinnen und Sozialarbeitern, Erzieherinnen und Erziehern sowie von in Jugendarbeit und Jugendhilfe Beschäftigten integriert werden;
8. gemeinsam mit den Bundesländern darauf hinzuwirken, dass die Jugendhilfeeinrichtungen und -maßnahmen durchgehend der Akzeptanz der Vielfalt unterschiedlicher sexueller Identitäten und Lebensweisen Rechnung tragen, gegenüber dem Problem Homophobie sensibilisiert werden sowie befähigt werden, diesem entgegenzuwirken und auf ein diskriminierungsfreies Umfeld für lesbische, schwule, bisexuelle, trans- oder intersexuelle Jugendliche hinzuarbeiten;
9. in der Öffentlichkeit breit vor so genannten Konversions- oder Reparationstherapien zu warnen, die auf eine Änderung von gleichgeschlechtlichem Sexualverhalten oder der homosexuellen Orientierung abzielen, sowie darauf hinzuwirken, dass Menschen, insbesondere auch Jugendliche, nicht in solche gefährlichen „Therapien“ gedrängt werden und dass Institutionen, die solche „Therapien“ anbieten oder befürworten, keinerlei öffentliche Unterstützung erhalten;
10. zu prüfen, inwieweit die bestehenden Bundesprogramme gegen Rechtsextremismus den Kampf gegen Homophobie ausreichend berücksichtigen und die Bundesprogramme gegebenenfalls in diesem Sinne zu erweitern und so auszustatten, dass sie das ganze Spektrum gruppenbezogener Menschenfeindlichkeit im Rechtsextremismus bearbeiten können;
11. Aufrufen zu Hass und Gewalt gegen Schwule, Lesben und Transgender mit allen rechtsstaatlichen Mitteln entgegenzutreten und dabei u. a. gegenüber der Musikindustrie auf eine Ächtung von homophoben und zu Gewalt aufrufenden Inhalten zu drängen und dafür Sorge zu tragen, dass internationalen Interpreten, die zu Hass und Gewalt aufrufen, soweit rechtlich möglich, keine Einreise in den Schengenraum gewährt wird;
12. im Bereich Sport, insbesondere im Fußball, in Zusammenarbeit mit Sportverbänden und zivilgesellschaftlichen Organisationen auf ein diskriminierungsfreies Umfeld hinzuarbeiten und dabei bereits bestehende Ansätze und Projekte stärker zu unterstützen und zu fördern;

13. mit allen gesellschaftlichen Gruppen, einschließlich der Religionsgemeinschaften, Sportverbände, Sozialpartner, Verbände von Migrantinnen und Migranten, Organisationen von Lesben, Schwulen, Bisexuellen, trans- oder intersexuellen Menschen, in den Dialog zu treten mit dem Ziel, gesamtgesellschaftliche Strategien zur Förderung der Akzeptanz von Lesben, Schwulen, Bisexuellen, trans- oder intersexuellen Menschen zu entwickeln und umzusetzen;
14. in der Integrationsarbeit, insbesondere auch im Nationalen Integrationsplan, Selbstverpflichtungen zur Förderung von interkulturell angelegten Bildungs- bzw. sozialpädagogischen Angeboten bzw. von Interventions- und Präventionsprojekten mit homophoben Gewalttättern (ob nun mit oder ohne Migrationshintergrund) oder von Initiativen zur Unterstützung von Opfern homophober Gewalt bzw. zur Stärkung junger Lesben und Schwuler (mit und ohne Migrationshintergrund) zu verankern und Informationen über Homosexualität, die Vielfalt sexueller Identitäten und unterschiedlicher Lebensweisen im Lehrplan der Orientierungskurse für Migrantinnen und Migranten nicht länger auszusparen, sondern als unerlässlichen Baustein zu implementieren;
15. stärker für die Förderung von Vielfalt in der Arbeitswelt unter Einschluss unterschiedlicher sexueller Identitäten und Lebensweisen einzutreten, dafür Sorge zu tragen, dass die Bundesverwaltung bei der Umsetzung von Diversitystrategien ihrer Vorbildfunktion gerecht wird und dazu auch Gesetzesinitiativen auf den Weg zu bringen, die bestehende massive rechtliche Benachteiligungen Eingetragener Lebenspartnerschaften gegenüber der Ehe im Bundesbeamten- und Soldatenrecht bei Hinterbliebenenpension, Beihilfe und Familienzuschlag beseitigen;
16. Gesetzesinitiativen zur vollen rechtlichen Gleichstellung von Schwulen und Lesben, gleichgeschlechtlichen Lebensgemeinschaften und Familien auf den Weg zu bringen, einschließlich einer Ergänzung des Diskriminierungsverbots in Artikel 3 Absatz 3 des Grundgesetzes um das Merkmal „sexuelle Identität“, um damit unmissverständlich deutlich zu machen, dass für homosexuelle Bürgerinnen und Bürger kein minderes Recht gelten darf.

Berlin, den 17. Juni 2009

Renate Künast, Fritz Kuhn und Fraktion

Begründung

Lesben, Schwule, Bisexuelle oder Transgender leben heute so frei wie nie zuvor in der deutschen Geschichte. In breiten Teilen der Bevölkerung herrschen Toleranz und Respekt. Dennoch sind auf dem Schulhof, im Fußballstadion und in bestimmten Musikszenen homo-feindliche Parolen Alltag. Auch im Wirtschafts- und Arbeitsleben besteht erhebliche Diskriminierungsgefahr. Antihomosexuelle Gewalt ist weiterhin eine massive Bedrohung.

Anfeindungen, Beleidigungen, Benachteiligungen, jede Form von Diskriminierung aber insbesondere die Bedrohung durch Gewalt sind ein Angriff auf die Freiheit. Eine demokratische Gesellschaft muss das Recht durchsetzen, jederzeit und an jedem Ort ohne Angst anders sein zu können.

Das Europäische Parlament definiert Homophobie „als auf Vorurteilen basierende irrationale Furcht vor und Abneigung gegen Homosexualität und Lesben,

Schwule, Bisexuelle und Transsexuelle“ und stuft sie als „ähnlich wie Rassismus, Fremdenfeindlichkeit, Antisemitismus oder Sexismus“ ein (Entschließung zur Homophobie vom 18. Januar 2006). Es hat die Mitgliedstaaten der EU aufgefordert, „den Kampf gegen Homophobie durch Bildungsmaßnahmen – wie Kampagnen gegen Homophobie in Schulen, Universitäten und den Medien – [...] zu verstärken“.

Die 2006 beim Bundesministerium für Familie, Senioren, Frauen und Jugend eingerichtete Antidiskriminierungsstelle des Bundes, zu deren gesetzlichen Aufgaben ausdrücklich auch Öffentlichkeitsarbeit gegen Diskriminierungen aufgrund der sexuellen Identität zählt, hat hier bislang auf ganzer Linie versagt.

Von der Bundesregierung wird das Problem Homophobie weitgehend ignoriert und totgeschwiegen. Anders als zu den anderen genannten Ausprägungen gruppenbezogener Menschenfeindlichkeit gibt es zur Homophobie keinerlei Berichterstattung der Bundesregierung, keinerlei Handlungskonzepte oder gar Programme, keinerlei wahrnehmbare Öffentlichkeitsarbeit zum Abbau von Vorurteilen und feindseligen Einstellungen und offenbar keine Stelle, die sich zuständig fühlt.

„Rassismus, Fremdenfeindlichkeit und Antisemitismus negieren alle Grundwerte, denen das Grundgesetz Deutschlands verpflichtet ist und auf die es verpflichtet. Rassismus, Fremdenfeindlichkeit und Antisemitismus stehen im offenen Widerspruch zur freiheitlich, demokratisch und sozial verfassten Gesellschaftsordnung Deutschlands. Rassismus, Fremdenfeindlichkeit und Antisemitismus entgegenzutreten, zu bekämpfen und zu ächten ist eine grundlegende Verpflichtung der Bundesrepublik Deutschland.“ So heißt es im „Nationalen Aktionsplan der Bundesrepublik Deutschland zur Bekämpfung von Rassismus, Fremdenfeindlichkeit, Antisemitismus und darauf bezogene Intoleranz“. All dies trifft auch auf Homophobie zu. Sie weist ähnliche Strukturen und Erscheinungsformen wie Rassismus, Fremdenfeindlichkeit und Antisemitismus auf. Zum Teil finden sich gleiche Akteure, zum Teil aber auch wechselseitige Verwerfungen. All das macht es notwendig, alle Ausprägungen gruppenbezogener Menschenfeindlichkeit konzentriert anzugehen anstatt mit der Homophobie eine Erscheinungsform zu ignorieren. Verschweigen, negieren und bagatellisieren von Lesben- und Schwulenfeindlichkeit müssen endlich der Vergangenheit angehören.

Massivste Ausdrucksform von Homophobie ist antihomosexuelle Gewalt. In den letzten Monaten häuften sich Presseberichte über brutale Übergriffe auf Schwule, Lesben und Transgender in Deutschland. Allein der Anblick eines lesbischen oder schwulen Paares kann Gewalttäter motivieren, brutal zuzuschlagen. Das am 27. Mai 2008 der Öffentlichkeit übergebene Denkmal für die im Nationalsozialismus verfolgten Homosexuellen wurde binnen eines Jahres dreimal angegriffen und beschädigt.

Eine bundesweite Umfrage des Berliner schwulen Antigewaltprojektes „MANEO“ aus den Jahren 2006/2007 ergab, dass die teilnehmenden schwulen und bisexuellen Männer zu 35 Prozent im vorangegangenen Jahr homophobe verbale oder körperliche Gewalt erlebt hatten, wobei es bei Jugendlichen sogar 63 Prozent waren. Genauere Zahlen gibt es nicht. Bislang fehlt es selbst an kriminologischer Grundlagenforschung zu homophober Gewalt. Nach Einschätzung von Polizeipraktikern zeigen ca. 90 Prozent der Opfer homophober Straftaten diese nicht an, da immer noch Misstrauen gegen staatliche Behörden besteht.

Die Wahrnehmung des Ausmaßes dieses Gewaltphänomens durch den Staat unterscheidet sich diametral von den tatsächlichen Gewalterfahrungen von Schwulen und Lesben in Deutschland. So wurden in den Jahren 2001 bis 2008 bundesweit – dies räumte die Bundesregierung in ihrer Antwort auf die Kleine

Anfrage der Fraktion BÜNDNIS 90/DIE GRÜNEN ein (Bundestagsdrucksache 16/12634) – ganze 42 homophobe Gewaltdelikte im polizeilichen Meldedienst „Politisch motivierte Kriminalität – rechts“ erfasst. Wer über ein so unscharfes Lagebild verfügt, der kann nicht adäquat reagieren.

Wir schlagen daher ein Bund-Länder-Programm gegen homophobe Gewalt vor, das neben kriminologischer Forschung und Rechtstatsachenforschung über den Umgang der Gerichte mit antihomosexueller Gewalt auch die Entwicklung zielgenauer Konzepte zu Prävention, zur Aus- und Fortbildung von Polizei und Justiz sowie zur ausreichenden Unterstützung von Opferhilfeeinrichtungen zum Gegenstand haben soll.

Erschrecken muss die in der „MANEO“-Umfrage zu Tage getretene massive Bedrohung homosexueller Jugendlicher durch Anfeindungen und Gewalt. Die Bundesregierung musste 2006 in ihrer Antwort auf die Große Anfrage der Fraktion BÜNDNIS 90/DIE GRÜNEN einräumen, dass homosexuelle Jugendliche auch heute noch ein viermal höheres Suizidrisiko haben als heterosexuelle (Bundestagsdrucksache 16/4818). Sie wolle aber aus diesen erschreckenden Zahlen keine Konsequenzen ziehen und verweigert explizit die Umsetzung des Antrags auf Bundestagsdrucksache 15/5691, in dem eine Bestandsaufnahme der Lebenssituation lesbischer und schwuler Jugendlicher beschlossen wurde, um diese Jugendlichen wirksamer vor Diskriminierung schützen zu können. Das ist unverantwortlich.

Lesbische, schwule, bisexuelle, trans- oder intersexuelle Jugendliche dürfen nicht alleingelassen werden. Die Schule wird von schwulen Schülern oder lesbischen Schülerinnen oft als ein homophober Ort wahrgenommen. „Schwul“ gilt als ein Top-Schimpfwort auf deutschen Schulhöfen. Hier muss gemeinsam mit den Ländern gehandelt werden. Sowohl in Unterrichtsinhalten als auch im Schulalltag muss deutlich werden: Lesben, Schwule, Bisexuelle, trans- oder intersexuelle Menschen sind Teil der gesellschaftlichen Vielfalt, sie sind gleichwertig und gleichberechtigt. Pädagoginnen und Pädagogen und alle, die beruflich mit Kindern und Jugendlichen zu tun haben, müssen in der Ausbildung und durch Fortbildungsangebote befähigt werden, diese Botschaft zu vermitteln. Aufklärungsarbeit durch schwul-lesbische Schulprojekte zeigt gute Erfolge. Dialog und Begegnung mit Lesben und Schwulen bauen nachweisbar Ressentiments ab. Solche Schulprojekte sind aber sehr ungleich über die Republik verteilt. In einigen Bundesländern erhalten sie praktisch keine Unterstützung. Auch Jugendhilfe und Jugendarbeit müssen sich dem Problem Homophobie viel stärker stellen. Schwul-lesbische Jugendarbeit muss stärker anerkannt und unter Einbeziehung der Jugendlichen weiterentwickelt werden.

In letzter Zeit sind Veranstaltungen und Organisationen insbesondere aus dem evangelikalen Spektrum in das Blickfeld der Öffentlichkeit geraten, die so genannten Homo-Heilern ein Forum bieten. Zu Recht hat die Bundesregierung in der Antwort auf die Kleine Anfrage der Fraktion BÜNDNIS 90/DIE GRÜNEN dazu ausgeführt, dass Homosexualität weder einer Therapie bedarf, noch dass Homosexualität einer Therapie zugänglich ist. „Die vor allem in den 60er und 70er Jahren häufig angebotenen so genannten „Konversions“- oder „Reparations“-Therapien, die auf eine Änderung von gleichgeschlechtlichem Sexualverhalten oder der homosexuellen Orientierung abzielten, werden heute in der Fachwelt weitestgehend abgelehnt. Dies gründet sich auf die Ergebnisse neuerer wissenschaftlicher Untersuchungen, nach denen bei der Mehrzahl der so therapierten Personen negative und schädliche Effekte (z. B. Ängste, soziale Isolation, Depressionen bis hin zu Suizidalität) auftraten und die versprochenen Aussichten auf „Heilung“ enttäuscht wurden“ (Bundestagsdrucksache 16/8022). Aus diesen Erkenntnissen müssen aber auch Konsequenzen gezogen werden, um Menschen davor zu bewahren, in die Fänge von Institutionen zu geraten, die solche gesundheitsgefährdenden „Therapien“ anbieten oder propagieren.

Ein Brennpunkt von Homophobie ist der Rechtsextremismus. BÜNDNIS 90/DIE GRÜNEN machen sich seit jeher für eine ausreichende und verlässliche Förderung zivilgesellschaftlicher Initiativen durch die Bundesprogramme gegen Rechtsextremismus stark. Die Programme müssen so ausgestattet werden, dass sie das ganze Spektrum gruppenbezogener Menschenfeindlichkeit im Rechtsextremismus bearbeiten können.

Auch im Sport treten Diskriminierung und Homophobie oft noch massiv zu Tage. Erfreulich ist, dass in jüngster Zeit viele Anstrengungen in der Zivilgesellschaft unternommen werden, dagegen anzugehen und auch der Deutsche Fußballbund neuerdings gegen Homophobie vorgeht. Die Fraktion BÜNDNIS 90/DIE GRÜNEN hat mit dem Antrag „Alle Formen von Diskriminierungen thematisieren – Bürgerrechte von Fußballfans stärken – Für einen friedlichen und integrativen Fußballsport“ (Bundestagsdrucksache 16/12115) bereits einen umfassenden Handlungskatalog gegen Diskriminierung vorgelegt.

In bestimmten Musikszenen ist Homophobie verstärkt anzutreffen. Veranstalter, Musikkonzerne und der Medienhandel sind in der Verantwortung, Hasssängern keine Bühne zu bieten. Aufrufe zur Gewalt müssen geächtet werden. Das gilt z. B. für Neonazi-Bands oder bestimmte Rapper. Hasserfüllte Aufrufe zu Gewalt bis hin zum Mord an Homosexuellen sind auch ein Kennzeichen einiger Reggae-Interpreten aus Jamaika, die damit in ihrer Heimat für ein extrem diskriminierendes und gewalttätiges Klima gegen Homosexuelle mitverantwortlich sind. Ihnen sollten in Europa keine Auftritte ermöglicht werden.

Das Werben für Respekt und der Kampf gegen Homophobie müssen fester Bestandteil der Integrationspolitik werden, ebenso wie die Unterstützung von Lesben, Schwulen, Bisexuellen, trans- oder intersexuellen Menschen mit Migrationshintergrund. Veröffentlichte Befragungen legen nämlich nahe, dass homophobe Einstellungen in einigen Migrationscommunities stärker ausgeprägt sind als in herkunftsdeutschen Vergleichsgruppen. Bislang hat die Politik kaum eine gezielte Ansprache entwickelt, um Migrantinnen und Migranten am gesellschaftlichen Prozess der Enttabuisierung von Homosexualität teilhaben zu lassen und sie mitzunehmen. Unverständlich ist auch – wie aus der Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion BÜNDNIS 90/DIE GRÜNEN hervorgeht (Bundestagsdrucksache 16/10066) – dass die Bundesregierung systematisch die Chance ausgelassen hat, die Stellung von Lesben und Schwulen als regelmäßig zu behandelndes Thema im Lehrplan der Orientierungskurse bzw. in den Einbürgerungskursen für Migrantinnen und Migranten zu verankern.

Diskriminierungen bis hin zu Mobbing aufgrund der sexuellen Identität sind auch am Arbeitsplatz immer noch anzutreffen. Nach einer deutschlandweiten Studie „Out im Office?!“ von 2006 scheuen rund 50 Prozent der lesbischen Arbeitnehmerinnen und schwulen Arbeitnehmer ein Outing am Arbeitsplatz. Hier sollte der Bund als Arbeitgeber mit einer konsequenten Diversitystrategie vorbildhaft handeln.

Der Staat kann so lange nicht mit voller Glaubwürdigkeit gegen Homophobie eintreten, ehe er Schwule und Lesben nicht rechtlich gleichstellt. Wenn der Staat eine Bevölkerungsgruppe schlechter stellt als andere, sendet er ein fatales Signal in die Gesellschaft. Er sagt damit, dass ihm diese Menschen weniger wert sind. Das bestärkt Menschen in homophoben Einstellungen. Lesben und Schwule sind bis heute Bürgerinnen und Bürger minderen Rechts, gleichgeschlechtliche Paare trotz Eingetragener Lebenspartnerschaft rechtlich noch nicht voll gleichgestellt.

Bei der Verfassungsreform 1994 sind Initiativen auf Ergänzung des Gleichbehandlungsartikels 3 Absatz 3 des Grundgesetzes um ein Diskriminierungsverbot wegen der sexuellen Identität noch gescheitert. Diese fehlende Berücksich-

tigung wirkt sich bis heute negativ auf die gesellschaftliche und rechtliche Situation Homosexueller aus. Die von Bundestag wie Bundesrat mit überwältigender Mehrheit gebilligte europäische Grundrechtecharta enthält bereits ein Verbot der Diskriminierung aufgrund der „sexuellen Ausrichtung“. 60 Jahre nach Inkrafttreten des Grundgesetzes ist es höchste Zeit, dass auch unsere nationale Verfassung vollen Diskriminierungsschutz gewährt.



NRW-Aktionsplan für Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt - gegen Homo- und Transphobie

Aktionsplan der Landesregierung

Vorwort	6
I. Vorbemerkungen	7
II. Leitziele	9
III. Planungsprozess	10
Planungsgruppe	10
Stufenplan	11
IV. Handlungsfelder	14
A. Lebensphasen	14
HF 1: Kinder / Jugend / Familie	14
1. Aufklärung und Sensibilisierung von Kindern und Jugendlichen	15
2. Stärkung der Selbstbestimmung von LSBTTI-Jugendlichen	15
3. Gleichstellung von Eingetragenen Lebenspartnerschaften mit Ehen.	16
4. Kompetenzen des Fachpersonals im Umgang mit Regenbogenfamilien	17
5. Beratungsangebote für Herkunfts- und Regenbogenfamilien	18
6. Stärkung der Selbsthilfe von Herkunfts- und Regenbogenfamilien	19
7. Verbesserung sonstiger Rahmenbedingungen für Regenbogenfamilien	20
HF 2: Schule / Bildung / außerschulische Bildung / Weiterbildung / Hochschule	21
1. Akzeptanz von LSBTTI-Vielfalt in allen Schulen und Schulformen	22
2. Hilfe und Unterstützung für LSBTTI-Jugendliche bei Konfliktlösungen in der Schule	22
3. Vielfalt der Lebens- und Beziehungsentwürfe in den Schulmedien	23
4. Diversity-Kompetenzen in der beruflichen Weiterbildung	23
5. Akzeptanz von Vielfalt in der gesellschaftlichen Weiterbildung	23
6. Akzeptanz und Gleichstellung von LSBTTI-Vielfalt in der Hochschulstruktur und -kultur	24
7. LSBTTI als Querschnittsthema in der Lehre	24
8. Qualifizierung zu LSBTTI-Themen an den Hochschulen	24
HF 3: Alter / Pflege / Gesundheit	25
1. Psychosoziales Beratungsangebot für LSBTTI in NRW	27
2. Psychotherapeutische und gesundheitliche Angebote für Lesben	27
3. Schwule, bisexuelle Männer, Transgender und transsexuelle Männer als Teil der Männerge- sundheit und -versorgung	27

4. Gesundheitliche Selbsthilfe für Schwule, bisexuelle Männer, Transgender und transsexuelle Männer	28
5. Schutz vor Diskriminierung für LSBTTI in der ärztlichen Praxis	28
6. Soziale Netzwerke von LSBTTI im Alter	29
7. Abbau von Versorgungsbarrieren im Gesundheits- und Sozialwesen.....	30
B. Lebenswelten	31
HF 4: Diskriminierung / Gewalt / häusliche Gewalt.....	31
1. Schutz vor Diskriminierung bei vorurteilsmotivierter und häuslicher Gewalt	33
2. Sensibilisierung der Strafverfolgungsbehörden für LSBTTI-Themen	34
3. Opferschutz bei der Polizei bei vorurteilsgeleiteter Gewalt.....	34
4. Opferschutz bei Gericht.....	35
5. Maßnahmen gegen Volksverhetzung	35
6. Rehabilitierung der aufgrund des § 175 StGB zwischen 1949 und 1994 Verurteilten.....	35
HF 5: Wirtschaft / Tourismus / Arbeitswelt / Land als Arbeitgeber	36
1. Charta der Vielfalt.....	37
2. Sensibilisierung und Qualifizierung von Interessenvertretungen	37
3. Dialog mit den Kirchen	37
4. Fortbildung im Landesdienst	37
5. LSBTTI-Anliegen in wirtschafts- und arbeitsmarktbezogenen Förderprogrammen.....	38
HF 6: Kultur	39
1. LSBTTI als sichtbarer Teil der gesellschaftlichen Kultur.....	39
2. Überlieferungsbildung und -sicherung	39
HF 7: Sport	40
1. Sensibilisierung von Fachkräften im Sport.....	40
C. Gruppen	41
HF 8: Migration.....	41
1. Unterstützung von LSBTTI mit Migrationsgeschichte auf Bundesebene.....	42
2. LSBTTI mit Migrationsgeschichte in Schule, Bildung und Hochschule.....	42
3. Sensibilisierung und Qualifizierung in der Trägerstruktur	43
4. Stärkung der Selbsthilfe von LSBTTI mit Migrationsgeschichte	43
HF 9: Behinderung.....	44
1. Sensibilisierung von Einrichtungen der Behindertenhilfe und Werkstätten für Behinderte.....	44

2. Sensibilisierung von Beratungsstellen	45
3. LSBTTI mit Behinderung in den Programmen und Förderkonzepten der Landesregierung	45
HF 10: Transgender / Transsexualität	46
1. Rechtliche Gleichstellung von Transsexuellen.....	47
2. Einordnung von Transsexualität im Diagnoseschlüssel ICD-Liste.....	47
3. Zugang zu medizinischen und sozial-medizinischen Leistungen	47
4. Beratung für Transsexuelle	48
HF 11: Intersexualität	49
1. Umsetzung des Beschlusses der 85. GMK vom 27./28.6. 2012.....	51
2. Vermeidung nicht indizierter geschlechtsangleichender Operationen	51
3. Unterstützung der Betroffenen und ihrer Organisationen bei der Nutzung der Selbsthilfeein- struktur.....	51
4. Berücksichtigung der persönlichen geschlechtlichen Zuordnung in den bestehenden Rechts- systemen	51
D. Bewusstseinsbildende Maßnahmen / Studien	52
HF 12: Untersuchungen und Informationsmaßnahmen	52
1. Kampagne anders und gleich. Nur Respekt Wirkt.	53
2. Studien und Forschungen	54
Abkürzungen und Erklärungen	55
Anlage: Mitglieder der Planungsgruppe	57
Anlage: Dokumentation der vorgeschlagenen Maßnahmen.....	59

Vorwort



Die Landesregierung tritt für ein gesellschaftliches Klima ein, in dem Menschen unabhängig von ihrer sexuellen und geschlechtlichen Identität ein gleichberechtigtes und selbstbestimmtes Leben führen können. Der Diskriminierung von Lesben, Schwulen, Bisexuellen, Transsexuellen, Transgendern und Intersexuellen - kurz: LSBTTI - wollen wir konsequent entgegenreten und uns aktiv für Akzeptanz, Wertschätzung und Toleranz engagieren. NRW soll ein Land sein, in dem Vielfalt selbstverständlich gelebt und erlebt werden kann.

Mit dem vom Landeskabinett verabschiedeten „NRW-Aktionsplan für Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt“ ist es erstmals gelungen, Queerpolitik zum Querschnittsthema zu machen. In einem breiten Beteiligungsprozess wurde herausgearbeitet, was sich dringend ändern muss, damit Lesben, Schwule, Bisexuelle, Transsexuelle, Transgender und Intersexuelle gleichgestellt und akzeptiert werden. Vertretungen aus Politik (Sprecherinnen und Sprecher für LSBTTI-Politik der Landtagsfraktionen), Praxis (Verbände, Infrastruktur) und Ressorts wurden im Rahmen einer Planungsgruppe einbezogen, um Handlungs- und Ressourcenbedarf sowie Prioritäten zu erarbeiten. Ausgehend von vier Leitzielen wurden in elf Unterarbeitsgruppen, in die weitere Fachleute von Trägern, Verbänden und Ressorts einbezogen waren, Empfehlungen für den Aktionsplan der Landesregierung erarbeitet. Allen Beteiligten gilt mein Dank für engagierte und konstruktive Mitwirkung.

Mit dem Aktionsplan erklären die Ressorts ihre Absicht, mehr als 100 Initiativen zugunsten sexueller Minderheiten umzusetzen. Dabei beziehen wir alle Lebensphasen, Lebenswelten und spezifische Gruppen mit ein. Eine wichtige Rolle spielen zudem Sensibilisierung und Aufklärung. Bei der Umsetzung kommt es uns ganz zentral darauf an, die Kompetenz der Zielgruppen zu nutzen und weiter einzubinden. Außerdem wollen wir zusätzliche Unterstützerinnen und Unterstützer vor allem in den Kommunen und in der Arbeitswelt gewinnen.

Ich wünsche mir, dass wir mit dem Aktionsplan gemeinsam dazu beitragen, dass in unserer Gesellschaft andere Lebensformen nicht als Bedrohung oder als störend empfunden werden, sondern als Bereicherung.

A handwritten signature in dark ink, appearing to read 'Barbara Steffens'.

Barbara Steffens
Ministerin für Gesundheit, Emanzipation, Pflege und Alter
des Landes Nordrhein-Westfalen

I. Vorbemerkungen

Wer nicht der vorherrschenden heteronormativen Norm entspricht, gilt als sexuelle Minderheit. Minderheiten gehören zur gesellschaftlichen Vielfalt, von der unser Land lebt und profitiert. Wie sieht es mit der Minderheit von Lesben, Schwulen, Bisexuellen, Transsexuellen, Transgender und Intersexuellen aus? Schätzungen von Fachleuten zufolge sind 5 bis 7 Prozent der Bevölkerung gleichgeschlechtlich orientiert - über alle Länder, Kulturen und religiösen Hintergründe hinweg. Für NRW können wir daher von einer Zahl von bis zu 1,25 Millionen Menschen ausgehen, die lesbisch oder schwul sind. Ihre Lebensgemeinschaften lassen sich inzwischen zumindest teilweise statistisch erfassen: Allein in NRW wurden von 2001 bis Mitte 2011 rund 11.000 Lebenspartnerschaften geschlossen. 7.000 Kinder leben bundesweit in offen gleichgeschlechtlichen Partnerschaften (Statistisches Bundesamt 2009). Darüber hinaus gibt es eine nicht näher zu bestimmende Anzahl von Menschen, die bezogen auf ihre sexuelle Orientierung bisexuell sind und weitere, die nicht dem binären Geschlechterrollenmodell entsprechen, deren geschlechtliche Identität im Übergang oder gegenüber der ursprünglichen biologischen Geschlechtszugehörigkeit geändert ist wie Intersexuelle, Transgender und Transsexuelle.¹

Nach dem Grundgesetz sind sie alle - Lesben, Schwule, Bisexuelle, Transsexuelle, Transgender und Intersexuelle - kurz: LSBTTI - frei und gleich an Würde und Rechten geboren. Aber werden sie auch so wahrgenommen und behandelt?

Wie eine aktuelle Sonderauswertung der Studie "Gruppenbezogene Menschenfeindlichkeit" ergeben hat, neigt ein Fünftel der Befragten in Nordrhein-Westfalen zu homophoben Einstellungen. LSBTTI sind von Diskriminierung und Ausgrenzung betroffen, was sich u.a. in einer höheren Suizidrate bei jungen Lesben und Schwulen und in Gewalterfahrungen von LSBTTI im häuslichen Bereich, am Arbeitsplatz und im öffentlichen Raum widerspiegelt.

In ihrem Alltag, in ihrem gesamten Lebensumfeld, angefangen bei der Familie, über Schule, Beruf, Freizeitangebote bis hin zu rechtlichen Regelungen sind LSBTTI noch keineswegs angemessen akzeptiert und gleichgestellt. Die vielfältigen Formen von Diskriminierung werden mit dem Phänomen der Homo- und Transphobie beschrieben.

Diskriminierung findet unmittelbar oder mittelbar statt: durch rechtliche Regelungen wie z.B. durch die nach wie vor ausstehende Gleichstellung von Lebenspartnerschaften mit Ehen im Steuerrecht, durch Strukturen, wenn z.B. qualifizierte Anlaufstellen fehlen, von Person zu Person, etwa durch herabsetzende, ehrverletzende Äußerungen, oder durch Institutionen, wenn z.B. ein Alters- oder Pflegeheim nicht zielgruppengerecht und kultursensibel ausgerichtet ist, oder wenn Transsexualität nach gängigen Richtlinien als Persönlichkeitsstörung eingeordnet wird. Mehrdimensionale Diskriminierungen aufgrund von Migrationsgeschichte oder Behinderung können die Probleme der Lebenssituation noch verschärfen. Daneben sind die Chancen von Vielfalt für die Zukunftsfähigkeit unseres Landes noch zu wenig genutzt. Genauso wie Unternehmen, Regionen und Kommunen mit Diversitystrategien wirtschaftlich profitieren, profitiert unser Land von einem Klima der Offenheit, der Akzeptanz und des Respekts, in dem andere Lebensformen nicht als Bedrohung oder als störend empfunden werden, sondern als willkommene Bereicherung eines gedeihlichen Miteinanders.

¹ Begriffserklärung LSBTTI siehe Kasten S.8

Erklärtes Ziel des *NRW-Aktionsplans für Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt - gegen Homo- und Transphobie* ist es deshalb, Diskriminierung zu bekämpfen und Wertschätzung zu schaffen, um damit den Grundstein für eine selbstbestimmte und gleichberechtigte Teilhabe der unterschiedlichen Lebensweisen und -formen zu legen. Das wird sowohl durch Einbeziehung der Anliegen von Menschen unterschiedlicher sexueller und geschlechtlicher Identität in die Regelstrukturen als auch durch Stärkung der Selbsthilfe orientierten Infrastruktur erreicht.

Zur Sache: Was ist LSBTTI?

Grundsätzlich: Gemeint sind damit Menschen verschiedener sexueller und geschlechtlicher Identitäten: Lesben, Schwule, Bisexuelle, Transgender, Transsexuelle und Intersexuelle. Als Teil der Emanzipationsbewegung haben sich diese Minderheiten politisch den Oberbegriff LSBTTI gegeben, um Ihre Interessen gemeinsam zu vertreten.

Im Einzelnen:

lesbisch: Eine lesbische Frau liebt und begehrt Frauen, ist gleichgeschlechtlich orientiert und homosexuell.

schwul: Ein schwuler Mann liebt und begehrt Männer, ist gleichgeschlechtlich orientiert und homosexuell.

bisexuell: Ein bisexueller Mensch fühlt sich zu beiden Geschlechtern hingezogen.

transsexuell: Ein transsexueller Mensch empfindet sich nicht seinem biologischen Geschlecht, sondern psychisch dem anderen Geschlecht zugehörig. Viele Transsexuelle möchten diese eigene sexuelle Identität auch sichtbar leben. Viele wollen sich auch körperlich ihrer Geschlechtsidentität annähern und nehmen Hormontherapien und aufwändige medizinisch-operative Angleichungen in Kauf.

transgender: Anders als die meisten Transsexuellen, die die Einteilung der Menschen in "männlich" und "weiblich" für sich bejahen, fühlen sich die meisten Transgender mit dem "Zwei-Geschlechter-Modell" unzureichend beschrieben. Ihr soziales Geschlecht ist oft anders als ihr biologisches.

intersexuell: Intersexuelle oder zwischengeschlechtliche Menschen sind in biologischer Hinsicht nicht eindeutig männlich oder weiblich. Ihre prä- oder postnatale Geschlechtsentwicklung verläuft untypisch. Früher wurden sie auch als Zwitter oder Hermaphroditen bezeichnet. Oft wird ihr biologisches Geschlecht nach der Geburt festgelegt. Das Personenstandsregister erfordert den Eintrag in "männlich" oder "weiblich". Für viele Intersexuelle ist diese Festlegung oft nicht identisch mit der eigenen geschlechtlichen Identität.

Weitere Begriffe:

sexuelle Identität: Das Selbstverständnis der Menschen darüber, wer sie als geschlechtliche Wesen sind, wie sie sich selbst empfinden und wie sie von anderen wahrgenommen werden möchten.

sexuelle Orientierung: Bedeutet, zu welchem Geschlecht sich ein Mensch emotional und sexuell hingezogen fühlt. Das kann sowohl gegenüber dem gleichen, einem anderen oder gegenüber beiden Geschlechtern sein.

II. Leitziele

Mit dem NRW-Aktionsplan für Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt - gegen Homo- und Transphobie wollen wir in NRW:

1. Homo- und Transphobie ächten, Gewalt gegen und Diskriminierungen von Menschen mit unterschiedlichen sexuellen und geschlechtlichen Identitäten konsequent begegnen und abbauen.
2. Die vorurteilsfreie Teilhabe und die sichtbare Wertschätzung von Menschen mit unterschiedlichen sexuellen und geschlechtlichen Identitäten in der Gesellschaft fördern. Aspekte wie Geschlecht, ethnische Herkunft, Behinderung und andere Merkmale, die zu einer mehrdimensionalen Diskriminierung führen können, wollen wir berücksichtigen und Menschen, die dadurch geprägt sind, besonders in ihrer Sichtbarkeit unterstützen.
3. Eine Sensibilisierung und Öffnung gesellschaftlicher Institutionen in den verschiedenen Handlungsfeldern für die Belange von Menschen mit unterschiedlichen sexuellen und geschlechtlichen Identitäten erreichen. Dabei streben wir eine enge und verbindliche Zusammenarbeit mit deren zivil-gesellschaftlichen Vertretungen an.
4. Das Selbstbewusstsein und die Selbstbestimmung von Lesben, Schwulen, Bisexuellen, Transsexuellen, Transgendern und Intersexuellen stärken und das Potential sexueller und geschlechtlicher Vielfalt mit der sich daraus ergebenden Vielfalt der Lebensformen anerkennen und nutzen.

III. Planungsprozess

Planungsgruppe

Im Koalitionsvertrag der Regierungsparteien sowie in der Regierungserklärung der Ministerpräsidentin des Landes Nordrhein-Westfalen nimmt Politik für LSBTTI einen hohen Stellenwert ein. Die Landesregierung will der Diskriminierung dieser Menschen von Anfang an konsequent entgegenreten und sich aktiv für Akzeptanz, Wertschätzung und ein tolerantes NRW engagieren, in dem Vielfalt selbstverständlich gelebt und erlebt werden kann.

Demzufolge ist der Abbau von Diskriminierung und Homophobie Querschnittsthema und Aufgabe aller Ressorts, die sie in ihren Fach- und Haushaltsplanungen zu berücksichtigen haben. Als koordinierendes und impulsgebendes Fachreferat wurde beim Ministerium für Gesundheit, Emanzipation, Pflege und Alter das Referat Lebensformenpolitik, Gleichgeschlechtliche Lebensweisen eingerichtet.

Der NRW-Aktionsplan für Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt - gegen Homo- und Transphobie ist ein Herzstück auf dem Weg in ein emanzipiertes Nordrhein-Westfalen.

Die Ministerin für Gesundheit, Emanzipation, Pflege und Alter hat auf Beschluss des Landeskabinetts vom November 2010 zur Erarbeitung des Aktionsplans ein festes Begleitgremium eingerichtet. Vertretungen aller Fachressorts, aller Landtagsfraktionen und der maßgeblichen Nichtregierungsorganisationen waren darin vertreten. Durch die Zusammenarbeit war es gewährleistet, dass nicht nur Sachverstand und Expertenwissen gebündelt, sondern auch die gemeinsamen und unterschiedlichen Interessen ausgelotet werden konnten. Erstmals in NRW wurden Handlungs- und Ressourcenbedarf sowie Prioritäten durch die Landesregierung von Anfang an mit Politik und Nichtregierungsorganisationen in einem konstruktiven Dialog auf Augenhöhe erarbeitet.

Die Planungsgruppe² wurde von Frau Staatssekretärin Marlis Bredehorst geleitet und moderiert.

Das erste Treffen der Planungsgruppe hat im Dezember 2010 stattgefunden.

Auf Basis eines vom Ministerium für Gesundheit, Emanzipation, Pflege und Alter erstellten Arbeitspapiers hat die Planungsgruppe elf Unterarbeitsgruppen (UAGs) zu verschiedenen Handlungsfeldern eingerichtet:

UAG 1 Transgender / Transsexualität

UAG 2 Kinder / Jugend / Familie

UAG 3 Schule / Bildung / außerschulische Bildung / Weiterbildung / Hochschule

UAG 4 Alter / Pflege / Gesundheit

UAG 5 Wirtschaft / Tourismus / Arbeitswelt / Land als Arbeitgeber

² Mitglieder der Planungsgruppe siehe Anlage

UAG 6 Diskriminierung / Gewalt / Häusliche Gewalt

UAG 7 Kultur

UAG 8 Sport

UAG 9 Migration

UAG 10 Behinderung

UAG 11 Öffentlichkeitsarbeit.

In allen Handlungsfeldern wurden die Aspekte Rechtliche Gleichstellung, Diversity, Kommunale Strukturen, Bürgerschaftliches Engagement, Umfragen und Studien sowie Finanzierung mitgedacht. Die Anliegen der Intersexuellen wurden von der Planungsgruppe noch nicht im Einzelnen berücksichtigt, weil die Ergebnisse der umfassenden Studie des Deutschen Ethikrates zu diesem Themenfeld abgewartet werden sollten.

Die Arbeit in den Unterarbeitsgruppen, die im Zeitraum von Februar bis April 2011 stattfand, war beeindruckend in ihrer Ideenvielfalt, der professionellen Betrachtung des Handlungsbedarfs und der hohen Kompetenz in den Vorschlägen. Fachleute aus Wissenschaft und Praxis, aus den Ressorts, eines Landesjugendamts, vom Landeskriminalamt, vom Landessportbund und von Wirtschaftsverbänden haben konstruktiv mitgewirkt. Die Reflexion von Homo- und Transphobie in Wirtschaft und Gesellschaft, in der Verwaltung und innerhalb der Communities, des Bedarfs an öffentlicher Aufklärung, Infrastruktur und Vernetzung zeigt sich in der Fülle der Arbeitsergebnisse: Insgesamt wurden 88 Ziele und 344 Maßnahmen vorgeschlagen (siehe Anlage: Dokumentation der vorgeschlagenen Maßnahmen).

In vier darauf folgenden Sitzungen wurden Empfehlungen für den Aktionsplan gemeinsam erarbeitet.

Der Schwerpunkt der Vorschläge liegt in folgenden strategischen Feldern:

1. Rechtliche Gleichstellung, gesicherte rechtliche Rahmenbedingungen, Schutz vor Diskriminierung und Gewalt,
2. Initiierung und Förderung von Forschung, Studien, Studiengängen und Fachtagungen,
3. Schaffung neuer und vor allem Weiterentwicklung der vorhandenen psychosozialen Beratungs- und Selbsthilfestrukturen und eines gesicherten Zugangs zu notwendigen sozialmedizinischen Maßnahmen,
4. Kompetenzerweiterung von Fachkräften in der Verwaltung und bei freien Trägern insbesondere in der Kinder-, Jugend- und Familienhilfe, in Schule und Weiterbildung, Sport, Polizei und Justiz,
5. Gesellschaftliche Akzeptanz und Teilhabe durch eine Kultur der Wertschätzung,
6. Umfassende Öffentlichkeitskampagne zur nachhaltigen Aufklärung und Sensibilisierung aller Bürgerinnen und Bürger und der Fachöffentlichkeit.

Stufenplan

Um die Vorschläge in eine realistische Zeitschiene einzuordnen, hat die Planungsgruppe ein gestuftes Vorgehen angeregt. In einem ersten Schritt hat sie die Maßnahmen identifiziert, die vordringlich eingeleitet bzw. umgesetzt werden sollten. Auf Basis einer Prioritätenliste der Nichtregierungsorganisationen wurden fachliche Stellungnahmen aus den Ressorts eingeholt.

Die zahlreichen Vorschläge wurden in 53 Zielen und 126 Maßnahmen zusammengefasst und im November 2011 abschließend in der Planungsgruppe erörtert.

Die Landesregierung hat sich intensiv mit den Empfehlungen der Planungsgruppe auseinandergesetzt und bereits während der Erarbeitung des Aktionsplans wesentliche Schritte eingeleitet oder umgesetzt. Sie hat insbesondere

- die rechtliche Gleichstellung von Lebenspartnerschaften mit Ehen im Landesrecht abgeschlossen,
- Initiativen auf Bundesebene zur Gleichstellung von Eingetragenen Lebenspartnerschaften mit Ehen im Einkommenssteuerrecht und zur Verbesserung der Lebensbedingungen von Intersexuellen ergriffen,
- die Mittel für die Sachkosten der Träger der psychosozialen Beratungs- und Selbsthilfeinfrastruktur aufgestockt,
- eine Koordinierungsstelle für das Projekt SchLAu - Schwul-Lesbische Aufklärung NRW - und
- ein Büro für die Kampagne *anders und gleich. Nur Respekt Wirkt* eingerichtet,
- eine qualitative Studie zur Lebenssituation von Transsexuellen sowie
- eine Sonderauswertung der Langzeitstudie *Gruppenbezogene Menschenfeindlichkeit* zum Thema Homophobie in NRW initiiert und gefördert,
- ein dreijähriges Modellprojekt zur Unterstützung der schwul-lesbischen Jugendarbeit in der Region Niederrhein gestartet,
- ein landesweites Projekt "SeniorInnenarbeit für Lesben und Schwule" und
- ein Projekt "Wege zu einer kultursensiblen Pflege in Nordrhein-Westfalen" sowie
- ein landesweites Modellprojekt für lesbische, schwule und transsexuelle Migrantinnen und Migranten und
- eine interdisziplinäre Fachtagung zu Lebenslagen und Sozialstruktur unter dem Titel "anders und gleich in NRW. Gleichstellung und Akzeptanz sexueller und geschlechtlicher Vielfalt" sowie eine Dokumentation über den aktuellen Forschungsstand gefördert.

Die Ministerpräsidentin und weitere Mitglieder der Landesregierung haben zudem zahlreiche Veranstaltungen der schwul-lesbischen Initiativen durch Schirmherrschaften, Grußworte und persönliche Teilnahme unterstützt.

Die Landesregierung ist den Empfehlungen weitgehend gefolgt und nimmt sich ein umfangreiches Arbeitsprogramm bezogen auf die Lebensphasen, die Lebenswelten, spezielle Gruppen und bewusstseinsbildende Maßnahmen/ Studien vor. Da inzwischen die Stellungnahme des Deutschen Ethikrates zur Intersexualität vorliegt, wurde dieser Zielgruppe ein eigenes Handlungsfeld gewidmet.

Auch weiterhin wird es in vielen Bereichen auf die Eigeninitiative und Mitwirkung der selbstorganisierten Arbeit von LSBTTI ankommen. Dies gilt insbesondere für die vom Land geförderte Infrastruktur.

In den vergangenen Jahrzehnten haben sich im lesbisch-schwulen Bereich auf Landesebene selbstständige Verbandsstrukturen wie LAG Lesben NRW e.V. und Schwules Netzwerk

NRW e.V. entwickelt. Sie sind die Interessensvertretung der lesbischen bzw. schwulen Selbsthilfe gegenüber dem Land NRW und werden von diesem für diese Arbeit finanziell gefördert. Ihre zahlreichen Mitgliedsorganisationen decken einen großen Teil der vielfältigen Handlungsfelder der schwulen und lesbischen Selbstorganisation - überregional als auch kommunal - ab. Gemeinsam arbeiten sie an der Verbesserung der Lebenssituation lesbischer Bürgerinnen und schwuler Bürger, und das auf deren jeweilige Bedürfnisse zugeschnitten. Sie stellen mit ihrer Arbeit die Verbindung zwischen den Communities, der Politik und der Allgemeinbevölkerung her. Diese Strukturen haben sich bewährt, was sich u.a. in der erfolgreichen Gründung der ARCUS-Stiftung widerspiegelt. Die Landesregierung baut auf die partnerschaftliche Zusammenarbeit mit den Verbänden und wird im Rahmen der Möglichkeiten deren Arbeit unterstützen.

Wichtige Säulen der selbstorganisierten Hilfe sind darüber hinaus die fünf psychosozialen Beratungsstellen für Lesben, Schwule und deren Angehörige in NRW und die Landeskoordination der Anti-Gewalt-Arbeit für Lesben und Schwule in NRW.

Die Landesregierung hat darüber hinaus die aktuellen Bemühungen verschiedener Selbsthilfegruppen für Bisexuelle und Transsexuelle unterstützt, die noch fehlenden Landesstrukturen im Selbsthilfekontext zu entwickeln.

Die Mittel zur Förderung der Politik für Lesben, Schwule, Bisexuelle, Transsexuelle und Transgender (LSBT) (Kapitel 15 035/ Titelgruppe 75) wurden im Haushaltsjahr 2011 gegenüber dem Vorjahr um 210.000 € auf 863.400 € aufgestockt. Für das Haushaltsjahr 2012 sieht der Haushaltsentwurf der Landesregierung in der Titelgruppe 75, die nun erstmals "Förderung der Politik für Lesben, Schwule, Bisexuelle, Transsexuelle, Transgender und Intersexuelle" (LSBTTI) heißt, eine Förderung in gleicher Höhe vor. Die Umsetzung der Maßnahmen in den Folgejahren steht unter Haushaltsvorbehalt. Weitere Mittel werden im Sinne der Querschnittsaufgabe aus bereiten Mitteln anderer Haushaltstitel eingesetzt.

IV. Handlungsfelder

A. Lebensphasen

HF 1: Kinder / Jugend / Familie

Bei homosexuellen und transsexuellen Jugendlichen stellt das Coming out ein zentrales Problem dar. Studien belegen, dass homosexuelle Jugendliche doppelt so oft schwulenfeindlich motivierten Körperverletzungsdelikten ausgeliefert sind wie gleichaltrige Heterosexuelle. Für transsexuelle Jugendliche liegen keine Daten vor, es muss jedoch davon ausgegangen werden, dass sie in gleicher Weise betroffen sind. "Schwule Sau" und "Lesbenzicke" gehören leider immer noch zu den gängigen Beleidigungen auf deutschen Schulhöfen. Zudem ist von einem vier- bis sechsmal höheren Suizidrisiko gegenüber heterosexuellen Jugendlichen auszugehen. Diese besonderen Problematiken spiegeln sich auch in der zunehmenden Inanspruchnahme durch die vom Land NRW unterstützten psychosozialen Beratungsdienste und die Arbeit von SchLAu NRW wieder. Zu der Aufgabenstellung wird es daher gehören zu klären, wie man diesem Beratungsbedarf gerecht werden und die Zielgruppen am besten erreichen kann. Dabei geht es nicht nur um die Jugendlichen selbst, sondern auch um ihr familiäres und sonstiges Lebensumfeld.

Zu Regenbogenfamilien in Deutschland liegen keine genauen Zahlen vor. Man weiß allerdings, dass Tausende von Kindern in gleichgeschlechtlichen Lebensgemeinschaften (Mikrozensus) und in Lebensgemeinschaften aufwachsen, bei denen ein Elternteil lesbisch oder schwul ist. Studien belegen, dass die Persönlichkeitsentwicklung von Kindern in Regenbogenfamilien gut verläuft und sie bei altersspezifischen Entwicklungsaufgaben Kindern in heterosexuellen Beziehungen nicht nachstehen. Hürden bestehen allerdings bereits bei der Realisierung des Kinderwunsches in lesbischen bzw. schwulen Partnerschaften, dies schließt auch Fragen des geregelten Zugangs zu reproduktionsmedizinischen Leistungen ein. Wegen der Komplexität der Fragestellungen wird vom Ministerium für Familie, Kinder, Jugend, Kultur und Sport und dem Ministerium für Gesundheit, Emanzipation, Pflege und Alter eine interministerielle Arbeitsgruppe eingerichtet, zu der, je nach fachlicher Zuständigkeit, weitere Ressorts und maßgebliche Vertretungen von Nichtregierungsorganisationen hinzugezogen werden können. Das Hauptanliegen wird darin bestehen, die rechtliche Gleichstellung u.a. im Steuerrecht und im Adoptionsrecht zu erreichen. Auch sollen sowohl spezifische Angebote für Regenbogenfamilien bedarfsgerecht ausgebaut bzw. sichergestellt als auch die Öffnung der Angebotsstrukturen für alle Familien erreicht werden. Bereits jetzt fördert das Land eine breite Infrastruktur der Familienhilfe (Schwangerschaftsberatung, Ehe-, Familien- und Lebensberatungsstellen) und darüber hinaus fünf psychosoziale Beratungsstellen für Lesben, Schwule und ihre Angehörigen.

Ziel	1. Aufklärung und Sensibilisierung von Kindern und Jugendlichen
Stufe 1	Seit dem 2. Halbjahr 2011 wird eine hauptamtliche Stelle für SchLAu NRW plus Sach- und Projektkosten gefördert. Deren Aufgabe ist es, die örtlichen SchLAu NRW Projekte zu fördern, weitere ehrenamtliche Mitarbeiter zu gewinnen und die Qualitätsstandards der Arbeit weiter zu entwickeln.
Maßnahme	
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	2. Stärkung der Selbstbestimmung von LSBTTI-Jugendlichen
Stufe 1	1. Grundsätzlich können anerkannte Träger der Kinder- und Jugendhilfe Anträge zur Förderung von Angeboten der Jugendarbeit für die Zielgruppe von LSBTTI-Jugendlichen auf Basis des Kinder- und Jugendförderplans stellen.
Maßnahme	2. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport wird im Rahmen der Gespräche mit den Trägern der Jugendhilfe auf eine Sensibilisierung für LSBTTI-Themen hinwirken.
	3. Die Landesgeschäftsstellen der schwul-lesbischen Selbsthilfe werden vom Ministerium für Gesundheit, Emanzipation, Pflege und Alter gefördert, um vorhandene Initiativen zu koordinieren und zu vernetzen. Durch die zusätzlich seit 2011 geförderte hauptamtliche Stelle für SchLAu NRW über das Schwule Netzwerk NRW e.V. ergibt sich eine weitere Verbindungsstelle zur Infrastruktur der Jugendarbeit, die im Rahmen der Aufgabenstellung der SchLAu-Koordination genutzt werden wird.
	4. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport wird LSBTTI-Themen in die Verwaltungsgespräche mit den Landesjugendämtern einbringen.
	5. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport fördert ein Modellprojekt zur Vernetzung jugendpolitischer Angebote für den Bezirk Niederrhein in Mülheim an der Ruhr.
Zuständigkeit	1.; 2.; 4. und 5.: Ministerium für Familie, Kinder, Jugend, Kultur und Sport 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	3. Gleichstellung von Eingetragenen Lebenspartnerschaften mit Ehen.
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. NRW hat verschiedene Initiativen zur rechtlichen Gleichstellung von Eingetragenen Lebenspartnerschaften (ELP) mit Kindern und die Öffnung der Ehe für Personen gleichen Geschlechts im Bundesrat unterstützt, die allerdings keine Mehrheit gefunden haben. Das Land NRW wird sich weiterhin in Abhängigkeit von den Mehrheitsverhältnissen für dieses Ziel einsetzen. 2. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter wird sich an die Bundesärztekammer und die beiden Landesärztekammer wenden, damit diese in ihren Richtlinien eindeutig klarstellen, dass die assistierte Reproduktion bei lesbischen Eingetragenen Lebenspartnerschaften zulässig ist. 3. Das Finanzministerium wird - nach Maßgabe der zu erwartenden Entscheidung des Bundesverfassungsgerichts zur Frage der gesetzlichen Gleichstellung im Einkommenssteuerrecht - bei der zuständigen Bundesvordruckkommission "ESt" anregen, dass diese bei der dann erforderlichen Umgestaltung der Vordrucke einen Interessensverband - z. B. den Lesben- und Schwulenverband in Deutschland e.V. (LSVD) als bundesweit anerkannten Bürgerrechtsverband - mit einbezieht. Damit soll sichergestellt werden, dass wertschätzende Formulierungen verwendet werden. Entsprechendes gilt für die zukünftige Überarbeitung der "Anlage Kind" zur Berücksichtigung etwaiger konkreter Änderungs- bzw. Ergänzungsanregungen im Hinblick auf Eingetragene Lebenspartnerschaften und Kinder in Regenbogenfamilien.
Zuständigkeit	<ol style="list-style-type: none"> 1. Justizministerium 2. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 3. Finanzministerium
Stand	<ol style="list-style-type: none"> 1., 2. In der Planung 3. Umsetzung voraussichtlich 2013

Ziel:	4. Kompetenzen des Fachpersonals im Umgang mit Regenbogenfamilien
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Schule und Weiterbildung erteilt den Auftrag zur Entwicklung eines Fortbildungsmoduls für die Lehrkräfte an Schulen und bezieht dabei die Expertise der Nichtregierungsorganisationen mit ein. 2. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport strebt Vereinbarungen mit den Trägern an über Fortbildungen, Schulungen oder andere Formate zu Regenbogenfamilien in den Bereichen Familienhilfe, Selbsthilfe und Familienbildung. Dazu nutzt es die bestehenden Gesprächsformate zur fachlichen Weiterentwicklung wie beispielsweise Zielvereinbarungen oder Wirksamkeitsdialoge. 3. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport regt Schulungen und Fortbildungen von Fachkräften in Kindertageseinrichtungen und in der Kinder- und Jugendarbeit bei den Landesjugendämtern an. 4. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter hat bereits eine Informationsbroschüre der LAG Lesben für und über Regenbogenfamilien gefördert. Soweit es sich bei den Nichtregierungsorganisationen um freie Träger der Jugendhilfe handelt, können diese auch eine Förderung der Entwicklung und Veröffentlichung von Informationsmaterialien über den Kinder- und Jugendförderplan beantragen.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Schule und Weiterbildung 2.-3. Ministerium für Familie, Kinder, Jugend, Kultur und Sport 4. Nichtregierungsorganisationen; Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Ministerium für Familie, Kinder, Jugend, Kultur und Sport.
Stand	<ol style="list-style-type: none"> 1. Das Ministerium für Schule und Weiterbildung hat bereits einen Modulauftrag erteilt. 2.-3. In der Prüfung. 4. In der Umsetzung.

Ziel	5. Beratungsangebote für Herkunfts- und Regenbogenfamilien
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter plant eine Evaluation über die psychosoziale Beratungsarbeit in NRW. Auf dieser Basis soll geprüft werden, ob und wenn ja, wie die Beratungsarbeit für Lesben, Schwule und deren Angehörige auch bezogen auf haupt- und ehrenamtliche Strukturen zielgruppenorientiert weiterentwickelt werden sollte. 2. In der Familienberatung (267 landesgeförderte Einrichtungen für Erziehungsberatung, Familienberatung, Ehe- und Lebensberatung) sind Herkunftsfamilien bereits Teil des Beratungsspektrums. Um das Beratungsangebot auch für Herkunftsfamilien zu verbessern, wird das Ministerium für Familie, Kinder, Jugend, Kultur und Sport in Spitzenverbandsgesprächen zur Zielvereinbarung das Thema auf die Agenda setzen und den fachlichen Austausch zwischen den Familienberatungsstellen und den spezialisierten psychosozialen Beratungsstellen für LSBTTI anregen. Es soll geprüft werden, ob über das Förderprogramm-Controlling der bestehenden Beratungsstrukturen oder durch eine qualitative Studie bei den Eltern aus Regenbogenfamilien die Inanspruchnahme der bestehenden Beratungsstrukturen durch Herkunftsfamilien künftig erhoben werden kann. 3. Zur Stärkung von Herkunftsfamilien spielt die Schulaufklärung ebenfalls eine große Rolle. Durch den Ausbau von SchLAu NRW und die Förderung des Projektes Schule ohne Homophobie werden kompetente Ansprechpersonen für Schulen garantiert, die sowohl die Kinder als auch die Eltern in ihrem Umgang mit der LSBTTI-Thematik kompetent machen und das Selbstbewusstsein der LSBTTI-Jugendlichen stärken.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 2. Ministerium für Familie, Kinder, Jugend, Kultur und Sport; Ministerium für Gesundheit, Emanzipation, Pflege und Alter 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	<p>In der Umsetzung.</p> <p>Familienberatung: Thematisierung in Zielvereinbarungsgesprächen (im Laufe des Jahres 2012)</p> <p>Evaluation des Ministeriums für Gesundheit, Emanzipation, Pflege und Alter ist in der Umsetzung (Durchführung geplant für 2012)</p>

Ziel	6. Stärkung der Selbsthilfe von Herkunfts- und Regenbogenfamilien
Stufe 1	1. Die Stärkung von Identität und Selbstgefühl sowie der Zugang zu umfassenden Informationen werden durch Kontakte zu anderen Familien garantiert. Diese Kontakte können über die Familienverbände hergestellt werden. Bei zehn landesgeförderten Familienhilfe- und Familienselbsthilfeorganisationen wird das Ministerium für Familie, Kinder, Jugend, Kultur und Sport die Mitgliedschaft von und die Angebote für Herkunfts- und Regenbogenfamilien nachfragen und die Gestaltung von Familienkontakten anregen.
Maßnahme	2. Die 267 landesgeförderten Familienberatungsstellen (Erziehungsberatung, Familienberatung, Ehe- und Lebensberatung) unterstützen auch die Arbeit von Selbsthilfegruppen. Somit wird nicht nur ein reger Kontakt zwischen den Familien hergestellt, sondern auch die effiziente Organisation ihrer Selbsthilfe verbessert. Im Spitzenverbandsgespräch zur Zielvereinbarung wird das Ministerium für Familie, Kinder, Jugend, Kultur und Sport die Kooperation der Einrichtungen mit Gruppen von Herkunfts- und Regenbogenfamilien thematisieren und Unterstützungsangebote für diese Gruppen anregen.
Zuständigkeit	Ministerium für Familie, Kinder, Jugend, Kultur und Sport
Stand	In der Umsetzung. Familienverbände: Thematisierung im Jour fixe (Herbst 2011) Familienberatung: Thematisierung in Zielvereinbarungsgesprächen ((im Laufe des Jahres 2012)

Ziel	7. Verbesserung sonstiger Rahmenbedingungen für Regenbogenfamilien
Stufe 1	Es wird eine interministerielle Arbeitsgruppe eingerichtet, an der Vertretungen der Nichtregierungsorganisationen beteiligt werden können und die sich mit folgenden Themen befasst:
Maßnahme	<ol style="list-style-type: none"> 1. Prüfung der Möglichkeiten des Verzichts auf die Adoptionspflegezeit bei Stiefkindadoptionen von gemeinsamen Wunschkindern. 2. Prüfung, ob eine Förderung von Beratungs-, Informations- und Unterstützungsmöglichkeiten für LSBTTI- Pflegeelternbewerberinnen und -bewerber in Spezial- und Regeldiensten angestrebt werden soll. 3. Prüfung der Notwendigkeit einer Fortbildung von Pflegekinderbetreuerinnen und -betreuern in Jugendämtern und bei freien Trägern. 4. Klärung der mit der biologischen und erweiterten sozialen, sowie der mit Mehrelternschaft verbundenen Rechtsfragen.
Zuständigkeit	Ministerium für Familie, Kinder, Jugend, Kultur und Sport; Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Justizministerium
Stand	In der Planung.

HF 2: Schule / Bildung / außerschulische Bildung / Weiterbildung / Hochschule

Schule ist der Ort, an dem zentrale Prägungen der Persönlichkeitsentwicklung von Kindern und Jugendlichen stattfinden. Da Schule und Bildung Angelegenheiten der Länder sind, hat das Land NRW besonders gute Möglichkeiten der Einflussnahme. Das betrifft die gesamte Schulöffentlichkeit, d.h. Eltern, Lehrkräfte und Schülerinnen und Schüler selbst.

Im Schulgesetz von NRW und in den "Richtlinien für die Sexualerziehung in Nordrhein-Westfalen" wird die sexuelle Orientierung und Identität bereits wertschätzend berücksichtigt. Beide Vorschriften können damit einen Beitrag zur Beseitigung der Diskriminierung von LSBTTI leisten. Fragen nach der sexuellen Orientierung und Identität und ihrer Gleichberechtigung sollen jedoch nicht auf Sexuaufklärung reduziert werden. Entsprechende Kompetenzen sollen auch in anderen Unterrichtsfächern als im Fach Biologie vermittelt werden. Lehrkräfte werden künftig sensibilisiert und qualifiziert. Unterstützung kann das Projekt "Schule ohne Homophobie - Schule der Vielfalt" leisten, das u.a. vom landesgeförderten Aufklärungsprojekt SchLAu NRW begleitet wird.

Darüber hinaus kommt es im Bildungssektor darauf an, verwaltungsintern zu sensibilisieren und Landespublikationen (Print, Online) auf einen respektvollen Sprachgebrauch hinsichtlich LSBTTI zu überprüfen.

Ein weiteres wichtiges Feld ist die Ausbildung der Lehrkräfte. Bei der Einrichtung von Lehrstühlen (LSBTTI/Queer Studies) arbeiten die Hochschulen autonom. Das Land kann hier aber im Rahmen von Zielvereinbarungen wichtige Impulse setzen. Durch hochschuldidaktische Angebote für die Lehrenden in Form von Workshops könnten die Belange von LSBTTI in nachhaltiger Form fächerübergreifend auch in der Hochschuldidaktik berücksichtigt werden.

Ziel	1. Akzeptanz von LSBTTI-Vielfalt in allen Schulen und Schulformen
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Schule und Weiterbildung nimmt unter Bezugnahme auf § 33 SchulG Abschnitt 5.4 Einfluss auf alle neu zu erarbeitenden Lehrpläne um entsprechende Kompetenzerwartungen zu integrieren. In einem Teil der neuen Kernlehrpläne für Hauptschulen, Realschulen und Gesamtschulen ist eine diesbezügliche Kompetenzerwartung bereits aufgenommen bzw. vorgesehen. 2. Das Projekt „Schule ohne Homophobie – Schule der Vielfalt“ hat die Aufgabe, über das Thema „Abbau von Diskriminierungen aufgrund der sexuellen Orientierung“ zu informieren, um insbesondere einer homophoben Einstellung von Mitschülerinnen und Mitschülern sowie Lehrkräften vorzubeugen bzw. entgegenzutreten. Ziel des Projekts ist es, ein Schulklima zu gestalten, in dem Schülerinnen und Schüler sowie Lehrkräfte sich ohne Homophobie den schulischen Alltag gestalten können. Das Projekt wird im Rahmen einer auf drei Jahre befristeten Kooperationsvereinbarung durchgeführt. Kooperationspartner sind das Ministerium für Schule und Weiterbildung sowie die beiden Vereine Rosa Strippe e.V. und Sozialwerk für Schwule und Lesben e.V. 3. Um die gesamte Arbeit von SchLAu in NRW zu koordinieren und zu bündeln, wurde eine hauptamtliche Koordinierungsstelle für SchLAu NRW eingerichtet. Auf diese Weise kann die Arbeit von SchLAu NRW zur Akzeptanz von LSBTT auch in den Schulen effizienter und umfassender eingesetzt werden.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Schule und Weiterbildung 2. Ministerium für Schule und Weiterbildung 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	2. Hilfe und Unterstützung für LSBTTI-Jugendliche bei Konfliktlösungen in der Schule
Stufe 1	
Maßnahme	<p>Maßgeblich für die Hilfe und Unterstützung bei Konfliktlösungen in der Schule ist die Qualifizierung von Ansprechpersonen in den einzelnen Schulen selbst.</p> <p>In einem ersten Schritt werden daher Lehrkräfte, evtl. Beratungslehrkräfte, entsprechend sensibilisiert und qualifiziert, um als Ansprechpersonen für Schülerinnen und Schüler, Lehrkräfte und Eltern bei Konfliktlösungen zur Verfügung zu stehen.</p> <p>Sofern sich dies an der Schule gefestigt hat, wird in einem zweiten Schritt überlegt, ob und wie Schülerinnen und Schüler im Sinne von Peergroup-Education qualifiziert werden können. Strukturell sollte eine Anbindung an bestehende Konfliktlösungsprogramme geprüft werden.</p> <p>Derzeit gibt es noch keine einheitlichen Qualifizierungsmodule, entsprechende Entwicklungen werden jedoch gefördert.</p>
Zuständigkeit	Ministerium für Schule und Weiterbildung
Stand	In der Umsetzung.

Ziel	3. Vielfalt der Lebens- und Beziehungsentwürfe in den Schulmedien
Stufe 1	
Maßnahme	Zunächst werden bestehende Schulmedien hinsichtlich der Sichtbarkeit von LSBTTI-Lebensentwürfen überprüft. Auf Grundlage dieser Überprüfung werden dann die vorhandenen Medien ergänzt bzw. neue Medien zum Einsatz in Schulen erstellt. Das Ministerium für Schule und Weiterbildung übermittelt deshalb den Aktionsplan nach Verabschiedung dem Verband der Schulbuchverlage Bildungsmedien (VdS) für weitere Verlagsplanungen.
Zuständigkeit	Ministerium für Schule und Weiterbildung
Stand	In der Umsetzung.

Ziel	4. Diversity-Kompetenzen in der beruflichen Weiterbildung
Stufe 1	
Maßnahme	Das Ministerium für Arbeit, Integration und Soziales überprüft die Finanzierbarkeit folgender zentraler Aspekte: <ol style="list-style-type: none"> 1. Die verstärkte Integration der Diversitythematik in alle Fortbildungsveranstaltungen für Weiterbildungs- und Qualifizierungsberaterinnen und -berater, die durch die Gesellschaft für innovative Beschäftigungsförderung (G.I.B.) im Rahmen des vom Europäischen Sozialfonds (ESF) kofinanzierten Förderprogramms „Bildungsscheck“ durchgeführt werden. 2. Überprüfung und gegebenenfalls Überarbeitung der Curricula der o. g. Fortbildungsangebote im Hinblick auf eine durchgängige Beachtung der Diversitythematik.
Zuständigkeit	Ministerium für Arbeit, Integration und Soziales
Stand	In der Prüfung.

Ziel	5. Akzeptanz von Vielfalt in der gesellschaftlichen Weiterbildung
Stufe 1	
Maßnahme	Alle Bildungseinrichtungen erfüllen ihre Aufgaben nach dem Weiterbildungsgesetz NRW und werden dafür vom Land gefördert. Die Nichtregierungsorganisationen konkretisieren LSBTTI-Themen für Schulungsmodulen in der Weiterbildung gegenüber dem Ministerium für Schule und Weiterbildung. Diese fließen in die Diskussionen um die Weiterentwicklung des Weiterbildungsgesetzes NRW (WbG NRW) mit ein.
Zuständigkeit	Ministerium für Schule und Weiterbildung; Nichtregierungsorganisationen
Stand	In der Prüfung.

Ziel	6. Akzeptanz und Gleichstellung von LSBTTI-Vielfalt in der Hochschulstruktur und -kultur
Stufe 1 Maßnahme	<p>Die Hochschulen erhalten in den Jahren 2012 bis 2015 die Gelegenheit, sich einem Diversity-Audit zu unterziehen, wo „sexuelle Identität“ eine von sechs zu berücksichtigenden Dimensionen ist.</p> <p>Ein Modellprojekt für einen wertschätzenden Umgang mit der Vielfalt sexueller Identitäten an einer Hochschule wird in diesem Rahmen Berücksichtigung finden. Hier können die Hochschulen sich entscheiden, eine Anlaufstelle wie z.B. durch Diversity-Beauftragte zu schaffen. Einige Hochschulen haben bereits Stabsstellen oder Prorektorate mit der Zuständigkeit für Diversity benannt.</p>
Zuständigkeit	Ministerium für Innovation, Wissenschaft und Forschung
Stand	In der Prüfung.

Ziel	7. LSBTTI als Querschnittsthema in der Lehre
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Bei der Neubesetzung eines Lehrstuhls der Frauen- und Geschlechterforschung NRW wird darauf hingewirkt, LSBTTI-Themen auch als Teil des Geschlechterdiskurses zu definieren. 2. Es findet eine stärkere Berücksichtigung der Belange von LSBTTI in der Lehre statt, bezogen auf die fächerübergreifende Hochschuldidaktik. Dies erfolgt im Rahmen hochschuldidaktischer Angebote für die Lehrenden. Das Ministerium für Innovation, Wissenschaft und Forschung plant einen Workshop, der sich mit sexueller Identität als einer der von den Hochschulen zu berücksichtigenden Dimensionen von Diversity beschäftigen wird.
Zuständigkeit	Ministerium für Innovation, Wissenschaft und Forschung
Stand	In der Umsetzung.

Ziel	8. Qualifizierung zu LSBTTI-Themen an den Hochschulen
Stufe 1 Maßnahme	Bei der Akkreditierung von Modulen werden für Lehrerinnen und Lehrer auszubildende Studiengänge LSBTTI-/Diversity-Module in den Blick genommen.
Zuständigkeit	Ministerium für Schule und Weiterbildung
Stand	In der Prüfung.

HF 3: Alter / Pflege / Gesundheit

In NRW gibt es 3,62 Millionen Menschen über 65 Jahre (Quelle: IT NRW, 2010). Ausgehend davon, dass 5 % bis 7 % der Bevölkerung lesbisch oder schwul sind, sind darunter zwischen 181.000 und 253.400 Lesben und Schwule. Die Anzahl der Bisexuellen, Transgender, Transsexuellen und Intersexuellen ist dabei nicht berücksichtigt.

Aus Untersuchungen ist bekannt, dass viele Lesben und Schwule Angst davor haben, pflegebedürftig und in Einrichtungen ausgegrenzt zu werden. Dies dürfte auch für Transgender/Transsexuelle und Intersexuelle zutreffen, wenngleich keine Untersuchungen hierzu vorliegen. Ambulante und stationäre Pflegeeinrichtungen sind ebenso wenig wie Altenheime auf die Bedürfnisse von Minderheiten eingestellt. Insgesamt fehlen Leitbilder für Diversity und Vielfalt in den Einrichtungen, Treffpunkte, Netzwerke und entsprechende Freizeitangebote vor Ort.

Im Land der Vielfalt NRW sollen Menschen unabhängig von ihrer sexuellen Identität im Alter selbstbestimmt, sichtbar und "mittendrin" würdevoll leben können. Ziel ist die Neuausrichtung einer von Diversity geprägten Pflege- und Altenpolitik sowie die Sensibilisierung der Verbände und Kommunen für eine Kultur der Unterschiedlichkeit. Dabei sollen bestehende allgemeine Strukturen genutzt, eigenständige gestärkt und neue aufgebaut werden.

Im Bereich der Altenpolitik sollen im Rahmen des vom MGEPA geförderten Projektes "SeniorInnenarbeit für Lesben und Schwule. Immer dabei: Ältere Lesben und Schwule in Nordrhein-Westfalen" die bestehenden seniorenpolitischen Maßnahmen für die Belange der älteren Lesben und Schwulen sensibilisiert und neue Projekte angestoßen werden, die den Aus- und Aufbau lokaler Netzwerke unterstützen, die Öffnung von Beratungsstrukturen zu speziellen Wohnformen für Diversity-Konzepte gewährleisten und die Selbsthilfegruppen für Lesben und Schwule im Alter stärken. Das Projekt ist bereits so erfolgreich angelaufen, dass es im Rahmen der Antidiskriminierungswoche des Bundes einen Preis erhalten hat.

Ein weiteres Ziel ist es, die kultursensible Pflege und Betreuung für Lesben und Schwule in NRW zu unterstützen. Zwar wird das Thema kultursensible Pflege bzw. interkulturelle Pflege bereits in den empfehlenden Ausbildungsrichtlinien der Pflege- und Gesundheitsfachberufe berücksichtigt, jedoch wird es noch längst nicht überall in der Praxis beachtet. Deshalb fördert das MGEPA das Projekt "Wege zu einer kultursensiblen Pflege in Nordrhein-Westfalen", in dessen Kontext Altenpflegeeinrichtungen zur Thematik sensibilisiert werden. Hierfür werden Informationsmaterialien erstellt. Für die Aus-, Fort- und Weiterbildung in der Altenpflege werden gemeinsam mit der Pflege Module erarbeitet und eingeführt. Pflegeeinrichtungen sowie Pflegeausbildungsstätten wird eine diversity-orientierte Beratung angeboten.

Aufgrund der unterschiedlichen Bedarfe der einzelnen Zielgruppen ist der Bereich Gesundheit besonders komplex. Hier ist es ebenso wie im Sektor Pflege und Alter erforderlich, dass Einrichtungen, Ärztinnen und Ärzte, Psychotherapeutinnen und Psychotherapeuten und Heilberufskammern für die heterogene Zielgruppe sensibilisiert werden. Auch geht es darum,

Regelungen für Zugangswege zu reproduktionsmedizinischen Leistungen wie zum Beispiel zur Insemination für lesbische Paare zu schaffen.

Noch bis 1992 galt Homosexualität nach der Weltgesundheitsorganisation (WHO) als Krankheit. Transsexualität wird noch immer im Diagnoseschlüssel der Weltgesundheitsorganisation (WHO) als "Geschlechtsidentitätsstörung" bezeichnet. Dies geht einher mit der Tendenz zur Pathologisierung. Das Ärzteblatt hat 2010 in einem Fachaufsatz darauf hingewiesen, dass LSBTTI im Gesundheitswesen noch immer auf Barrieren treffen, die einer adäquaten medizinischen und psychosozialen Versorgung im Wege stehen. (Vgl. Wolf, Gisela: Gesundheitsversorgung: Barrieren für homosexuelle Patienten. In: Deutsches Ärzteblatt 2011: 107(44): A 2166-7).

Aufklärung über die besonderen Lebensweisen von LSBTTI und die Auswirkungen häufig erfahrener physischer und psychischer Diskriminierungen ist besonders wichtig. Deshalb hat das Land NRW 1998 das Modellprojekt psychosoziale Beratung für Lesben, Schwule und deren Angehörige auf den Weg gebracht. Seit Ende der Modellphase 2003 fördert das Land fünf Spezialberatungsstellen in NRW, deren Beraterinnen und Berater sich durch Feld- und Betroffenenkompetenz auszeichnen.

Die erfolgreiche Arbeit der Beratungsstellen wird durch ein Controlling dokumentiert: Die Zahl der Beratungsfälle stieg von 2003 bis 2010 um rd. 43 %, die Zahl der Beratungskontakte um rd. 46 % an. Neue Zielgruppen sind hinzugekommen, bzw. nehmen in der Bedeutung zu (junge und ältere Menschen, Menschen mit Migrationsgeschichte, Transsexuelle, Transgender). Daher soll eine Evaluation der Beratungsarbeit der spezialisierten Beratungsstellen sowie der Ehe-, Familien- und Lebensberatungsstellen erfolgen, um zu klären, ob und ggf. wie deren Arbeit weiterentwickelt werden kann.

Im NRW-Gesundheitswesen spielt die Patientinnen- und Patientenorientierung eine große Rolle. Auf dem Weg in ein geschlechtergerechtes NRW-Gesundheitssystem werden bei der Frauen- und Männergesundheit zukünftig die jeweils besonderen Belange von LSBTTI berücksichtigt. Spezialfragen wie das Thema mann-männliche Prostitution greift der Runde Tisch Prostitution der Landesregierung auf.

Um die spezifischen Belange von schwulen, bisexuellen und transsexuellen Männern in der allgemeinen Männergesundheit berücksichtigen zu können, gilt es vor allem, ein nachhaltiges Gesundheitsbewusstsein bei Männern weiter zu fördern. Themen der Männergesundheit sind durch tradierte Männlichkeitsbilder auch unter Schwulen tabuisiert. Vorsorge und ärztliche Hilfe werden von ihnen seltener in Anspruch genommen. Studien zeigen, dass sich die Suizid- bzw. Suchtgefährdung bei schwulen Männern zusätzlich auf Grund der besonderen Lebenssituationen erhöht. Das Land NRW macht es sich deshalb zur Aufgabe, diesem Missstand aktiv entgegenzuwirken.

Spezifische Fragen der HIV- und AIDS-Prävention werden im Konzept "Weiterentwicklung der HIV/AIDS-Prävention in Nordrhein-Westfalen (Schwerpunkt: Neuinfektionen minimieren)" geregelt.

Ziel	1. Psychosoziales Beratungsangebot für LSBTTI in NRW
Stufe 1 Maßnahme	Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter bereitet eine Evaluation über die psychosoziale Beratungsarbeit in NRW vor, die 2012 starten soll. Auf dieser Basis soll geklärt werden, ob und ggf. wie die Beratungsarbeit für LSBTTI und deren Angehörige weiterentwickelt werden kann.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In Umsetzung.

Ziel	2. Psychotherapeutische und gesundheitliche Angebote für Lesben
Stufe 1 Maßnahme	Einrichtung des Kompetenzzentrums „Frauen und Gesundheit“ als Wissenspool und Vernetzungsstelle für die gesundheitlichen Aspekte von Frauen. Das Kompetenzzentrum „Frauen und Gesundheit“ wird sich im Rahmen seiner jeweiligen Schwerpunkte auch mit der Zielgruppe Lesben befassen.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	3. Schwule, bisexuelle Männer, Transgender und transsexuelle Männer als Teil der Männergesundheit und -versorgung
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Schwule Netzwerk NRW e.V. wird weiterhin die spezifischen Gesundheitsthemen von männlichen SBTI erarbeiten. Diese fließen als Ergänzungen in die jeweiligen Handlungsfelder der allgemeinen Männergesundheit und Vorsorge ein. 2. Die Themen werden über das Landeszentrum Gesundheit Nordrhein-Westfalen in die kommunalen Gesundheitskonferenzen und in die vorhandenen Kommunikationsstrukturen transportiert. 3. Auch über das Landeszentrum Gesundheit Nordrhein-Westfalen soll damit der Impuls gegeben werden, die Belange von Schwulen, bisexuellen Männern, Transgendern und transsexuellen Männern zu berücksichtigen.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

Ziel	4. Gesundheitliche Selbsthilfe für Schwule, bisexuelle Männer, Transgender und transsexuelle Männer
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Schwule Netzwerk NRW e.V. informiert Präventionsträger und das Ministerium für Gesundheit, Emanzipation, Pflege und Alter über die besonderen gesundheitspolitischen Anliegen von schwulen Männern. 2. Die gesundheitsbezogene Selbsthilfe von schwulen und bisexuellen Männern ist unter dem Dach des Schwulen Netzwerks NRW e.V. organisiert. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert die Geschäftsstelle, stellt zusätzlich Projektmittel zur Verfügung und unterstützt die Anliegen gegenüber den gesundheitspolitischen Präventionsträgern. 3. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter hat 2011 eine Homepage des LSVD für Transsexuelle gefördert, die sich auch auf gesundheitsbezogene Aspekte bezieht.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	5. Schutz vor Diskriminierung für LSBTTI in der ärztlichen Praxis
Stufe 1 Maßnahme	Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter wird im ersten Schritt die Ergebnisse der geförderten Studie über die Lebenslagen von Transsexuellen nach deren Fertigstellung an die Ärztekammern, die Kassenärztlichen Vereinigungen und die Psychotherapeutenkammern herantragen, um geeignete Zugänge zur Medizin und zur Psychotherapie zu erörtern und entsprechende Schritte einzuleiten.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	6. Soziale Netzwerke von LSBTTI im Alter
Stufe 1	
Maßnahme	<p>1. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert das landesweite Projekt "SeniorInnenarbeit für Lesben und Schwule. Immer dabei: Ältere Schwule und Lesben in NRW" des Sozialwerks für Lesben und Schwule e.V. (2011 bis 2014). Im Rahmen dieses Projektes sollen folgende Maßnahmen umgesetzt werden, wobei die kultursensible Erweiterung des allgemeinen Angebots für ältere Menschen grundsätzlich beachtet werden soll:</p> <ul style="list-style-type: none"> • Unterstützung vorhandener Selbsthilfe für Lesben und Schwule im Alter • Sensibilisierung der allgemeinen SeniorInnenarbeit unter Einbeziehung der vorhandenen Selbsthilfegruppen • Information der Pflege- und Alterseinrichtungen über vorhandene Unterstützungsnetzwerke. Hier werden auch die Schnittstellen zu dem landesgeförderten Projekt "Wege zu einer kultursensiblen Pflege. Anders leben. Anders altern. Sensibel pflegen" beachtet. • Konzepterstellung zur Förderung der Sichtbarkeit von Vielfalt im Alter, von älteren Lesben und Schwulen in der Gesellschaft und in der eigenen Community. • Etablierung/Ausbau der Beratung, Unterstützung und Information lokaler Initiativen zu Generationen übergreifenden und altersgerechten Wohnprojekten, die auch die Bedarfe von älteren Lesben und Schwulen im Blick haben, insbesondere hinsichtlich der bestehenden Fördermöglichkeiten, Konzeptentwicklung und Vernetzung sowie bei der effizienten Investorensuche. • Konzipierung einer Informationsveranstaltung für den 17. Mai 2013 in Kooperation mit der Stiftung Wohlfahrtspflege <p>2. Die Weiterentwicklung alternativer Wohnformen wird zudem im Rahmen der Novellierung des Landespflegegesetzes berücksichtigt. Die Zielgruppe LSBTTI im Alter sollte diese Möglichkeiten nutzen.</p>
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

Ziel	7. Abbau von Versorgungsbarrieren im Gesundheits- und Sozialwesen
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Thema "kultursensible bzw. interkulturelle Pflege" wird in den empfehlenden Ausbildungsrichtlinien der Pflege- und Gesundheitsfachberufe berücksichtigt. Es sollen Informationen zur Gestaltung des Unterrichts zur Verfügung gestellt werden. 2. Die Entwicklung und Etablierung einer kultursensiblen Altenpflege für LSBTTI in Pflege- und Alterseinrichtungen in NRW wird verstärkt. In diesem Zusammenhang fördert das Ministerium für Gesundheit, Emanzipation, Pflege und Alter das Projekt "Wege zu einer kultursensiblen Pflege in Nordrhein-Westfalen. Anders leben. Anders altern. Sensibel pflegen", das beim Sozialwerk für Lesben und Schwule in Köln angesiedelt ist. Gemeinsam mit der Pflege sollen im Kontext des Projektes für die Pflege Module für die Fort- und Weiterbildung der Pflegekräfte entwickelt werden. Aufgrund der Trägerunabhängigkeit der Fachschulen werden diese über Vorträge und Informationsmaterialien (Veröffentlichung mit Auftaktworkshop) für das Thema sensibilisiert. Diese Aufklärung und Diversityorientierte Beratung der Träger- und Leitungsebenen wird im Rahmen des Qualitätsmanagements geschehen und kontrolliert. Leitungskräfte, Mitarbeiterinnen und Mitarbeiter sowie Heimbeiräte sollen angesprochen und für das Thema sensibilisiert werden.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

B. Lebenswelten

HF 4: Diskriminierung / Gewalt / häusliche Gewalt

Seit 2006 gibt es das Allgemeine Gleichbehandlungsgesetz (AGG). Danach soll neben fünf anderen Merkmalen jegliche Benachteiligung aus Gründen der sexuellen Identität verhindert oder beseitigt werden. Ein ausdrückliches Diskriminierungsverbot wegen der sexuellen Identität in Art. 3 Grundgesetz hat bislang noch keine Mehrheit gefunden. Das Land Nordrhein-Westfalen wird sich auf Bundesebene hierfür einsetzen.

Diskriminierung, Benachteiligungen, verbale, psychische, physische und sexualisierte Gewalt gegen Menschen, die "anders" lieben und leben, finden immer noch statt. Homophobie und Transphobie sind unterschiedlichen Studien zufolge in weiten Teilen der Bevölkerung verbreitet. Jede 4. lesbische Frau hat bereits körperliche Angriffe und Bedrohungen erlebt, bei jungen schwulen und bisexuellen Schülern zwischen 18 und 25 Jahren hatte fast die Hälfte Gewalterfahrungen gemacht (Maneo-Umfrage 2006/2007). Gewalt in der Familie, in Partnerschaften und Übergriffe in der Öffentlichkeit erleben Transgender und Transsexuelle, deren geschlechtliche Identität deutlicher als eine sexuelle Orientierung ersichtlich ist. Insgesamt ist das Dunkelfeld der Gewaltbetroffenheit allerdings noch zu wenig erforscht.

NRW setzt auf konsequente Ächtung aller Formen von Gewalt auch unter dem Blickwinkel der mehrdimensionalen Diskriminierung. Für den Bereich des Arbeitslebens wurden Maßnahmen im Handlungsfeld 5 aufgegriffen.

Im Hinblick auf Prävention, gewaltspezifische Beratungs- und Unterstützungsangebote v.a. im Kontext der Fraueninfrastruktur, Opferschutz, Polizeiarbeit und Strafverfolgung ist das Land NRW gut aufgestellt. Auch existieren fünf psychosoziale Beratungsstellen für die allgemeine Beratung von LSBTTI.

Die vorhandenen allgemeinen Strukturen werden jedoch bisher kaum von gewaltbetroffenen LSBTTI genutzt oder sind für diese ganz oder teilweise nicht zugänglich. Die psychosoziale Spezialberatung ist in ihren Ressourcen für eine fachspezifische Anti-Gewalt-Beratung begrenzt. Dies spiegelt sich auch in den geringen Beratungszahlen zu diesem Thema wieder. Zielgruppenspezifische Maßnahmen der Prävention und des Opferschutzes werden durch die vom Land finanzierte Landeskoordination der Anti-Gewalt-Arbeit für Lesben und Schwule in NRW durchgeführt, der auch Landesmittel für selbstorganisierte Hilfsangebote wie Schwule Überfalltelefone und Lesbenberatung zur Verfügung stehen.

Gewalttaten gegenüber LSBTTI werden im Rahmen der polizeilichen Kriminalstatistik nicht mit der Opferspezifik LSBTTI erfasst. Insoweit lassen sich keine Aussagen über die Anzahl tatsächlich angezeigter Straftaten zum Nachteil von LSBTTI treffen. Erkenntnisse über das Ausmaß des Hellfeldes lassen ohne weiteres auch keine Einschätzungen über das Ausmaß eines möglichen Dunkelfelds nicht angezeigter Straftaten zu. Aufgrund bundesweiter Studien kann von einer hohen Dunkelziffer von ca. 90 % ausgegangen werden. Maßnahmen, um

Barrieren bei der Anzeigenerstattung abzubauen und zielgruppenspezifische Maßnahmen der Prävention umzusetzen, sollen im Rahmen einer interministeriellen Arbeitsgruppe des Ministeriums für Inneres und Kommunales und des Ministeriums für Gesundheit, Emanzipation, Pflege und Alter, zu der je nach fachlicher Zuständigkeit das Landeskriminalamt und weitere Fachressorts sowie maßgebliche Vertretungen von Nichtregierungsorganisationen hinzugezogen werden können. Künftig soll das Thema auch bei der Fortbildung von Richterinnen und Richtern, Staatsanwältinnen und Staatsanwälten aufgegriffen werden.

Anti-Gewalt-Strategien sollen besser miteinander verwoben und optimiert werden. Die oben genannte interministerielle Arbeitsgruppe wird sich u.a. mit der möglichen Einrichtung eines Überfalltelefons befassen und prüfen, ob und wie Daten von vorurteilsmotivierter Gewalt erfasst werden können. Auch im Kontext der Erarbeitung des Landesaktionsplans Gewalt gegen Frauen und Mädchen wird die Kompetenz der Nichtregierungsorganisationen über die Landeskoordinationsstelle der Anti-Gewalt-Arbeit für Lesben und Schwule in NRW einbezogen und das Thema Gewalt gegen Lesben und transsexuelle Frauen und Mädchen aufgegriffen.

Weitere Erkenntnisse über die Gewaltbetroffenheit haben die interdisziplinäre Fachtagung über die Lebenslagen von LSBTTI im Mai 2012 sowie die qualitative Untersuchung zur Lebenssituation von Transsexuellen gebracht. Auf dieser und auf Basis der geplanten Evaluation der bundesweit einzigartigen psychosozialen Beratungsstellen soll eine künftige Weiterentwicklung der Beratungssäulen einschließlich der Fachstelle Anti-Gewalt-Arbeit erfolgen.

Ziel	1. Schutz vor Diskriminierung bei vorurteilsmotivierter und häuslicher Gewalt
Stufe 1 Maßnahme	<p>1. Eine interministerielle Arbeitsgruppe des Ministeriums für Inneres und Kommunales und dem Ministerium für Gesundheit, Emanzipation, Pflege und Alter, bei der Vertretungen der Nichtregierungsorganisationen, das Landeskriminalamt und themenbezogen auch das Justizministerium mit einbezogen werden können, soll folgende Prüfaufträge bearbeiten:</p> <ul style="list-style-type: none"> • Die Möglichkeiten der Datenerhebung von vorurteilsgeleiteter Gewalt (Statistik, Dunkelfeldstudie). Das Ministerium für Inneres und Kommunales stellt dar, unter welchen Voraussetzungen und mit welchem finanziellen Aufwand eine Dunkelfeldstudie durchgeführt werden kann. • Die Einrichtung eines landesweiten LSBTTI-Überfalltelefons. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter unterstützt bereits das bundesweite Hilfetelefon "Gewalt gegen Frauen". • Die Analyse und der bedarfsgerechte Ausbau von qualifizierten Angeboten der Betreuung und Beratung von LSBTTI-Opfern von Gewalt (Opferschutz-Merkblatt Z9, Schutzhäuser Z13, Jugendzentren für LSBTTI). • Abbau von Barrieren zwischen Szene und Polizei sowie innerhalb der Szene. <p>2. Die Themen und der zielgruppenspezifische Bedarf von LSBTTI, die von Diskriminierung, Gewalt und häuslicher Gewalt betroffen sind, werden durch die fachlich zuständigen Ministerien auf Landesebene in entsprechende Fachgremien wie z.B. dem Runden Tisch Gewalt gegen Frauen und der AG Opferschutz implementiert und in bestehenden vertieft. Als die kompetente Fachstelle in NRW trägt die Landeskoordination der Anti-Gewalt-Arbeit für Lesben und Schwule in NRW ihren Ressourcen entsprechend zu Synergieeffekten bei und sorgt für den Transfer von aktuellen fachlichen Informationen, ausgewerteten Studien und Forschungen.</p>
Zuständigkeit	<p>Zu 1: Ministerium für Gesundheit, Emanzipation, Pflege und Alter Ministerium für Inneres und Kommunales</p> <p>Zu 2: Ministerium für Gesundheit, Emanzipation, Pflege und Alter Landeskoordination der Anti Gewalt Arbeit</p>
Stand	In der Umsetzung.

Ziel	2. Sensibilisierung der Strafverfolgungsbehörden für LSBTTI-Themen
Stufe 1 Maßnahme	Die Justiz wird sensibilisiert. Die Folgen von Gewalt bei der Opfer-Gruppe mit LSBTTI-Hintergrund werden bei der Fortbildung von Richterinnen und Richtern und Staatsanwältinnen und Staatsanwälten berücksichtigt. Auf die Gruppe der Transsexuellen wird besonders hingewiesen. Das Justizministerium prüft, in wieweit das Thema in die Fortbildungsveranstaltungen der Justizakademie Recklinghausen aufgenommen werden kann.
Zuständigkeit	Justizministerium
Stand	In der Umsetzung.

Ziel	3. Opferschutz bei der Polizei bei vorurteilsgeleiteter Gewalt
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Alle 47 Kreispolizeibehörden in Nordrhein-Westfalen verfügen über speziell geschulte Polizeibeamtinnen und Polizeibeamten, die für die Aufgaben Opferschutz und Vermittlung von Opferhilfe zuständig sind. Sie sind Ansprechpersonen für alle Fragen zum Thema „Opferschutz und Opferhilfe“ und initiieren sowie unterstützen die örtliche Netzwerkarbeit. Ihre Aufgaben sind im Handbuch Opferschutz implementiert, das seit Oktober 2001 fortgeschrieben wird. Angestrebt wird, dass die für Opferschutz und die Vermittlung von Opferhilfe zuständigen Polizeibeamtinnen und Polizeibeamten über die Opfersituation von Menschen mit LSBTTI-Hintergrund noch vertiefter informiert sind. Dies erfolgt durch Erörterung im Rahmen von Dienstbesprechungen des Landeskriminalamts mit den Opferschutzbeauftragten der Kreispolizeibehörden sowie durch einen fortgesetzten Kontakt zu und den Austausch mit maßgeblichen Nichtregierungsorganisationen. Geeignete Maßnahmen hierzu sollen unter Beteiligung von Nichtregierungsorganisationen besprochen werden. 2. Durch die Einbeziehung von Polizeibeamtinnen und Polizeibeamten der Opferschutzdienststellen bei der Bearbeitung von Gewaltdelikten zum Nachteil von Menschen mit LSBTTI-Hintergrund ist sichergestellt, dass eine mit der Opfereigenschaft in Zusammenhang stehende Motivation Tatverdächtiger bei den Ermittlungen Berücksichtigung findet. 3. In der Aus- und Fortbildung von Polizeibeamtinnen und -beamten werden besondere Zielgruppen bereits berücksichtigt. Hier werden auch LSBTTI –Themen verstärkt thematisiert, um die Sensibilisierung der Polizeibeamtinnen und -beamten zu fördern. 4. Im Berufsportal der Onlinebewerbung erklärt die Polizei NRW den Schutz vor Diskriminierung und die Anerkennung individueller Differenz für sich zur verbindlichen Handlungsleitlinie. Der Polizeiberuf wird durch diese Werbung unabhängig von der sexuellen Identität attraktiv gemacht.
Zuständigkeit	Ministerium für Inneres und Kommunales
Stand	1. und 2. In der Umsetzung. 3. und 4. Besteht bereits oder ist in der Umsetzung.

Ziel	4. Opferschutz bei Gericht
Stufe 1	Bei vielen Gerichten besteht bereits eine Zeugenbetreuung in unterschiedlicher Ausgestaltung, für die sich eine Erweiterung bzw. Integration von LSBTTI-Themen anbietet.
Maßnahme	
Zuständigkeit	Justizministerium
Stand	In der Prüfung.

Ziel	5. Maßnahmen gegen Volksverhetzung
Stufe 1	1. Das Ministerium für Inneres und Kommunales unterstützt die Kampagne des Lesben- und Schwulenverbandes in Deutschland e.V und weitere politische Maßnahmen.
Maßnahme	2. Das Ministerium für Inneres und Kommunales prüft zudem, mit welchen polizeilichen Präventivmaßnahmen weitere Kampagnen gegen Volksverhetzung wie z.B. die oben genannte Kampagne gegen Hassmusik mit LSBTTI-Inhalten begleitet werden können.
Zuständigkeit	Ministerium für Inneres und Kommunales
Stand	In der Umsetzung.

Ziel	6. Rehabilitierung der aufgrund des § 175 StGB zwischen 1949 und 1994 Verurteilten
Stufe 1	Das Land NRW setzt sich auf Bundesebene für die Aufhebung der Unrechtsurteile, die zwischen 1949 und 1994 auf der Basis des § 175 StGB in Deutschland gefällt worden sind, ein und wirkt auf eine gründliche Aufarbeitung sowie eine angemessene Wiedergutmachung hin, deren Finanzierung dem Bund obliegt.
Maßnahme	
Zuständigkeit	Justizministerium, Finanzministerium, Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

HF 5: Wirtschaft / Tourismus / Arbeitswelt / Land als Arbeitgeber

Einige Großstädte in Deutschland setzen auf Toleranz und Vielfalt jeder Lebens- und Gesellschaftsform, bieten somit ihren Einwohnerinnen und Einwohnern mehr Lebensqualität und sind Magnet für Anderslebende, kreative Köpfe und Querdenker. Der sogenannte "gay-index" ist laut US-Wirtschaftswissenschaftler Richard Florida ein wichtiger Wirtschaftsfaktor. Weltoffene Städte wie Köln stehen für diese These. Allein die Gay Games 2010 oder der Europride 2002 spülten kräftig Geld in die Stadt. Das gilt auch für die prachtvollen Christopher Street Day-Paraden (CSD), die jährlich in Köln sowie in anderen Städten stattfinden.

Das Konzept der Vielfalt hat auch in einigen Großunternehmen längst Fuß gefasst. Sie haben erkannt, dass ein Diversity-Management gewinnbringend sowohl für den Betrieb als auch für die Beschäftigten ist.

Eine Kultur der Vielfalt und Wertschätzung hat sich aber längst noch nicht etabliert.

Eine Studie ergibt, dass 80 Prozent der Lesben und Schwulen sich im Arbeitsleben diskriminiert fühlen und 52 % ihre sexuelle Identität verbergen (Dominic Frohn, Out im Office?!, 2006). Bei Transsexuellen ist der Arbeitssektor einer der größten problematischen Bereiche. Sie sind mit Ungleichbehandlungen und Stigmatisierungen konfrontiert und sind auf dem Arbeitsmarkt schwer zu vermitteln. Folgen sind häufig Erwerbslosigkeit oder das Wagnis der Selbstständigkeit.

Ein Instrument der Selbstverpflichtung zur Anerkennung von Wertschätzung und Vielfalt für Unternehmen und Behörden ist der Beitritt zur Charta der Vielfalt. Die Landesregierung wird der Charta beitreten und in diesem Kontext prüfen, wie die Thematik der sexuellen Identität optimal integriert werden kann.

Schon jetzt sollen Führungskräfte und Beschäftigte in der Landesverwaltung bei Aus- und Fortbildungen sensibilisiert und qualifiziert werden. Initiativ wird das Land auch bei der Unterstützung, Wertschätzung und Sichtbarmachung im betrieblichen Kontext. Hier spielen Betriebs- und Personalräte eine wichtige Rolle. Deshalb wird geprüft, wie Interessensvertretungen entsprechend fortgebildet werden können. Zusammen mit den Nichtregierungsorganisationen steht auch ein Dialog mit den Kirchen in ihrer Funktion als Arbeitgeber auf der Agenda.

Ziel	1. Charta der Vielfalt
Stufe 1	Bei einem Beitritt des Landes NRW zur Charta der Vielfalt werden die LSBTTI-Themen berücksichtigt.
Maßnahme	
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Planung.

Ziel	2. Sensibilisierung und Qualifizierung von Interessenvertretungen
Stufe 1	Das Ministerium für Arbeit, Integration und Soziales prüft, ob und in welchem inhaltlichen Rahmen das Thema „Homophobie in der Arbeitswelt“ im Rahmen der Aktivitäten der Technologieberatungsstelle beim DGB NRW e.V. (TBS NRW) und der Fortbildung der Potentialberaterinnen und Potentialberater integriert werden kann.
Maßnahme	In einem ersten Schritt ist geplant, das Thema in die regelmäßig stattfindenden Fort- und Weiterbildungen der TBS NRW für Personal- und Betriebsräte zu integrieren.
Zuständigkeit	Ministerium für Arbeit, Integration und Soziales
Stand	In der Prüfung.

Ziel	3. Dialog mit den Kirchen
Stufe 1	Es erfolgt im ersten Schritt der Dialog mit den Kirchen unter Einbeziehung der Nichtregierungsorganisationen, um diese für das Thema LSBTTI zu sensibilisieren.
Maßnahme	
Zuständigkeit	Staatskanzlei
Stand	In der Planung.

Ziel	4. Fortbildung im Landesdienst
Stufe 1	1. Das Ministerium für Inneres und Kommunales greift die Thematik in der bestehenden, verpflichtenden Einführungsfortbildung für Führungskräfte im Rahmen der Vermittlung von Gender- und Diversity-Kompetenz auf.
Maßnahme	2. Die Thematik wird in das Veranstaltungsprogramm der Fortbildungsakademie in Herne integriert.
	3. Darüber hinaus werden die Fachressorts prüfen, inwieweit sie die Thematik in ihr eigenes Fortbildungskonzept integrieren können.
Zuständigkeit	Ministerium für Inneres und Kommunales; alle Ressorts
Stand	In der Prüfung

Ziel	5. LSBTTI-Anliegen in wirtschafts- und arbeitsmarktbezogenen Förderprogrammen
Stufe 1 Maßnahme	<p>Projektanträge mit LSBTTI-Bezug, die dem Ziel „Verbesserung der Wettbewerbsfähigkeit und Anpassungsfähigkeit der nordrhein-westfälischen Wirtschaft und Schaffung von Beschäftigung“ dienen, werden bei Projektprüfungen einbezogen und unter dem Nichtdiskriminierungsaspekt bezogen auf LSBTTI geprüft.</p> <p>Grundsätzlich gilt zur Verfolgung des Querschnittziels "Gleichstellung von Frauen und Männern und Nichtdiskriminierung" eine "Vorfahrtsregelung" für Vorhaben mit diesbezüglich starkem Bezug, d.h., bei gleichwertigen Projekten werden diejenigen Vorhaben primär realisiert, die die Schaffung gleicher Chancen zwischen den Geschlechtern am besten mit realisieren.</p>
Zuständigkeit	Ministerium für Wirtschaft, Energie, Industrie, Mittelstand und Handwerk
Stand	Prüfung bei entsprechender Antragstellung.

HF 6: Kultur

Der kulturelle Sektor ist gut geeignet, Vorurteile in der Gesellschaft abzubauen und die Akzeptanz von LSBTTI zu fördern. Vom Ministerium für Familie, Kinder, Jugend, Kultur und Sport des Landes Nordrhein-Westfalen werden kulturelle Projekte gefördert, auch wenn Kunst von LSBTTI kein eigenes Auswahlkriterium für eine Förderung darstellt.

Christopher Street Days (CSD) und andere kulturelle Veranstaltungen werden durch Grußworte und auch über das Schwule Netzwerk NRW e.V. und die LAG Lesben NRW e.V. vom Ministerium für Gesundheit, Emanzipation, Pflege und Alter finanziell unterstützt. Hauptträger der Kultureinrichtungen sind in Nordrhein-Westfalen Kommunen und Freie Träger. Dies gilt auch für die Städtepartnerschaften. Daher ist für die Berücksichtigung von LSBTTI-Anliegen in diesen Zusammenhängen Engagement auf kommunaler Ebene gefragt, das durch die Initiative der Selbsthilfe angestoßen werden sollte.

Ziel	1. LSBTTI als sichtbarer Teil der gesellschaftlichen Kultur
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Projekte mit LSBTTI-Bezug werden im Rahmen der bestehenden Richtlinien der Kulturförderung berücksichtigt. 2. Über die Förderung von einzelnen Kulturprojekten wird im Rahmen von geltenden kunst- und kulturfachlichen Richtlinien und Qualitätskriterien entschieden. 3. Einzelanträge (z.B. im Rahmen von Städtepartnerschaften, Christopher Street Days, LSBTTI Theater/Projekte wie HisStory etc.) können über die LSBTTI-Selbsthilfe, die LAG Lesben in NRW e.V. und das Schwule Netzwerk NRW e.V. an das Ministerium für Gesundheit, Emanzipation, Pflege und Alter gerichtet werden. 4. Soziokulturelle Zentren und das Frauenkulturbüro e.V. werden auch weiterhin aus Kulturmitteln des Landes unterstützt als Botschafter für Toleranz und Vielfalt.
Zuständigkeit	1.; 2. und 4. Ministerium für Familie, Kinder, Jugend, Kultur und Sport 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	2. Überlieferungsbildung und -sicherung
Stufe 1	
Maßnahme	Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport prüft die Möglichkeiten der technischen Unterstützung und Beratung bei der Auswahl geeigneter Verfahren und Standards für die Digitalisierung durch das geplante Digitale Archiv NRW.
Zuständigkeit	Ministerium für Familie, Kinder, Jugend, Kultur und Sport
Stand	In der Planung.

HF 7: Sport

In vielen Bereichen des Sports ist Homo- und Transsexualität noch immer ein Tabu. Nach wie vor ist ein offener und akzeptierender Umgang mit Homo- und Transsexualität nicht selbstverständlich. Zum Aktionsplan gehören daher Maßnahmen, die informieren, eine Atmosphäre der Toleranz schaffen und keinen Platz für Homo- und Transphobie lassen. Bei den Maßnahmen sollten Trainerinnen und Trainer, Übungsleiterinnen und Übungsleiter und natürlich die Sportlerinnen und Sportler selbst einbezogen werden. Um für gesellschaftliche Akzeptanz zu werben, werden dabei unterschiedliche Formen von Öffentlichkeitsarbeit vorgeschlagen. Die Landesregierung hat das Thema bereits im "Pakt für den Sport" mit dem Landessportbund berücksichtigt.

Viele Initiativen kommen schon aus den Nichtregierungsorganisationen. So hat die LAG Lesben in NRW - gefördert durch das Ministerium für Gesundheit, Emanzipation, Pflege und Alter - die Frauenfußball-WM zum Anlass genommen, den Augspurg-Heymann-Preis 2011 an die lesbische ehemalige Bundesliga-Fußballspielerin Tanja Walther Ahrens zu vergeben und gemeinsam mit dem Lesben- und Schwulenverband in Deutschland e.V. (LSVD) die Kampagne "Fußball ist alles - auch lesbisch" gestartet.

Ziel	1. Sensibilisierung von Fachkräften im Sport
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Schule und Weiterbildung bezieht die Nichtregierungsorganisationen bei der Vorbereitung und Durchführung der Jahrestagung der Beraterinnen und Berater im Sport mit ein. Weiterhin werden Instrumente zur Aufklärung (ähnlich „SchLAue Kiste“ für Jugendliche in der Schule) entwickelt, u.a. werden der Aktionsplan vorgestellt, eine Bezugsanalyse durchgeführt und die Umsetzungsmöglichkeiten geklärt. 2. Das Thema Homophobie im Sport ist Bestandteil des „Pakts für den Sport“ zwischen der Landesregierung und dem Landessportbund NRW.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Schule und Weiterbildung 2. Ministerium für Familie, Kinder, Jugend, Kultur und Sport
Stand	<p>zu 1. In der Prüfung</p> <p>zu 2. In der Umsetzung.</p>

C. Gruppen

HF 8: Migration

Dem Umgang mit sexueller und geschlechtlicher Vielfalt kommt auch im Bereich der Integration eine wichtige Bedeutung zu. Nordrhein-Westfalen verfügt bereits über eine breite Angebotsstruktur für Menschen mit Migrationsgeschichte. Dabei sollen Integrationsbemühungen auch auf Menschen unterschiedlicher sexueller Identitäten zielen. Dies bildet sich bereits jetzt in einem der Kernprojekte der Landesregierung, dem neuen Teilhabe- und Integrationsgesetz, ab.

In Nordrhein-Westfalen hat rund ein Viertel der Bevölkerung eine Migrationsgeschichte. Schätzungen gehen davon aus, dass 5 % bis 7 % auch dieser Menschen lesbisch oder schwul sind. Zahlen zu Transgender, Transsexuellen, Intersexuellen und Bisexuellen liegen nicht vor. LSBTTI-Menschen mit Migrationsgeschichte erleben häufig Mehrfachdiskriminierungen und werden doppelt ausgegrenzt: Von der Mehrheitsgesellschaft als Migrantinnen und Migranten, und teilweise von ihren Familien und den Migrantengemeinschaften aufgrund ihrer sexuellen Identität.

Das hat gravierende psychosoziale und gesundheitliche Folgen. Die "Geouteten" werden mitunter Opfer physischer und psychischer Gewalt. Das kann sich beispielsweise in einem Rückzug in sich selbst oder in einem Ausschluss aus der Familie und dem sozialen Umfeld äußern. Sogar "Zwangsverheiratungen" können nicht ausgeschlossen werden.

Daher sollen Brücken zur vorhandenen Infrastruktur geschlagen bzw. ausgebaut werden: zu den Wohlfahrtsverbänden, den Migrantenselbstorganisationen über die Migranten-Fachberatungsstellen, dem Landesintegrationsrat, dem „Elternnetzwerk NRW. Integration miteinander“ und dem Netzwerk der Lehrkräfte mit Zuwanderungsgeschichte zu den 132 Integrationsagenturen und den spezialisierten Antidiskriminierungsbüros in NRW. Auch die Regionalen Arbeitsstellen zur Förderung von Kindern und Jugendlichen aus Zuwandererfamilien (RAA), die auf dem Feld bereits engagiert sind, sowie die künftigen Kommunalen Integrationszentren werden in den Sensibilisierungskurs einbezogen.

Ein weiteres Aktionsfeld ist die Anhörung von Asylbewerberinnen und -bewerbern, für die das Bundesamt für Migration und Flüchtlinge (BAMF) zuständig ist. Hier hat das Land die Möglichkeit, Verantwortliche über die Aktivitäten aus Nordrhein-Westfalen zu informieren und auch in Zukunft zu sensibilisieren.

Ziel	1. Unterstützung von LSBTTI mit Migrationsgeschichte auf Bundesebene
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Arbeit, Integration und Soziales wird die Thematik in die nach § 21 Integrationskursverordnung beim Bundesamt für Migration und Flüchtlinge eingerichtete Bewertungskommission einbringen, deren Aufgabe u.a. die Fortentwicklung des Integrationskurskonzeptes ist. 2. Die Landesregierung wird im Rahmen ihrer Möglichkeiten auf eine Sensibilisierung der Mitarbeiterinnen und Mitarbeiter des Bundesamtes für Migration und Flüchtlinge (BAMF) für die Anliegen von Asylbewerberinnen und Asylbewerber mit LSBTTI Hintergrund hinwirken, indem zunächst der Aktionsplan den verantwortlichen Stellen übermittelt wird.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Arbeit, Integration und Soziales 2. Ministerium für Inneres und Kommunales
Stand	In der Umsetzung.

Ziel	2. LSBTTI mit Migrationsgeschichte in Schule, Bildung und Hochschule
Stufe 1 Maßnahme	Der frühe Erwerb entsprechender interkultureller Kompetenzen in Ausbildung und Studium wird durch Aufnahme des Themenfelds „interkulturelle Kompetenz“ in die geplanten Diversity-Workshops für die Hochschulen sichergestellt.
Zuständigkeit	1. Ministerium für Innovation, Wissenschaft und Forschung
Stand	In der Umsetzung.

Ziel	3. Sensibilisierung und Qualifizierung in der Trägerstruktur
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Der Deutsche Paritätische Wohlfahrtsverband (DPWV) und die Migranten-Fachberatungsstellen tragen unter Mitwirkung der Nichtregierungsorganisationen die LSBTTI-Thematik an die Migrantenselbstorganisationen (MSO) heran. Träger und Vorstände werden über Treffen, Tagungen und interkulturelle Wochen in der LSBTTI-Thematik sensibilisiert. 2. Im Rahmen der vorhandenen Möglichkeiten wird das Thema weiterhin an die Regionalen Arbeitsstellen zur Förderung von Kindern und Jugendlichen aus Zuwandererfamilien (RAA) und die Eltern- und Lehrernetzwerke herangetragen, sowie an die 132 Integrationsagenturen und an die fünf spezialisierten Antidiskriminierungsbüros. 3. Auf einer der zukünftigen Hauptausschusssitzungen des Landesintegrationsrates wird über das Thema LSBTTI informiert. Die inhaltliche Sensibilisierung erfolgt durch eine Vertretung des Ministeriums für Gesundheit, Emanzipation, Pflege und Alter, die Koordinierung übernimmt das Ministerium für Arbeit, Integration und Soziales.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Arbeit, Integration und Soziales; Nichtregierungsorganisationen 2. Ministerium für Arbeit, Integration und Soziales 3. Ministerium für Arbeit, Integration und Soziales; Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	4. Stärkung der Selbsthilfe von LSBTTI mit Migrationsgeschichte
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Arbeit, Integration und Soziales fördert modellhaft das Projekt "Psychosoziale Beratung, offener Treff und Selbstorganisation für Menschen mit Zuwanderungsgeschichte und LSBT-Hintergrund" des Sozialwerks für Lesben und Schwule e. V. in Köln als landesweite Kontaktstelle. 2. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert die Landesgeschäftsstellen der LAG Lesben in NRW e.V. und des Schwulen Netzwerks NRW e.V. als Dachverbände der schwulen und lesbischen Selbsthilfeinitiativen. Für die Verbände sind jeweils 20.000 Euro für die Förderung von Einzelprojekten eingeplant.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Arbeit, Integration und Soziales 2. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

HF 9: Behinderung

In NRW leben derzeit 2,6 Mio. Menschen mit Behinderung, was einen Anteil von 130.000 bis 182.000 (5 -7 %) lesbischer und schwuler Behinderter ergibt. Auch hier sind zahlenmäßig Bisexuelle, Transgender, Transsexuelle und Intersexuelle nicht berücksichtigt. Sie sind mehrdimensional von Diskriminierung betroffen. Weil Homosexualität oft nur in Verbindung mit Jugend und Lifestyle gesehen wird, fallen LSBTTI mit Behinderungen leider schnell aus einem verengten Blickwinkel heraus. In vielen Fällen fällt es dem Umfeld schwer, Menschen mit Behinderung eine eigenständige Sexualität zuzugestehen und sie nicht auf den Aspekt der Behinderung oder den der sexuellen Orientierung zu reduzieren. Schwule und Lesben mit Behinderung haben zum Teil die gleichen Probleme wie diejenigen ohne Behinderung, zum Teil entstehen aber durch die Behinderung auch neue, wie z.B. bei fehlender Barrierefreiheit innerhalb der schwul-lesbischen Szene. Vom Ministerium für Arbeit, Integration und Soziales wird die LSBTTI-Selbsthilfe in die Vorbereitungen zur Umsetzung der UN-Behindertenrechtskonvention einbezogen. Aufbauend auf einer Evaluation plant das Ministerium für Gesundheit, Emanzipation, Pflege und Alter durch Schulungen und Fortbildungen in den psychosozialen Beratungsstellen eine Sensibilisierung für LSBTTI-Behinderte zu erreichen.

Ziel	1. Sensibilisierung von Einrichtungen der Behindertenhilfe und Werkstätten für Behinderte
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Durch Einbeziehung der LSBTTI-Selbsthilfe (z.B. im Rahmen von Dialogveranstaltungen) in die Vorbereitung zur Umsetzung der UN-Behindertenrechtskonvention wird die sexuelle Selbstbestimmung von Behinderten in Einrichtungen der Behindertenhilfe und in Werkstätten für Behinderte gefördert. 2. Mit den Trägern von Einrichtungen und Diensten der Behindertenhilfe wird die Etablierung von Ansprechpersonen für die Belange von Menschen mit LSBTTI-Hintergrund erörtert. Diese können auch aus dem Kreise der Bewohnerinnen und Bewohner kommen.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Arbeit, Integration und Soziales; Anstoß durch Nichtregierungsorganisationen 2. Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Ministerium für Arbeit, Integration und Soziales
Stand	In der Umsetzung.

Ziel	2. Sensibilisierung von Beratungsstellen
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Arbeit, Integration und Soziales hat die Zielstellung „gemeinsame Veranstaltungen“ in den Aktionsplan zur UN-Behindertenrechtskonvention aufgenommen. 2. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert die Landesgeschäftsstellen der LAG Lesben in NRW e.V. und des Schwulen Netzwerks NRW e.V. als Dachverbände der schwulen und lesbischen Selbsthilfeinitiativen. Im Rahmen dieser Projektförderung können auch gemeinsame Veranstaltungen der LSBTTI Nichtregierungsorganisationen und der Behindertenhilfe gefördert werden. Das Ministerium für Arbeit, Integration und Soziales prüft mögliche Zuwendungen unter behindertenpolitischen Aspekten (z.B. den Einsatz von Gebärdensprachdolmetscherinnen oder -dolmetschern, etc). 3. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter plant eine Evaluation über die psychosoziale Beratungsarbeit in NRW, die 2012 starten soll. Auf dieser Basis wird geprüft, ob und wenn ja wie, die Beratungsarbeit für Lesben, Schwule und deren Angehörige auch bezogen auf haupt- und ehrenamtliche Strukturen zielgruppenorientiert weiterentwickelt werden soll.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Arbeit, Integration und Soziales 2. Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Ministerium für Arbeit, Integration und Soziales; 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

Ziel	3. LSBTTI mit Behinderung in den Programmen und Förderkonzepten der Landesregierung
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Im Rahmen des vom Ministerium für Gesundheit, Emanzipation, Pflege und Alter geförderten Fachtages am 10. Mai 2012 mit dem Netzwerk Frauen- und Geschlechterforschung wurden der Forschungsstand und die Forschungslücken zu Lebenslagen von LSBTTI vorgestellt, wobei mehrdimensionale Aspekte wie Behinderung berücksichtigt wurden. Die Ergebnisse werden in einer Veröffentlichung des Netzwerks für Frauen- und Geschlechterforschung dokumentiert und der (Fach-) Öffentlichkeit zugänglich gemacht. 2. Das Ministerium für Arbeit, Integration und Soziales hat die Vielfalt sexueller Identitäten im Aktionsplan zur UN-Konvention über die Rechte von Menschen mit Behinderungen (UN-BRK) ebenfalls berücksichtigt. 3. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter weist im Rahmen der beantragten Förderung von Veranstaltungen, Beratungsstellen und Tagungen der LSBTTI-Community auf den Aspekt der Barrierefreiheit hin.
Zuständigkeit	<ol style="list-style-type: none"> 1. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 2. Ministerium für Arbeit, Integration und Soziales 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

HF 10: Transgender / Transsexualität

In unserer Gesellschaft ist das Zwei-Geschlechter-Modell das Maß aller Dinge. Wer von der normierten Vorstellung vom Menschen abweicht, löst oft Befremden aus. Ängste vor dem Anderssein führen oft zu Ablehnungen und Intoleranz. Es gibt vielfältige Erscheinungs- und Ausdrucksformen geschlechtlicher Identität. Dazu gehören auch Transgender und Transsexuelle. Aktuelle Daten über die Gesamtzahl dieser Personen liegen nicht vor.

Transgender fühlen sich mit dem binären Geschlechtsmodell meist unzureichend beschrieben und werfen oft die Frage nach einem dritten Geschlecht auf. Für die meisten Transsexuellen hingegen ist die Einteilung der Menschen in "männlich" und "weiblich" selbstverständlich. Sie empfinden sich nicht dem Geschlecht, das ihnen bei der Geburt aufgrund ihrer Körperlichkeit zugewiesen wurde, zugehörig, und wollen dies sichtbar leben. Viele wollen sich auch körperlich ihrer Geschlechtsidentität annähern und nehmen dafür Hormontherapien und aufwändige medizinisch-operative Angleichungen in Kauf.

Nicht alle lassen jedoch eine teilweise oder vollständige Geschlechtsangleichung vornehmen, sondern ändern lediglich ihren Vornamen und wünschen eine Änderung ihres Personenstandes. Das Bundesverfassungsgericht hat im Januar 2011 die wegweisende Entscheidung getroffen, dass ein OP-Zwang zum Erlangen einer Personenstandsänderung nicht mit dem Grundgesetz vereinbar sei. Entscheidend sei die empfundene geschlechtliche Identität. Hier steht noch eine Reform des Transsexuellengesetzes durch die Bundesregierung aus.

Die Weltgesundheitsorganisation (WHO) stuft Transsexualität immer noch als psychische Krankheit, "Geschlechtsidentitätsstörung", ein, - eine "Pathologisierung", gegen die sich Transsexuellenverbände wehren. Ohnehin sind Transgender und Transsexuelle in unterschiedlichem Ausmaß von Diskriminierungen im Alltag betroffen. Transsexuelle sind überdurchschnittlich oft arbeitslos und beruflich desintegriert.

Dies belegt auch die von der Landesregierung geförderte "Studie zur Lebenssituation von Transsexuellen in Nordrhein-Westfalen", die der Lesben- und Schwulenverband, Landesverband Nordrhein-Westfalen e.V., 2012 herausgegeben hat. Es handelt sich um die erste empirische Studie, die umfassenden Einblick in die Lebenssituation von Transsexuellen gibt. Die massive Konfrontation mit dem Unverständnis der Gesellschaft und Diskriminierungserfahrungen in unterschiedlichen Lebensbereichen lösten bei 78 % der befragten Transmänner und 22 % der Transfrauen Selbstmordgedanken aus. 30 % der Transmänner und 29 % der Transfrauen hatten einen Selbstmordversuch hinter sich. Die Studie untermauert daher die aus dem Prozess des Aktionsplans entwickelte Forderung, dass die Selbstbestimmung, Akzeptanz und Wertschätzung von transsexuellen Menschen in NRW gestärkt werden müssen.

Im gesundheitlichen Bereich sind bereits erste Akzente gesetzt worden: Maßgebliche Verbände wurden gebeten, das Thema in den Behandlungsleitlinien zu berücksichtigen. Außerdem würde das Land es begrüßen, wenn sich eine geeignete medizinische Einrichtung in Nordrhein-Westfalen mit angegliedertem Wissenspool zu einer Anlaufstelle für Transsexuelle entwickeln will. Erste Gespräche wurden geführt.

Ziel	1. Rechtliche Gleichstellung von Transsexuellen
Stufe 1	Das Land NRW setzt sich auf Bundesebene für eine Reform des Transsexuellengesetzes ein.
Maßnahme	
Zuständigkeit	Ministerium für Inneres und Kommunales, Justizministerium, Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Prüfung

Ziel	2. Einordnung von Transsexualität im Diagnoseschlüssel ICD-Liste
Stufe 1	Die Landesregierung hat Gespräche zwischen den Vertretungen von Transsexuellen in NRW und dem Deutschen Institut für Medizinische Dokumentation und Information (DIMDI) angebahnt. Nur das DIMDI als zuständige Behörde kann Verfahrensvorschläge machen, wie sich Betroffenenorganisationen in eine Novellierung des Diagnoseschlüssels bei der Weltgesundheitsorganisation (WHO) einbringen können.
Maßnahme	
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Nichtregierungsorganisationen
Stand	In der Umsetzung durch Nichtregierungsorganisationen.

Ziel	3. Zugang zu medizinischen und sozial-medizinischen Leistungen
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Im Hinblick auf die laufenden Überarbeitungen und Anpassungen des vorhandenen Maßnahmenkatalogs (MDS-2009) wirkt das Ministerium für Gesundheit, Emanzipation, Pflege und Alter darauf hin, dass die medizinischen Fachgesellschaften die Expertise der Nichtregierungsorganisationen mit einbeziehen. Somit ist gewährleistet, dass sowohl neue Erkenntnisse und Methoden als auch die Interessen der Betroffenen beachtet und einbezogen werden. 2. Im Hinblick auf die unbefriedigende Kostenerstattung bei Epilationsbehandlungen für Transsexuelle wird das MGEPA die Kassenärztliche Bundesvereinigung und den Spitzenverband Bund der Krankenkassen (Beteiligte des Bewertungsausschusses) anschreiben. Dabei sollen folgende Punkte aufgegriffen werden: <ul style="list-style-type: none"> ▪ eine klarstellende Ergänzung/Änderung der einschlägigen Abrechnungsziffern bezüglich der Körperregionen, ▪ eine Prüfung der angeführten "nicht angemessenen" Bewertung der einschlägigen Abrechnungsziffern, ▪ eine Thematisierung, dass in den Praxen immer weniger die Leistungen der Elektrokoagulation angeboten und vielfach die Methode der Laserbehandlung ersetzt würden. 3. Wenn sich eine geeignete medizinische Einrichtung in NRW mit angegliedertem Wissenspool zu einer Anlaufstelle für Transsexuelle entwickeln will, begrüßt die Landesregierung dies. Transsexualismus ist als seltene Erkrankung anerkannt, Krankenhäuser können für die ambulante spezialfachärztliche Versorgung von Transsexualismus gemäß § 116b SGB V Leistungen erbringen. Davon unabhängig ist die Angliederung und Einrichtung eines Wissenspools. Es wäre wünschenswert, wenn beide Bereiche unter einem Dach zusammengeführt werden können.

Zuständigkeit	1. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 2. Ministerium für Gesundheit, Emanzipation, Pflege und Alter; 3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Ministerium für Innovation, Wissenschaft und Forschung
Stand	1. In der Umsetzung. 2. In der Planung, 3. In der Umsetzung,.

Ziel	4. Beratung für Transsexuelle
Stufe 1	
Maßnahme	<ol style="list-style-type: none"> 1. Die Landesregierung hat eine Studie über die Lebenssituation von Transsexuellen in NRW gefördert. Die Studie hat zu einer ersten Bestandsaufnahme in Nordrhein-Westfalen beigetragen, Einblicke in die Lebenslagen von Transsexuellen aller Altersstufen gegeben und auch deren Beratungsbedarfe im psychosozialen und rechtlichen Bereich aufgezeigt. Auf Basis der Ergebnisse werden weitere Schritte geprüft. 2. Die Landesregierung klärt mit den Krankenkassen, wie auf Grundlage von Anträgen innovative Projekte von Transsexuellen-Initiativen im Bereich der gesundheitlichen Selbsthilfe gemäß § 20 SGB V gefördert werden können.
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung.

HF 11: Intersexualität

Fachleuten zufolge kommen in Deutschland jedes Jahr rund 150 bis 340 Kinder auf die Welt, die schon als Babys nicht in das Geschlechtraster passen. Laut Bundesregierung liegt die Anzahl der Betroffenen, die sich aufgrund ihrer körperlichen Konstitution weder dem weiblichen noch dem männlichen Geschlecht zuordnen lassen, zwischen 8000 und 10.000 (Bundestagsdrucksache 16/4786). Betroffenenverbände hingegen betonen, dass die Zahl sogar um ein Zehnfaches höher liegt.

Die Bundesregierung war durch den UN-Ausschuss zur Überwachung des internationalen Übereinkommens zur Beseitigung jeder Form von Diskriminierung der Frau (CEDAW) aufgefordert worden, Maßnahmen zum Schutz der Menschenrechte von Intersexuellen zu ergreifen und in den Dialog mit ihnen zu treten. Deshalb hatten das Bundesministerium für Bildung und Forschung und das Bundesministerium für Gesundheit den Deutschen Ethikrat beauftragt, die Situation intersexueller Menschen und die damit einhergehenden Herausforderungen unter Einbeziehung der medizinischen, therapeutischen, ethischen, sozialwissenschaftlichen und juristischen Aspekte sowie der Sichtweisen von Betroffenen und deren Selbsthilfeorganisationen aufzuarbeiten.

Der Bericht des Deutschen Ethikrates liegt inzwischen vor. Auf Basis einer weitgefächerten Expertise betrachtet der Deutsche Ethikrat Intersexualität nicht nur als eine medizinische Kategorie, sondern auch als ein soziokulturelles Phänomen. Intersexuelle repräsentieren nicht nur ein körperliches und soziales Geschlecht, zumal körperliche Zwischengeschlechtlichkeit auch zu psychischer Zwischengeschlechtlichkeit führt.

Betroffenenorganisationen machten in den letzten Jahren immer wieder darauf aufmerksam, dass auch heute noch ohne Not prophylaktisches Entfernen und Verändern von Genitalorganen bei intersexuellen Kindern vorgenommen wird. Das große Leid, das die Betroffenen ihr Leben lang begleitet, spiegelt der Bericht des Deutschen Ethikrates eindrücklich wider. Ein operativ und sozial verordnetes Geschlecht ist ein fundamentaler Eingriff in das Recht auf körperliche Unversehrtheit, das Persönlichkeitsrecht und in die Menschenrechte.

Intersexuelle Menschen wollen sich häufig nicht eindeutig einem Geschlecht zuordnen lassen. Der sich heute immer mehr abzeichnende "Gender Fluid", der mit fließenden Identitäten einhergeht, erfordert eine grundsätzliche Veränderung des polaren Denkens im Hinblick auf eine mehrdimensionale Geschlechterdifferenz über die festgelegten Kategorien "Frau" und "Mann" hinaus.

Der Deutsche Ethikrat vertritt die Auffassung, dass ein nicht zu rechtfertigender Eingriff in das Persönlichkeitsrecht vorliegt, wenn Menschen, die physisch weder dem weiblichen noch dem männlichen Geschlecht zuzuordnen sind, rechtlich gezwungen werden, sich im Personenstandsregister einer der beiden Kategorien zuzuordnen. Daher sollte neben einer Eintragung als "männlich" oder "weiblich" auch die Option "anderes" bestehen. Es sollte kein Eintrag erfolgen müssen, bis die betroffene Person sich selbst entschieden hat. Im Allgemeinen sollte der Gesetzgeber überprüfen, ob eine Eintragung des Geschlechts im Personenstandsregister überhaupt notwendig ist. Auch sollte Menschen, die im Personenstandsregister unter der Kategorie "anderes" geführt werden, die Möglichkeit der eingetragenen Lebenspartnerschaft zugestanden werden. Teile des Ethikrates sprachen sich dafür aus, das Institut Ehe für Intersexuelle zu öffnen.

Die Ergebnisse der Stellungnahme des Deutschen Ethikrates wurden im Rahmen der vom Land geförderten interdisziplinären Fachtagung "andersundgleich in NRW" am 10.05.2012 in Bochum vertieft.

Auf Initiative der nordrhein-westfälischen Landesregierung haben die Konferenz der Gleichstellungs- und Frauenministerinnen, -minister, -senatorinnen und -senatoren der Länder (GFMK) und die Konferenz der Gesundheitsministerinnen und -minister, -senatorinnen und -senatoren der Länder (GMK) die Bundesregierung und die Arbeitsgemeinschaft der Obersten Landesgesundheitsbehörden (AOLG) aufgefordert, die Empfehlungen des Deutschen Ethikrates zur Intersexualität aufzugreifen und geeignete Maßnahmen zu entwickeln, um die Diskriminierung und damit verbundenes schweres Leid der Betroffenen zu beenden.

Die Landesregierung hat erste Kontakte zu Vertretungen der nordrhein-westfälischen Selbsthilfe, zu wissenschaftlichen und medizinischen Einrichtungen geknüpft, um die Handlungsoptionen im eigenen Land zu nutzen. Sie wird sich auch auf Bundesebene für eine Verbesserung der Lebenssituation von Intersexuellen einsetzen.

Ziel	1. Umsetzung des Beschlusses der 85. GMK vom 27./28.6. 2012
Maßnahme	Beteiligung an der Erarbeitung eines fachlichen Vorschlags für die AOLG
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

Ziel	2. Vermeidung nicht indizierter geschlechtsangleichender Operationen
Maßnahme	<ol style="list-style-type: none"> 1. Die einschlägige Behandlungs-Leitlinie wird durch die medizinische Fachgesellschaft überarbeitet 2. Einleitung des Prozesses in Nordrhein-Westfalen durch Umfrage bei den Kliniken
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

Ziel	3. Unterstützung der Betroffenen und ihrer Organisationen bei der Nutzung der Selbsthilfeinfrastruktur
Maßnahme	<ol style="list-style-type: none"> 1. Entwicklung eines Konzepts gemeinsam mit den Betroffenen und Vertretungen von Selbsthilfekontaktstellen 2. Entwicklung von Fortbildungsmodulen für Mitarbeiterinnen und Mitarbeiter von Selbsthilfekontaktstellen 3. Sensibilisierung der Selbsthilfereferentinnen und -referenten der Krankenkassen in NRW für die Anliegen der Zielgruppen des Aktionsplans
Zuständigkeit	Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	<ol style="list-style-type: none"> 1. und 2. In der Planung 3. In der Umsetzung

Ziel	4. Berücksichtigung der persönlichen geschlechtlichen Zuordnung in den bestehenden Rechtssystemen
Maßnahme	Der Bundesrat hat eine Prüfbitte im Rahmen des Personenstandsrechts-Änderungsgesetzes hinsichtlich der Aufnahme der Empfehlungen des Deutschen Ethikrates beschlossen. NRW wird die Entwicklung der Änderungen im Personenstandsrecht weiter verfolgen und sich für die notwendigen Änderungsvorhaben einsetzen.
Zuständigkeit	Ministerium für Inneres und Kommunales, Ministerium für Gesundheit, Emanzipation, Pflege und Alter
Stand	In der Umsetzung

D. Bewusstseinsbildende Maßnahmen / Studien

HF 12: Untersuchungen und Informationsmaßnahmen

Information und Aufklärung sind für das Umdenken in Politik, Wirtschaft und Gesellschaft unabdingbar. Dabei geht es primär darum, Homo- und Transphobie abzubauen, Gewalt konsequent zu ächten, Minderheiten als Normalität ins Bewusstsein zu rücken und Akzeptanz, Toleranz und Wertschätzung in der Mehrheitsgesellschaft zu erhöhen.

Es geht aber auch um maßgeschneiderte Aufklärung über die spezifischen Situationen von LSBTTI in ihren jeweiligen Lebenssituationen. So können u.a. Entscheidungsträgerinnen und -träger in Politik und Verwaltung, Verbänden, Institutionen, Wirtschaft, Wissenschaft, Schulen und Hochschulen, Verantwortliche und Personal in Pflege und Senioreneinrichtungen, in der medizinischen Sorge und Versorgung, Akteurinnen und Akteure in der Prävention, Selbsthilfe und Nichtregierungsorganisationen für adäquate Handlungen und Behandlungen sensibilisiert werden.

Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert eine Kampagne *anders und gleich. Nur Respekt Wirkt*, die bei der LAG Lesben in NRW e.V. angesiedelt ist.

Corporate Design und Logo, ein eigener Internetauftritt und verschiedene Veröffentlichungen - wie zum Beispiel Aufklärungsbroschüren und Plakate - wurden bereits entwickelt. Diese Medien stehen allen Ressorts der Landesregierung und der Community, insbesondere auch den örtlichen Initiativen für ihre Arbeit zur Verfügung. Das Kampagnenbüro präsentiert sie auf landesweiten Veranstaltungen und Messen sowie bei den Christopher-Street-Days (CSDs) in Nordrhein-Westfalen.

Ziel	1. Kampagne anders und gleich. Nur Respekt Wirkt.
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Die Ressorts werden Logo und Slogan der Kampagne im Kontext der jeweiligen Handlungsfelder des Aktionsplans nutzen. 2. Weitere Medien werden zielgruppenorientiert unter Mitwirkung der Nichtregierungsorganisationen erarbeitet und eingesetzt. Dazu gehört u.a. auch die Initiierung einer breiten Unterstützeraktion gegen Homo- und Transphobie in Nordrhein-Westfalen - einschließlich der Information der nordrhein-westfälischen Kommunen. 3. Die Christopher Street Days (CSDs) in NRW sind Bestandteil der Kampagne und werden dadurch als kulturelles und politisches Event gestärkt und gefördert. Zudem erfahren sie Wertschätzung und Unterstützung durch die Präsenz von Prominenz. 4. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert das landesweite Projekt "SeniorInnenarbeit für Lesben und Schwule. Immer dabei: Ältere Lesben und Schwule in NRW" beim Sozialwerk für Lesben und Schwule e.V.. Ein wichtiger Baustein im Rahmen dieser Maßnahme ist es, ältere Lesben und Schwule sichtbar zu machen. Das Sozialwerk hat daher erfolgreich mit einem Preis am bundesweiten Wettbewerb in der Woche der Antidiskriminierung teilgenommen (s. 6.). Im Rahmen der PR-Arbeit wird - mit einem eigenen Logo - die Internetplattform entwickelt, die im Herbst 2012 online gehen soll (s. 5.). Mit den Trägern der Seniorenarbeit wurden Kooperationsvorhaben vereinbart (s. 6). 5. Im Rahmen des o. g. Projektes "SeniorInnenarbeit für Lesben und Schwule" unterstützt die Stiftung Wohlfahrtspflege NRW das Modellprojekt "Aufbau und Inbetriebnahme einer internetgestützten Informationsplattform", die sich sowohl an die Community als auch an Multiplikatorinnen und Multiplikatoren richten soll. Das Onlineangebot soll über Initiativen informieren, zu Vernetzungen beitragen, Best Practice zum Thema Wohnen vorstellen, Literaturtipps geben und rund um das Thema Diversity im Alter informieren. Geplant ist auch ein Newsletter, der mit Unterstützung des Forum Seniorenarbeit beim Kuratorium Deutsche Altershilfe (KDA) entwickelt werden soll. 6. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter fördert das Projekt "Wege zu einer kultursensiblen Pflege in Nordrhein-Westfalen. Anders leben. Anders altern. Sensibel pflegen" beim Sozialwerk für Lesben und Schwule e.V. Die vorrangige Zielgruppe bilden Lehrkräfte in der professionellen Altenpflege. Im Vordergrund steht eine Sensibilisierung für die Gruppe der älteren Lesben und Schwulen. Auch die Konzeption von Informationsmaterialien ist ein Bestandteil des Projekts.
Zuständigkeit	<ol style="list-style-type: none"> 1.-3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter und alle Ressorts, 4. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 5. Ministerium für Gesundheit, Emanzipation, Pflege und Alter; Stiftung Wohlfahrtspflege
Stand	In der Umsetzung

Ziel	2. Studien und Forschungen
Stufe 1 Maßnahme	<ol style="list-style-type: none"> 1. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter hat eine Expertise zum Forschungsstand zu den Lebenslagen von LSBTTI gefördert, die Forschungsdefizite und Handlungsbedarfe aufzeigt. Sie wird einer breiten (Fach-) Öffentlichkeit im Rahmen der Dokumentation der Fachtagung vom 10. Mai 2012 "andersundgleich in NRW" zugänglich gemacht.. 2. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter hat eine Studie des LSVD NRW e. V. über die Lebenssituation von Transsexuellen in NRW gefördert. Sie kann über die Homepage der Kampagne www.andersundgleich-nrw.de heruntergeladen werden. 3. Das Ministerium für Gesundheit, Emanzipation, Pflege und Alter hat eine Sonderauswertung der Studie "Gruppenbezogene Menschenfeindlichkeit" der Universität Bielefeld "Homophobie in NRW" gefördert. Sie steht sowohl auf der Homepage des Ministerium für Gesundheit, Emanzipation, Pflege und Alter www.mgepa.nrw.de als auch auf der Homepage der Kampagne www.andersundgleich-nrw.de zum Download bereit. 4. Das Ministerium für Familie, Kinder, Jugend, Kultur und Sport prüft die Durchführung einer Untersuchung zur Lebenslage von LSBTTI-Jugendlichen.
Zuständigkeit	<ol style="list-style-type: none"> 1.-3. Ministerium für Gesundheit, Emanzipation, Pflege und Alter 4. Ministerium für Familie, Kinder, Jugend, Kultur und Sport
Stand	In der Umsetzung.

Abkürzungen und Erklärungen

AGG	Allgemeines Gleichbehandlungsgesetz
Baraka	Anlaufpunkt für schwul-lesbische Migrantinnen und Migranten in Köln
BE	Bürgerschaftliches Engagement
BMG	Bundesministerium für Gesundheit
CHECK UP	Kölns schwule Gesundheitsagentur, ein Projekt der AIDS-Hilfe Köln
DIMDI	Deutsches Institut für Medizinische Dokumentation und Information
DV	Deutscher Verein für öffentliche und private Fürsorge
ELP	Eingetragene Lebenspartnerschaft
Essen-X-Point	Informationszentrum für schwul-lesbische Lebensweisen und Gesundheit
Feministisches Archiv ausZeiten e.V.	Feministisches Archiv, Bildung, Information, Forschung und Kommunikation
FM	Finanzministerium des Landes Nordrhein-Westfalen
FUMA	Fachstelle Gender NRW
IHK	Industrie- und Handelskammer
Initiative TransMann e.V.	Beratung für alle Menschen, die sich mit ihrem Geschlechtseintrag „weiblich“ nicht oder nicht ganz beschrieben fühlen.
ITB	Internationale Tourismus-Börse
JM	Justizministerium des Landes Nordrhein-Westfalen
KLUST e.V.	Kölner Lesben- und Schwulentag
LAG Lesben in NRW e.V.	Landesarbeitsgemeinschaft Lesben in NRW e.V.
LSBT TI	Lesben, Schwule, Bisexuelle, Transsexuelle, Transgender, Intersexuelle
LSVD e.V.	Lesben- und Schwulenverband in Deutschland e.V.
MAIS	Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen
MDK	Medizinischer Dienst der Krankenversicherung
MFKJKS	Ministerium für Familie, Kinder, Jugend, Kultur und Sport des Landes Nordrhein-Westfalen
MGEPA	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen
MIK	Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen
MIWF	Ministerium für Innovation, Wissenschaft und Forschung des Landes Nordrhein-Westfalen
MSO	Migrantenselbstorganisationen
MSW	Ministerium für Schule und Weiterbildung des Landes Nordrhein-Westfalen

MWEBWV	Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen (15. Legislaturperiode)
MWEIMH	Ministerium für Wirtschaft, Energie, Industrie, Mittelstand und Handwerk des Landes Nordrhein-Westfalen (16. Legislaturperiode)
MBWSV	Ministerium für Bauen, Wohnen, Stadtentwicklung und Verkehr des Landes Nordrhein-Westfalen (16. Legislaturperiode)
NRO	Nichtregierungsorganisation/en
queerhandicap e.V.	Informationsbörse für Lesben, Schwule, Bisexuelle, Transgender mit Behinderungen
RAA	Regionale Arbeitsstellen zur Förderung von Kindern und Jugendlichen aus Zuwandererfamilien
Rubicon Köln	Beratungszentrum für Lesben und Schwule in Köln
SC AufRuhr e.V.	Schul-lesbischer Sportverein im Ruhrgebiet
SC Janus e.V.	Kölns schul-lesbischer Sportverein
SchLAu NRW	Schul-Lesbische Aufklärung in NRW
SH	Selbsthilfegruppen
ShALK NRW e.V.	Selbsthilfegruppe homosexueller Alkoholiker NRW e.V.
SLADO e.V.	Dachverband Schul-Lesbischer und Transidenten Vereine und Initiativen in Dortmund e.V.
SNW e.V.	Schwules Netzwerk NRW e.V.
StK	Staatskanzlei des Landes Nordrhein-Westfalen
SVLS e.V.	Sozialverein für Lesben und Schwule e.V.
The Point / Youthwork in Gelsenkirchen	Jugendzentrum für junge Lesben, Schwule, Bisexuelle & Friends in Gelsenkirchen
TBS NRW	Technologieberatungsstelle beim DGB NRW e. V. (TBS NRW)
Transfamily Duisburg	Informations- und Unterstützungsgemeinschaft für transsexuelle Menschen in NRW
TSG	Transsexuellen-Gesetz
TX Köln	Selbsthilfegruppe (SHG) in Köln für Menschen, die das ihnen bei der Geburt zugeordnete Geschlecht nicht als bindend empfinden. Das X steht für unbekannt.
Unternehmer NRW	Landesvereinigung der Unternehmensverbände Nordrhein-Westfalen e.V.
Urania e.V., Wuppertal	Frauenzentrum Urania e.V. Wuppertal
Velspol e.V.	Verband lesbischer und schwuler Polizeibediensteter in Deutschland e.V.
Ver.di Köln	Vereinte Dienstleistungsgewerkschaft Köln
Völklinger Kreis e.V.	Berufsverband für schwule Führungskräfte aus Wirtschaft, Wissenschaft, Verwaltung und Kultur
Weiberkram e.V.	Frauen- und Lesben-Sportverein Düsseldorf
WHKT	Der Westdeutsche Handwerkskammertag (WHKT) mit Sitz in Düsseldorf ist der zentrale Dachverband der sieben Handwerkskammern Nordrhein-Westfalens

Anlage: Mitglieder der Planungsgruppe

Leitung: Staatssekretärin Marlis Bredehorst Ministerium für Gesundheit, Emanzipation,
Pflege und Alter des Landes NRW

Vertretungen der Landtagsfraktionen aus der 15. Legislaturperiode

Marc	Ratajczak MdL	CDU- Landtagsfraktion
Hamide	Akbayir MdL	DIE LINKE- Landtagsfraktion
Barbara	Emser, Sitzungsvertretung	DIE LINKE- Landtagsfraktion
Ingrid	Pieper-von Heiden MdL	FDP-Landtagsfraktion
Bianca	Wagner, Sitzungsvertretung	FDP-Landtagsfraktion
Josefine	Paul MdL	Grüne Landtagsfraktion
Gerta	Siller, Sitzungsvertretung	Grüne Landtagsfraktion
Thomas	Stotko MdL, zeitweise	SPD-Landtagsfraktion
Eva	Steininger-Bludau MdL, zeitweise	SPD-Landtagsfraktion
Ulrike	Knudsen, zeitweise, Sitzungsvertretung	SPD-Landtagsfraktion
Alexander	Stock, zeitweise, Sitzungsvertretung	SPD-Landtagsfraktion
Cornelia	Tepel, zeitweise, Sitzungsvertretung	SPD-Landtagsfraktion

Vertretungen der Landesregierung aus der 15. Legislaturperiode

Britta	Bollmann, zeitweise	Staatskanzlei des Landes NRW
Manfred	Hopfeld, zeitweise	Staatskanzlei des Landes NRW
Ursula	Mecklenbrauck, zeitweise	Staatskanzlei des Landes NRW
Dr. Lale	Akgün	Ministerium für Bundesangelegenheiten, Europa und Medien des Landes NRW
Klaus	Bösche	Ministerium für Familie, Kinder, Jugend, Kultur und Sport des Landes NRW
Peter	Fingas, zeitweise	Ministerium für Arbeit, Integration und Soziales des Landes NRW
Barbara	Both, zeitweise	Ministerium für Arbeit, Integration und Soziales des Landes NRW
Sabine	Heinzel, zeitweise	Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes NRW
Carmen	Drabek, zeitweise	Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes NRW

Helga	Jacobs	Ministerium für Inneres und Kommunales des Landes NRW
Ingrid	Köth-Jahr	Ministerium für Klimaschutz, Umwelt, Landwirtschaft, Natur- und Verbraucherschutz des Landes NRW
Jochem	Küppers, zeitweise	Ministerium für Innovation, Wissenschaft und Forschung des Landes NRW
Dr. Sabine	Graap, zeitweise	Ministerium für Innovation, Wissenschaft und Forschung des Landes NRW
Anja	Mörsch	Finanzministerium des Landes NRW
Andreas	Türpe, zeitweise	Justizministerium des Landes NRW
Klaus	Neupert, zeitweise	Justizministerium des Landes NRW
Dr. Petra	Knorr, zeitweise	Justizministerium des Landes NRW
Reinhold	Heimer	Ministerium für Schule und Weiterbildung des Landes NRW
Claudia	Zimmermann-Schwartz	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Eva-Marie	Frings	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Gudula	Bertram	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Sabine	Schattmann-Uttke, zeitweise	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Harald	Naujoks, zeitweise	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Erwin	In het Panhuis, zeitweise	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW
Cornelia	Wiehl, zeitweise	Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes NRW

Vertretungen der Nichtregierungsorganisationen

Frank	Bauer	Lesben- und Schwulenverband NRW - LSVD NRW
Gabriele	Bischoff	LAG Lesben in NRW e.V.
Imke	Karge	LAG Lesben in NRW e.V.
Markus	Chmielorz	Rosa Strippe e.V. als Vertreter der psychosozialen Beratungsstellen
Almut	Dietrich	Landeskoordination Anti-Gewalt-Arbeit
Benjamin	Kinkel	SchLAu NRW
Karen	Lehmann	Der Paritätische NRW - Landesverband NRW
Stefan	Meschig	Schwules Netzwerk NRW
Alexander	Popp, zeitweise	Schwules Netzwerk NRW
Markus	Johannes, zeitweise	Schwules Netzwerk NRW
Charlotte	Widmann	TX Köln

Anlage: Dokumentation der vorgeschlagenen Maßnahmen

Die folgende Übersicht dokumentiert Maßnahmen, die von den Unterarbeitsgruppen vorgeschlagen wurden. Inwieweit die im Aktionsplan der Landesregierung noch nicht berücksichtigten Maßnahmen sinnvoll und finanzierbar sind, bedarf noch einer Prüfung.

Handlungsfeld (HF)
HF 1: Transgender/Transsexualität
Ziel 1: Vereinfachte Namensänderung - Personenstandsänderung
M 1.1: <ul style="list-style-type: none"> • Aufklärung über die rechtliche Problematik bei TS • Aufklärung über die rechtliche Problematik IS • Aufklärung über die geschlechtliche Vielfalt/Queer • Kampagnen
M 2.2: Die Personenstandsänderung kann auf Antrag erfolgen, wenn die Voraussetzungen der Namensänderung vorliegen.
Ziel 2: Die Einordnung von Transsexualität im Diagnoseschlüssel ICD-Liste
M 2.1: Änderung des Diagnoseschlüssels ICD
M 2.2: Überarbeitung der Behandlungsstrategien
Ziel 3: Gesicherter und selbstbestimmter Zugang für TG/TS/IS zu spezifischen und qualitativ hochwertigen medizinischen und sozial-medizinischen Maßnahmen
M 3.1: Vorhandenen Maßnahmenkatalog (MDS-2009) überarbeiten unter Beachtung neuer Erkenntnisse und Methoden, Einbeziehung Betroffener (TG/TS/TI); laufende Überarbeitung und Anpassung.
M 3.2: Qualität des Bearbeitungsmanagement von Krankenkassen/MDK usw. verbessern.
M 3.3: Therapeutische Beratung Angehöriger.
Ziel 4: Entwicklung von spezifischen, gesicherten, qualitativ hochwertigen Behandlungsstandards, laufende Verbesserung und Qualitätskontrolle
M 4.1: Medizinische/Sozialmedizinische Forschung zu TG/TS/IS
M 4.2: Qualifizierung und Fortbildung, Medizinische Zentren zum Thema schaffen, einrichten eines Wissenspools mit Zugriff für Behandelnden vor Ort
Ziel 5: Einrichtung professioneller und spezialisierter Beratungsstellen für Trans* durch eine Landeskoordinationsstelle
M 5.1: Landeskoordinationsstelle (Verwaltung, die folgende Maßnahmen initiiert und leitet) <ul style="list-style-type: none"> • Bestandsaufnahme NRW • psychosoziale/rechtliche Beratung (übergangsweise) • Vernetzung loser Gruppen; Koordination von Qualifizierungsmaßnahmen für SH zwecks Professionalisierung von Beratung • Lotsenfunktion; Anlaufstelle und Knotenpunkt für Selbsthilfe • Fortbildungen für vorhandene schwul-lesbische Beratungsstellen • Arbeitskreis Trans* bilden • Genderwissen fördern (Queer, Intersex etc.) • Geschlechterparitätische Beratung (damit keine ‚Parallelgesellschaft‘ entsteht, soll diese Stelle interdisziplinär arbeiten)

HF 2: Kinder/Jugend/Familie
Ziel 1: Verbesserung der rechtlichen Absicherung gemeinsamer Wunsch Kinder in eingetragenen Lebenspartnerschaften
M 1.1: Landesjugendamt setzt sich ein für den Verzicht auf die Adoptionspflegezeit bei Stiefkindadoptionen von gemeinsamen Wunschkindern in Eingetragenen Lebenspartnerschaften.
M 1.2: Das Land NRW setzt sich dafür ein, dass Kinder, die in Lebenspartnerschaften geboren werden, schon ab der Geburt beiden Lebenspartner/innen rechtlich als Eltern zugeordnet werden können.
Ziel 2: Rechtliche Gleichstellung von ELP mit Kindern und Ehen mit Kindern
M 2.1: Das Land NRW setzt sich für Gesetzesinitiativen zum gemeinsamen Adoptionsrecht für Eingetragene Lebenspartner/innen ein.
M 2.2: Das Land NRW setzt sich für die Öffnung der Ehe für gleichgeschlechtliche Paare (Art. 6 GG) ein.
M 2.3: Das Land NRW setzt sich dafür ein, dass die Landesärztekammer NRW alle Vorschriften streicht, durch die bei Lebenspartnerinnen - anders als bei verheirateten Paaren - die Mitwirkung der Ärzte/Ärztinnen bei künstlichen Befruchtungen verboten wird.
M 2.4: Das Land NRW setzt sich für eine Gesetzesinitiative für die Einführung eines Sorgerechtes ein, dass es zulässt, mehr als zwei Erziehungsberechtigte gleichwertig zu berücksichtigen.
Ziel 3: Sensibilisierung und Erweiterung der Kompetenzen im Umgang mit Regenbogenfamilien
M 3.1: Schulungen und Fortbildungen (pädagogische Fachkräfte in Kindergärten und Kindertagesstätten sowie im Bereich der Primar- und weiterführenden Schulen, Stadtverwaltung, Richter, Familienhilfe, Selbsthilfe, Familienbildung, Kinder- und Jugendhilfe)
M 3.2: Schaffung von ausreichenden zielgruppenspezifischen Info - Material und niedrigschwellige Verbreitung
M 3.3: Informationen über Regenbogenfamilien aufbereiten, publizieren und an die Zielgruppen verbreiten
M 3.4: Ausbildung und Fortbildung (Implementierung von Lehrmodulen zu LSBTTI – Lebensformen in die Ausbildung an Fachschulen sowie Fachhochschulen für Sozialpädagogik und in alle Zweige der Lehramtsausbildungen)
M 3.5: Kinder- und Schulbuchpreise vom Land NRW für Bücher mit LSBTTI
M 3.6: Entwicklung von Qualitätsstandards für einen wertschätzenden und fachkompetenten Umgang mit LSBTTI-Lebensformen in Institutionen, Ämtern, Bildungs- und Freizeiteinrichtungen
Ziel 4: Förderung und Stärkung von Regenbogenfamilien
M 4.1: Förderung von Beratungs- und Unterstützungsangeboten-> auch im Regeldienst
M 4.2: Reflexion der persönlichen und strukturellen Homophobie
M 4.3: Alle Formulare (z.B. kommunaler Service) werden wertschätzend formuliert und berücksichtigen die Vielfalt der Familienformen
Ziel 5: Sensibilisierung und Qualifikation von Fachkräften und Ehrenamtlichen in der Kinder- und Jugendarbeit
M 5.1: Jugendleiterschulungen zum Thema LSBTTI
M 5.2: Sensibilisierung der (freien) Träger der Jugendarbeit zum Thema LSBTTI durch überörtlich tätige Fachstellen geschlechtsspezifischer Jugendarbeit
M 5.3: Unterstützung/Vernetzung vorhandener Aktionsformen
M 5.4: Sensibilisierung der örtlichen öffentlichen Träger der Jugendhilfe durch die Landesjugendämter
M 5.5: psychosoziale Beratung/Erzieherische Hilfen
Ziel 6: Sensibilisierung von Kindern und Jugendlichen
M 6.1: Auf- und Ausbau örtlicher SchLAu NRW Projekte

M 6. 2: Ausbau von SchLAu NRW (Ergänzung des Ehrenamts durch Hauptamt)
Ziel 7: Selbstbestimmung von LSBTTI-Jugendlichen stärken
M 7.1: Bereitstellung von Unterstützungsstrukturen und Ressourcen für Initiativgruppen der LSBTTI vor Ort
M 7.2: Nutzung der bestehenden Infrastruktur (LAG Lesben/ SNW)
M 7.3: Weitere Qualifizierung der Jugendarbeit (LSBTTI) im Hinblick besonders auf interkulturelle Kompetenz
Ziel 8: Studie: Befragung von LSBTTI-Jugendlichen
M 8.1 Durchführung einer Studie zu Jugendlichen mit LSBTTI - Hintergrund
Ziel 9: (Herkunfts-)Familien kompetent machen
M 9.1: Information
M 9.2: Elternbriefe/Sexualerziehung
M 9.3: Kinder- und Jugendliteratur
M 9.4: Kontakt zu anderen Familien
M 9.5: Beratungsstellen; psychosoziale Betreuung
M 9.6: Elterngruppen (gründen, vernetzen...)
M 9.7: Fortbildung von Multiplikatoren
M 9.8: Schulaufklärung; kompetente Ansprechpartner an Schulen; Elternabende; Rundschreiben an Schulen und Regeldiensten
M 9.9: Fortbildungsmodule
M 9.10: Stellen schaffen (nicht ausschließlich Ehrenamtlichkeit)
Ziel 10: Professionalisierung der Beratungsarbeit
M 10.1: Bestandsaufnahme bestehender Beratungsarbeit
M 10. 2: LSBTTI-Module (-> Spezialkompetenzen) werden aufgenommen in die Psychotherapeutenstelle bei der Kassenärztlichen Vereinigung
Ziel 11: Offensive Werbung, nachhaltige Förderung und Stärkung von LSBTTI als Pflegeeltern
M 11.1: Förderung von Beratungs-, Informations- und Unterstützungsmöglichkeiten für LSBTTI- Pflegeeltern-bewerberinnen und -bewerber in Spezial- und Regeldiensten
M 11.2: Fortbildung für Pflegekinderbetreuer/innen in Jugendämtern und bei freien Trägern inkl. Reflexion möglicher persönlicher und struktureller Homophobie
M 11.3: Ausdrückliche Werbung um LSBTTI-Pflegeeltern in den Kommunen (z. B. wie in Wien) auf allen öffentlichen Werbeträgern, Broschüren und Onlineplattformen für Pflegeeltern
M 11.4: Alle Formulare (z.B. kommunaler Service) werden wertschätzend formuliert und berücksichtigen die Vielfalt der Elternkonstellationen & Familienformen

HF 3: Schule/Bildung/außerschulische Bildung/ Weiterbildung/Hochschule
Ziel 1: Sichtbarkeit und Identität von Lesben durch Überlieferungsbildung und -sicherung stärken
M 1.1: Erschließung von Personen- und Gruppennachlässen von Lesben und Lesbengruppen/-vereinen/-zusammenschlüssen nach den Kriterien der Langzeitarchivierung
Ziel 2: Bedingungen von Lesbenforschung optimieren
M 2.1: Thesaurus für die inhaltliche Erschließung von Broschüren, Dokumentationen und Zeitschriften mit lesbischer Thematik entwickeln
M 2.2: Erfassung und Verschlagwortung der Broschüren etc. mit Hilfe der Archivsoftware FAUST
M 2.3: Einrichtung einer Möglichkeit zur Online-Recherche
Ziel 3: Akzeptanz von LSBT- Vielfalt in allen Schulen(-formen)sichtbar machen
M 3.1: Sensibilisierung und Aufklärung über LSBTTI
M 3.2: Hauptamtliche Koordinierungsstelle SchLAu NRW
M 3.3: Fortbildungen von Lehrkräften (die schon im Beruf sind) zur Verfügung stellen und dafür Anreize schaffen
M 3.4: Aufnahme von ‚Diversity‘ in die Präambel des Schulgesetzes
M 3.5: Einflussnahme auf alle Lehrpläne
M 3.6: Zeit und Raum für LSBTTI-Themen in Schulen schaffen (nicht den sonstigen Unterricht beschneiden)
M 3.7: Institutionelle und strukturelle Anerkennung von besonderem Engagement für LSBTTI
M 3.8: Einrichten eines Bildungsreferats „Schule ohne Homophobie – Schule der Vielfalt“ siehe bereits vorliegender Antrag der beiden Träger Rosa Strippe e.V. und Sozialwerk für Lesben und Schwule e.V. beim MSW
Ziel 4: Hilfe und Unterstützung bei Konfliktlösung in Schulen
M 4.1: Qualifizierung von Ansprechpartnern in der Schule (Personal und auch Schüler selbst)
M 4.2: Sozialarbeiter/Schulpsychologen hinzuziehen und qualifizieren
M 4.3: Landesweite Koordinierungsstelle für jeweilige Spezialthemen
Ziel 5: Erstellung neuer Medien zu LSBTTI zum Einsatz in Schulen
M 5.1: Überprüfung bestehender Schulmedien
M 5.2: Einflussnahme auf Schulbuchverlage
M 5.3: Medienliste zu Sexualrichtlinien aktualisieren
Ziel 6: Schaffung von Diversity-Kompetenzen in der beruflichen Weiterbildung
M 6.1: Zertifizierung von beruflichen Weiterbildungsmaßnahmen (motivationaler Aspekt) durch vorhandene Berufsstrukturen
M 6.2: Evaluation des vorhandenen Schulungsmodulen
M 6.3: Neue Module schaffen von Vorschule bis Erwachsenenbildung
M 6.4: Gütesiegel mit Qualitätssicherung (vom Land etc.)
M 6.5: Diversity-Mainstreaming
M 6.6: Aufnahme von Diversity-Kompetenzen in zertifizierte ärztliche und therapeutische Weiterbildung
M 6.7: Aufnahme von obligatorischen Diversity- (inklusive LSBTTI)-Einheiten in Integrations-, Orientierungskurse
Ziel 7: Akzeptanz von Vielfalt in der gesellschaftliche Weiterbildung schaffen

M 7.1: Evaluation und Implementierung der vorhandenen Schulungsmodule
M 7.2: Förderung neuer Schulungsmodule
M 7.3: In bestehenden Strukturen (Nachbarschaftszentren, Bürgerzentren, Familienzentren, Senioren-einrichtungen, VHS, etc) Zeit und Raum für LSBTTI schaffen
M 7.4: Branchenbuch der Vielfalt für Klein- und Mittelständische Betriebe (Dienstleistung, Reparatur, Einzelhandel etc.)
Ziel 8: Diversity-Mainstreaming/Akzeptanz von LSBTTI in der Hochschulstruktur und Hochschulkultur
M 8.1: Schaffung einer bzw. eines aktiven Diversity-Beauftragten (im Folgenden: DB) an allen NRW-Hochschulen (präventive Arbeit, generelle Anlaufstelle, Nutzung von bereitgestellten finanziellen Ressourcen, Vernetzungsarbeit mit den vorhandenen LSBTTI-Trägern, erweiterter Kompetenzbereich)
M 8.2: Verbindliche Zielvereinbarungen mit den Hochschulen durch das MIWF, dass DB eingerichtet wird
M 8.3: Gesetzesvorlage, dass DB notwendig (vgl. LGG)
M 8.4: Evaluation und Ausbau vorhandener LSBTTI-Strukturen, Unterstützung von vorhandenen Projekten (bspw. „Aktionswoche gegen Sexismus und Homophobie an den Hochschulen“)
M 8.5: Hochschulen haben bei Nutzung von hochschuleigener Infrastruktur durch Nicht-Hochschulangehörige sicherzustellen, dass Inhalt und Ziel der Veranstaltungen keinen homo-/transphoben Hintergrund besitzen und LSBTTI als eigene Lebensweisen respektiert werden.
Ziel 9: Forschung zu LSBTTI an Hochschulen betreiben und fördern
M 9.1: Forschungsstand zu LSBTTI evaluieren
M 9.2: Einrichtung/ Bildung eines interdisziplinären Instituts mit Vernetzungsstruktur (bspw. mit Archiven)
M 9.3: Überlieferungsbildung LSBTTI: Archivierung von Nachlässen, Bestandserweiterung, Digitalisierung etc.
M 9.4: Studien durchführen (bzw. bes.: Situation von Freien, Lesben, Bi, Trans*; LSBTTI-Aufklärungsarbeit; homophobes Mobbing an Schulen) Homophobieforschung allgemein.
M 9.5: Erarbeitung eines Gütesiegels „Fachkenntnis LSBTTI“
M 9.6: Freie Zugänglichkeit von Forschungsergebnissen und Studien (□ Querverweis: Öffentlichkeitsarbeit)
Ziel 10: Studiengänge „LSBTTI/Queer“ einrichten – Sensibilisierung von LSBTTI als Querschnittsthema in der Lehre
M 10.1: Einrichtung eines Lehrstuhls (LSBTTI/Queerstudies) -> Interdisziplinär (Als Studiengang anlegen BA/MA und für Studiumintegrale)
M 10.2: Einrichtung/ Bildung eines Instituts (intern/extern)
M 10.3: Sensibilisierung in allen Studiengängen zum Thema LSBTTI
M 10.4: Evaluierung von Gender/Queer/LSBTTI-Projekte an den Hochschule und Förderung dieser
M 10.5: Vernetzung der Fachbereiche – LSBTTI als Querschnittsthema (u.a. historisch, juristisch, biologisch) in interdisziplinären Veranstaltungen
M 10.6: Einbeziehung von hochschulexternen Fachleuten
Ziel 11: Nachhaltige und fachbezogene Qualifizierung an Hochschulen für LSBTTI und den Umgang damit wertschätzen
M 11.1: Reform der Lehramtsstudiengänge/BA in pädagogischen Bereichen muss verbindliches LSBTTI-/ Diversity-Modul enthalten: Fachbereich Pädagogik, Sozialpädagogik, Didaktik G/ H/ R, Pädagogisches Nebensstudium Gym/Ge
M 11.2: Verpflichtendes Modul zur Thematisierung Sexualerziehung (§33 SchulG) in allen Studienseminaren

M 11.3: Diversity-Beauftragte in allen Studienseminaren: Sensibilisierung für LSBTTI-Didaktik und als Anlaufstelle für LSBTTI-ReferendarInnen
M 11.4: Hauptamtliche Professionalisierung von SchLAu zur beratenden und begleitenden Aus- und Weiterbildung von Lehrkräften
M 11.5: Lehrerinnen und Lehrern Freiräume verschaffen für LSBTTI-Themen
M 11.6: Überarbeitung der Lehrpläne (Aufnahme von Diversity Education) und des Lehrerausbildungsgesetzes
Ziel 12: Zeitdokumente zur Geschichte von Lesben- und Migrantinnengeschichte
M 12.1: Archivarische Erschließung von Tondokumenten, Sendemanuskripten, Korrespondenzen und Bildarchiv der Radiogruppe Lästher(t)z, in der Lesben mit und ohne Migrationshintergrund Themen von Frauen, Lesben, Migrantinnen journalistisch aufbereiteten

HF 4: Alter/Pflege/Gesundheit
Ziel 1: Bedarfsgerechte psychosoziale Beratung für Lesben und Schwule und deren Angehörige in NRW
<p>M 1.1: Evaluation des Förderprogrammes „Psychosoziale Beratungsstellen für Lesben, Schwule und deren Angehörige in NRW“ vom Ende des Modellprojektes 2003 bis heute</p> <ul style="list-style-type: none"> • Aufbereitung und Zusammenführung der statistischen Daten aus den einzelnen Erhebungsjahren • Darstellen der Angebote der Beratungsstellen • Qualitative Auswertung der Beratungsleistungen • Befragung von Anbieter/innen und Nutzer/innen
<p>M 1.2: Anpassung der Förderung</p> <ul style="list-style-type: none"> • an den aktuellen Tarif • an den gestiegenen Beratungsbedarf: Ein Ergebnis der bisher vorliegenden Auswertungen der Landesstatistiken der Beratungsstellen ist die Zunahme der Beratungsfälle von 2003 bis 2009 um 36%, der der Beratungskontakte um 29%. Im selben Zeitraum ist die Förderung nicht an den gestiegenen Beratungsbedarf angepasst worden • an die Teuerungsrate
<p>M 1.3: Projektförderung für ehrenamtliche Beratungsstellen</p> <ul style="list-style-type: none"> • in NRW arbeiten neben den psychosozialen Beratungsstellen für Lesben, Schwule und deren Angehörige noch ca. sechs bis acht Initiativen und Vereine, die ehrenamtlich Beratung anbieten. Um diese Angebote weiterhin gewährleisten zu können, ist eine Projektförderung (die es bis 2005 gab) erforderlich
<p>M 1.4: Qualitätssicherung der psychosozialen Beratung für Lesben, Schwule und deren Angehörige in NRW / Fortbildung und Supervision</p> <ul style="list-style-type: none"> • Erarbeiten eines Fortbildungskalenders für die psychosozialen Beratungsstellen für Lesben, Schwule und deren Angehörige in NRW • Finanzierung von Fortbildungsangeboten und Supervisionen
<p>M 1.5: Qualifikation des sozialen Freiwilligendienstes in der psychosozialen Beratung für Lesben, Schwule und deren Angehörige in NRW / Fortbildung und Supervision</p>
<p>M 1.6: Überarbeitung der Förderrichtlinien für die psychosoziale Beratung für Lesben, Schwule und deren Angehörige in NRW</p> <p>Im Rahmen des Modellprojektes „psychosoziale Beratung für Lesben, Schwule und deren Angehörige in NRW“ wurden von 1998 bis 2003 Ziele, Leistungen und Qualitätsmerkmale für diesen Spezialberatungsdienst erarbeitet. Entsprechende Förderrichtlinien, wie es sie z.B. für Erziehungs- und Lebensberatungsstellen gibt, fehlen für die psychosoziale Beratung für Lesben, Schwule und deren Angehörige jedoch. Insbesondere verbindliche Regelungen zur</p> <ul style="list-style-type: none"> • Strukturqualität (z.B. Multidisziplinarität, ausreichende personelle Ausstattung, Verwaltungsfachkräften, Zusatzqualifikationen, etc.) • Prozessqualität (z.B. Datenschutz, Fort- und Weiterbildung, Supervision)
<p>M 1.7: Reihe: Fachtage für die Arbeit mit Zielgruppen mit besonderem Beratungsbedarf</p> <p>Im Rahmen der Evaluation der psychosozialen Beratung für Lesben, Schwule und deren Familien haben sich spezifische Beratungsbedarfe für Zielgruppen mit besonderem Beratungsbedarf ergeben, z.B.:</p> <ul style="list-style-type: none"> • Beratung von lesbischen und schwulen Jugendlichen • Beratung von Regenbogenfamilien • Beratung von lesbischen und schwulen Senior/innen • Beratung von Lesben und Schwulen mit Zuwanderungsgeschichte • Beratung von Lesben und Schwulen mit Behinderungen
<p>M 1.8: Ausbau des psychosozialen Beratungsangebotes für Lesben, Schwule und deren Angehörige in NRW</p> <ul style="list-style-type: none"> • Im Zuwendungsbescheid des Landes NRW für die psychosoziale Beratung für Lesben, Schwule und deren Angehörige in NRW ist als eine Aufgabe die Weiterentwicklung der Beratungsarbeit genannt. Dafür sind personelle und finanzielle Ressourcen notwendig. • Die Evaluation der Landesstatistik hat ergeben, dass die einzelnen landesgeförderten Beratungsstellen in den vergangenen Jahren unterschiedliche Beratungsschwerpunkte entwickelt haben. • Die Beratungsstellen sollen nach ihren jeweiligen Schwerpunktsetzungen in der Lage sein, bis zum Jahr 2015 ihre Beratungsangebote auszubauen.
Ziel 2: Abbau von Versorgungsbarrieren im Gesundheits- und Sozialwesen
<p>M 2.1: Aufnahme des Themas sexuelle Identitäten in alle Lehrpläne und Richtlinien aller Berufe im Gesundheits- und Sozialwesen</p> <ul style="list-style-type: none"> • Um Versorgungsbarrieren im Gesundheits- und Sozialwesen abzubauen (vgl. Wolf, Gisela: Barrieren für homosexuelle Patienten. in: Deutsches Ärzteblatt 107[2010], S.2166f.) sollen sexuelle Identitäten Eingang

finden in alle Lehrpläne und Richtlinien für alle Berufe im Gesundheits- und Sozialwesen. Es ist zu überprüfen, wo noch Formulierungen bestehen, die Ausdruck von Homonegativität sind und LSBTTI diskriminieren.
<p>M 2.2: Erarbeiten und Umsetzen von Richtlinien für die Beratung und Therapie von LSBTTI</p> <ul style="list-style-type: none"> • „In Deutschland ist im Gegensatz zu den USA bisher keine Therapierichtlinie zum Umgang mit lesbischen und schwulen Klient/innen verbindlich festgeschrieben worden. Deshalb ist nicht gewährleistet, dass Ratsuchende kunstgerecht behandelt werden“ (http://vlsp.de/wissenschaft/therapie Stand: 23.02.2011) • Damit Ratsuchende in Beratung und Therapie kunstgerecht behandelt werden, sollen affirmative Therapierichtlinien entwickelt und umgesetzt werden, die die Identitäten von LSBTTI im Beratungs- und Therapieprozess stützen.
Ziel 3: Ausbau psychotherapeutischer Versorgung für Lesben
<p>M 3.1 Förderung von Aus-, Fort- und Weiterbildungen für Ärzt/innen für Psychiatrie / Ärzt/innen mit psychotherapeutischen Zusatzqualifikationen, Psycholog/innen, medizinisches Fachpersonal, Pflegefachkräfte, Sozialarbeiter/innen, Sozialpädagog/innen, (Heil-)Erziehungspfleger/innen etc., die lesbische Lebensweisen angemessen würdigen, darstellen und vermitteln</p> <p>Veränderung von Aus-, Fort- und Weiterbildungs-Curricula, sodass in ihnen lesbische Lebensweisen angemessen gewürdigt, dargestellt und vermittelt werden</p> <p>Keine Anerkennung und finanzielle Unterstützung von therapeutischen Ansätzen und Einrichtungen, die lesbische Lebensweisen als „Störung“, „Perversion“, „Phase“, „Krankheit“ oder „unreif/inferior“ einordnen (Vgl. u.a. http://www.vlsp.de/wissenschaft/konversionsversuche)</p> <p>Keine Akkreditierung / öffentliche Förderung von therapeutischen und medizinischen Aus-, Fort- und Weiterbildungen, die lesbische Lebensweisen diskriminierende und/oder unsichtbar machende Bildungsinhalte vertreten.</p>
<p>M 3.2 Förderung von Studien zur Erhebung von lesbenfeindlichen Einstellungen in medizinischen, psychiatrischen, psychotherapeutischen und sozialen Berufen (Vgl. Beatrice Calmbach, Udo Rauchfleisch (Basel), Lesbenfeindlichen Einstellungen in sozialen Berufen, in: Wege zum Menschen 51 1999 01, 39-45)</p>
<p>M 3.3 Fachtagungen für Ärzt/innen für Psychiatrie / Ärzt/innen mit psychotherapeutischer Zusatzqualifikationen, Psycholog/innen, medizinisches Personal, Pflegefachkräfte, Sozialarbeiter/innen, Sozialpädagog/innen, (Heil-)Erziehungspfleger/innen etc. (Vgl. Ulrich Biechele u.a. (Hg.), Anders verrückt?! Lesben und Schwule in der Psychiatrie (Jahrbuch Lesben – Schwule – Psychologie 2006), (Pabst Science Publisher) Lengerich u.a. 2006)</p>
<p>M 3.4: Informationsbroschüren für Lesben mit den Schwerpunkten:</p> <ul style="list-style-type: none"> -- „Wie finde ich eine/n Berater/in, Therapeut/in, die/der Psychotherapie und/oder psychiatrische Behandlung anbietet, die mich als Lesbe (und meine Partnerin) nicht „heilen“ will, nicht diskriminiert und/oder unsichtbar macht?“ -- Zusammenhänge: Diskriminierung + Trauma, D. + Psychose, D. + Sucht, D. + Suizidalität etc. (und Co-Morbiditäten)
M 3.5: Qualitätssicherung
Ziel 4: Optimierte Zugänge für und qualifizierte Behandlung von lesbischen Mädchen und Frauen im Gesundheitswesen
M 4.1: Aufklärung / Information von medizinischem Fachpersonal in der Ausbildung, in Fort- und Weiterbildungen grundsätzlich zu lesbischen Mädchen und Frauen
M 4.2: Aufklärung von lesbischen Mädchen und Frauen in Form von Kampagnen, Flyern ect.
M 4.3: Aufklärung / Information von medizinischem Fachpersonal in der Ausbildung, in Fort- und Weiterbildungen zum Bedarf an gesundheitlicher Aufklärung von Lesbischen Mädchen und Frauen
<p>M 4.4: - Erleichterung der Adoption bzw. Stiefkindadoption</p> <p>- Begleitung und Beratung</p>
<p>M 4.5: Legalisierung bzw. Klärung der Rechtslage der Insemination</p> <p>- Begleitung und Beratung</p>
Ziel 5: Flächendeckende Versorgung für Lesben zu den Themenbereichen psychosoziale Versorgung, Gesundheit, Sucht, Aufklärung
<p>M 5.1:</p> <ul style="list-style-type: none"> - Förderung von bestehenden Frauengesundheitsstellen / Fokus auf lesbische Lebensweisen. - Schaffung von Frauengesundheitsstellen Fokus auf „Lesbische Gesundheit“ - Förderung und Erweiterung von lesbischen Beratungsstellen - Schaffung von lesbischen Beratungsstellen in „unterversorgten“ Gebieten - Nachhaltigkeit sichern
<p>M 5.2: Informationsbroschüren für Lesben mit den Schwerpunkten:</p> <ul style="list-style-type: none"> - Aufklärung (z.B. gynäkologische Vorsorge)

<ul style="list-style-type: none"> - Kinderwunsch - spezifische Psychologische / Therapeutische Angebote - Suchtberatung - Gewalt - Sensibilisierung medizinischen und psychologischen Personals
M 5.3: Fachtagungen für ÄrztInnen / MedizinerInnen / BeraterInnen etc.: lesbische Gesundheit und ihre Besonderheiten -
M 5.4: Qualitätssicherung
Ziel 6 : Lesben mit Kinderwunsch - Gleichstellung von heterosexuellen und lesbischen Frauen mit Kinderwunsch
Ziel 6.1: Gesetzliche Grundlage für Insemination lesbischer Frauen Die Studienergebnisse der BMJ-Studie 2009 (Bamberger Familieninstitut) zum Thema „Kinder in gleichgeschlechtlichen Beziehungen“ beachten: http://www.bpb.de/publikationen/US1XFL,0,0,Regenbogenfamilien.html
Ziel 6.2: Die Landesärztekammer darauf aufmerksam machen, dass die Bundesärztekammer nicht weisungsbefugt ist (Vgl. § 1 der Satzung der Landesärztekammer)
Ziel 6.3: Das Verbot der Spermabankenbehandlung bei Lebenspartnerinnen der Landesärztekammer als Anlage der Berufsordnung aufheben – Das Verbot liegt außerhalb der Rechtsetzungsbefugnis der Landesärztekammern
Ziel 6.4: Aufklärung von Gynäkologinnen und Gynäkologen
M 6.1.1: Gesetzliche Initiative: In die eingetragenen Lebenspartnerschaften geborene Kinder sollen „eheliche Kinder“ sein.
M 6.2.1: Änderung der Richtlinien der Bundes – und Landesärztekammer zur assistierten heterologen Insemination Durch das Verbot (s.o.) wird unzulässigerweise in die ärztliche Berufsfreiheit eingegriffen. Durch dieses Verbot werden Wertungen des Gesetzgebers im EschG in einer Weise eingeengt, die das Vertrauen in eine von Diskriminierung bestimmter Personenkreise freie ärztliche Versorgung beschädigt.
M 6.3.1: Öffnung ALLER Institute wie Spermabanken, Kinderwunschzentren für Lesben / lesbische Paare inkl. der Möglichkeit zur IVF (<i>In-vitro</i> -Fertilisation) und hormoneller Behandlung
M 6.4.1: Aufklärung von Gynäkologinnen/Gynäkologen / Kinderärztinnen/Kinderärzte (rechtlich und fachlich). Weil die finanzielle Belastung für die Frauen sehr hoch ist, können sich nur gutverdienende Frauen eine teure illegalisierte Behandlung leisten. Es kommt dann zu Ausweichhandlungen bei anderen Frauen - Problem hier z.B.: Lesben holen sich Sperma von Schwulenklappen. Dies birgt ein hohes gesundheitliches Risiko (HIV etc.)
Ziel 7: Gesundheitsförderung für schwule u. bisexuelle Männer – Gesundheitskonferenz NRW
M 7.1: „Schwule Gesundheitskonferenz NRW“ - Fachtag schwule Männergesundheit“
Ziel 8: Gesundheitsförderung für schwule u. bisexuelle Männer - Landesarbeitsgemeinschaft „Schwule Gesundheit“ unter dem Dach des Schwulen Netzwerks NRW
M 8.1: Implementierung einer Landesarbeitsgemeinschaft „Schwule Gesundheit“ unter dem Dach des Schwulen Netzwerks NRW
Ziel 9: Schutz vor Diskriminierung in der ärztlichen Praxis
M 9.1: Erstellung und Vertrieb eines Druckwerks: „Über den Umgang mit schwul-lesbisch-transidenten Patientinnen – eine kleine Fibel für die ärztliche Praxis“
Ziel 10: Gesundheitsförderung für Schwule und MSM - Kommunikationsplattform „Pudelwohl: gesund & schwul in NRW“
M 10.1: Fortschreibung und Aktualisierung der Internet- und Kommunikationsplattform „Pudelwohl: gesund & schwul in NRW“ Ausbau und Aktualisierung der vom Schwulen Netzwerk vor etwa 5 Jahren entwickelten Kommunikationsplattform über Angebote der Präventions- und Gesundheitsprojekte im Kontext schwuler Selbsthilfe und Selbstorganisation. Relaunch der Internetpräsenz www.pudelwohl-nrw.de
Ziel 11: Enttabuisierung und Entstigmatisierung der Themen mann-männliche Prostitution und der Zielgruppen männliche Prostituierte und Freier in schwulen Zusammenhängen
M 11.1.1: Akzeptanzkampagne zur Enttabuisierung und Entstigmatisierung, sowohl in schwulen Zusammenhängen (schwule Community) als auch in allgemein gesellschaftlichen Bezügen u.a. Gesundheitsbehörden, Jugendhilfe
M 11.1.2: Durchführung einer Studie zur Lebenssituation von mann-männlichen Prostituierten

M 11.1.3: Landesweiter Fachtag zum Thema „mann-männliche Prostitution“
M 11.1.4: Initiierung und Förderung von Selbsthilfeaktivitäten von mann-männliche Prostituierte
M 11.1.5: Verbesserung der sozialen und sozialrechtlichen Situation und des Arbeits- und Gesundheitsschutzes
M 11.1.6: Fortbildungsseminare für männliche Prostituierte, u.a. im Sinne einer Professionalisierung, Gesundheitsprävention, etc.
M 11.1.7: Förderung der Projekte im Bereich „Mann-männliche Prostitution“ (Streetwork, virtuelle und persönliche Beratungsangebote, Anlaufstellen)
M 11.2.1: Akzeptanzkampagne zur Enttabuisierung und Entstigmatisierung des Themas „Freier sein“
M 11.2.2: Durchführung einer Studie zum Thema „Freier“, um erstmalig Daten in Bezug auf die soziale Situation von Freier zu erhalten
M 11.2.3: Initiierung von Gesundheitsprävention für die Zielgruppe der Freier
Ziel 12: Förderung Gesundheitsprävention für die Zielgruppen männliche Prostituierte und Freier
12.1: Stärkung der Gesundheitsprävention im Bereiche der mann-männlichen Prostitution
Ziel 13: Stärkung sozialer Netzwerke LSBTTI
M 13.1: Unterstützung evtl. bereits vorhandener Selbsthilfe-Strukturen
M 13.2: Konzepterstellung für den Aufbau lokaler Unterstützungsnetzwerke, Besuchsdienste etc.
M 13.3: Förderung neuer Wohnformen (z.B. Villa Anders)
M 13.4: Umsetzung eines regionaler Modellprojekte inkl. supervisorischer und evaluierender Begleitung
M 13.5: Information von Pflege- und Alterseinrichtungen über vorhandene Unterstützungsnetzwerke
Ziel 14: Studie zu LSBTTI - zielgruppengerechter Alterspolitik
M 14.1: Zielgruppenspezifische Bestandsaufnahme und Bedarfsanalyse zur Lebenssituation und zu den Bedürfnissen von älteren LSBTTI im städtischen und ländlich Raum NRW.
Ziel 15: Sichtbarkeit von älteren LSBTTI – Öffentlichkeitskampagne
M 15.1: Konzipierung einer Öffentlichkeitskampagne zum Thema Diversity im Alter. (vgl. Aktionen wie „lebenslang lebenswürdig“, altersspezifisches, sehr wirksames CSD-Motto ColognePride 2005) <ul style="list-style-type: none"> • Broschüren, Postkarten-Aktion • Preisauslobung • Fachtagungen • Fachpublikationen / Vorträge u.a.m.
Ziel 16: Entwicklung und Etablierung einer kultursensiblen Altenpflege für LSBTTI in Alten(pflege)einrichtungen in NRW
M 16.1: Entwicklung von Lehrplänen / Curricula unter Berücksichtigung der spezifischen Lebenswirklichkeit von LSBTTI
M 16.2: Aufklärung und konzeptionelle, Diversity orientierte Beratung der Träger- und Leitungsebenen von Altenpflegeeinrichtungen im Rahmen des Qualitätsmanagements (top-down-Methode)
M 16.3: Entwicklung und Implementierung von Mitarbeiter_innen-Schulungen im Rahmen der Fort- und Weiterbildung unter Berücksichtigung der spezifischen Lebenswirklichkeit von LSBTTI
Ziel 17: Unterstützung von Generationen übergreifenden und altersgerechten Wohnprojekten für LSBTTI
M 17.1: Beratung lokaler Initiativen zu Fördermöglichkeiten
M 17.2: Unterstützung lokaler Initiativen bei Konzeptentwicklung und Vernetzung
M 17.3: Informierung lokaler Initiativen über Strategien zur effizienten Investorensuche (Siehe vorliegenden Antrag des Sozialwerks für Lesben und Schwule e.V.)

HF 5: Wirtschaft/Tourismus/Arbeitswelt/Land als Arbeitgeber
Ziel 1: Das Land NRW positioniert sich aktiv und stellt Diversity als Chance der Vielfalt heraus.
<p>M 1.1: Es wird eine Landesstelle für Vielfalt und Chancengleichheit eingerichtet. Ziel der Einrichtung der Landesstelle ist die besondere Berücksichtigung von LSBTTI bei der Umsetzung des AGG und der Vermittlung, Einführung und Sicherstellung von Diversity Strategien. Berücksichtigt werden alle sechs Diversity-Dimensionen: Alter, Befähigung / Behinderung, Geschlecht, ethnisch-kulturelle Herkunft, Religion / Weltanschauung und sexuelle Orientierung. Eine Landesstelle soll vergleichbar mit der Landesstelle für Gleichbehandlung gegen Diskriminierung in Berlin umfassende Aufgaben erhalten. Zu den Aufgaben gehören:</p>
M 1.2: Vernetzung und Koordination von Akteurinnen und Akteuren und Aktivitäten in NRW
<p>M 1.3: Öffentlichkeitsarbeit und Aufklärung M 1.3.1: Darstellung der Vorteile von LSBTTI/Diversity bei der Personalpolitik M 1.3.2: Zusammenhänge von Diversity-Management und Bereicherung für Kultur und Zufriedenheit in Arbeitsteams darstellen -> Arbeitnehmer-Ressource von LSBTTI offensiv in Arbeitswelt integrieren M 1.3.3: Vermittlung von Best Practice, inklusive Beispiele von Betriebsvereinbarungen und erprobten Maßnahmen M 1.3.4: Anreize schaffen durch Wettbewerbe und Ausschreibungen M 1.3.5: Pilotprojekte in Unternehmen anregen -> Kultur/Umgangsregeln in Unternehmen</p>
M 1.4: Anregung zur Selbstverpflichtung
M 1.5: Sensibilisierung von Multiplikatorinnen und Multiplikatoren
M 1.6: Evaluation
M 1.7: Anregung zu regelmäßiger Forschung -> Nachfolgestudie Out im Office II
M 1.8: Qualitätssicherung
Ziel 2:Stärkung von Arbeitnehmerinnen und Arbeitnehmern in ihrer Identität als LSBTTI
M 2.1: LSBTTI in Personal- und Führungskräfteentwicklung
M 2.2: Berücksichtigung von LSBTTI in Aus- und Fortbildungsveranstaltungen
M 2.3: Interessenvertretung sensibilisieren und qualifizieren
M 2.4: Hilfsangebote/Beratung im Unternehmen (Out im Office) -> Coaching, Kollegiale Beratung
M 2.5: Angebote stärker öffentlich machen
M 2.6: Aufbau eines niederschweligen Zugangs zu Beratung
Ziel 3: Stärkung von Arbeitnehmerinnen und Arbeitnehmern in ihrer Identität als LSBTTI in „Tendenzbetrieben“
M 3.1: Aufbau eines niederschweligen Zugangs zu Beratung in Beratungs-/Bildungseinrichtungen
M 3.2: Selbstmanagement von LSBTTI mit dem Ziel der Selbststärkung -> Seminarkonzepte für Bildungs-/Beratungsstellen
M 3.3: Dialog mit Kirchen
M 3.4: Bundesratsinitiative AGG, Art. 9 „Kirchen“
Ziel 4: Das Land NRW positioniert sich als Arbeitgeber in Vorbildfunktion
M 4.1: Vermittlung und Einführung von Diversity-Management: Initiierung von Schulungen für Arbeitgeberinnen/Arbeitgeber und Arbeitnehmerinnen/Arbeitnehmer
M 4.2: Landesweite Führungskräfte Schulungen

M 4.3: Sensibilisierung zu Diskriminierung
Ziel 5: Bei Förderprogrammen mit Bezug zur Arbeitswelt werden mehr Fördermittel für LSBTTI berücksichtigt
M 5.1: Überprüfung der vorhandenen Programme
M 5.2: Initiierung von neuen Programmen
Ziel 6: LSBTTI als wirtschaftliches Potenzial wertschätzen
M 6.1: Durchführung von Erhebung(en) zum wirtschaftlichen Potenzial der LSBTTI-Community in NRW, und deren Veröffentlichung.
M 6.2: Positive aktive Positionierung der Landesregierung zu LSBTTI als Wirtschaftsfaktor.
M 6.3: Die positive Einstellung gegenüber LSBTTI wird Teil einer neuen NRW Image-Standort-Kampagne (Diversity).
M 6.4: LSBTTI-Freundlichkeit als Kriterium für die Gewährung von Fördermitteln.
M 6.5: Erhöhung der Attraktivität von NRW für den Tourismus durch die Darstellung der positiven Einstellung gegenüber LSBTTI, z.B. durch Einbeziehung von LSBTTI auf der ITB-Präsenz des Landes, und durch Einführung eines LSBTTI „Gütesiegels“ im Bereich Tourismus (Hotels, Locations, Veranstaltungen, Land, Gemeinden, etc.)

HF 6: Diskriminierung/Gewalt/häusliche Gewalt
Ziel 1: Das Land NRW übernimmt aktiv die Verantwortung für eine Antidiskriminierungspolitik
M 1.1: AGG Merkmale werden in Landesgesetzen und Richtlinien verankert (Tendenzbetriebe sind zu berücksichtigen, vernetzt mit Handlungsfeld Arbeitswelt/Land als Arbeitgeber: Keine Landesförderung für diskriminierende Unternehmen)
M 1.2: Sensibilisierung der Öffentlichkeit
M 1.3: Broschüren mit NGOs entwickeln, zielgruppenspezifische Ansprache
M 1.4: Qualifizierung von Fachkräften
M 1.5: Gesellschaftliche Aufklärung zur Lebenssituation von Transgender, Transsexuellen und Intersexuellen (Besondere Situation von Trans*Menschen, Papier-Frauen und Papier-Männer aufgreifen)
M 1.6: Die mehrdimensionale Diskriminierung von Menschen mit Migrationshintergrund wird besonders aufgegriffen.
M 1.7: Es wird ein Landesarbeitskreis Antidiskriminierung etabliert.
M 1.8: Einrichtung einer Landesantidiskriminierungsstelle mit horizontalem Ansatz (LSBTTI) (ähnlich ADS-Bund)
Ziel 2: Ausweitung des vorhandenen Beratungsangebotes als wirksamer Schutz vor Diskriminierung
M 2.1: Evaluation des vorhandenen Beratungsangebots
M 2.2: Finanzielle Förderung und Bereitstellung eines qualifizierten und ausreichenden Beratungsangebots
M 2.3: Schaffung eines Netzwerks von Beratungsstellen
Ziel 3: Gewinnung von Daten zu Diskriminierung
M 3.1: Bestandsaufnahme von staatlichen und nicht staatlichen Quellen
M 3.2: Forschung zu horizontaler Diskriminierung speziell zu LSBTTI anregen
M 3.3: Optimierung und Vernetzung von Datenerfassung bei Beratungsstellen
Ziel 4: Die Strafverfolgung von Gewaltdelikten wird LSBTTI – sensibler gemacht.
M 4.1: Die Justiz wird sensibilisiert, es finden z.B. Fortbildungen für Richter und Staatsanwälte statt, die die Folgen von Gewalt bei der Opfer-Gruppe mit LSBTTI-Hintergrund behandeln (auf die Gruppe der Transsexuellen wird besonders hingewiesen).
M 4.3: Barrieren werden abgebaut, Vertrauen wird geschaffen: zwischen Szene und Polizei, innerhalb der Szene
M 4.4: Das öffentliche Interesse an den Aspekten der Ehrverletzung bei Gewaltdelikten gegenüber LSBTTI – Menschen wird herausgestellt. Dadurch wird verhindert, dass entsprechende Straftaten nicht bagatellisiert werden, sondern häufiger zu staatlicher Anklage kommen.
M 4.5: Bei der Ermittlung von Straftaten werden die besonderen Belange von Transsexuellen/Transgendern berücksichtigt (z.B. Situation bei Gewahrsamnahme) und Polizei entsprechend sensibilisiert
Ziel 5: Ansprechpersonen innerhalb der Organisationsstruktur in Polizeibehörden als Zeugenbetreuung und Opferschutz.
M 5.1: Entwicklung von Funktions- und Aufgabenbeschreibungen von Ansprechpersonen innerhalb der Organisationsstruktur in Polizeibehörden. Aufgabe: Zeugenbetreuung, Opferschutz und interne Ansprechperson.
M 5.2: Implementierung durch Erlass

Ziel 6: Prävention von Gewalttaten gegenüber LSBTTI-Menschen durch Berücksichtigung in der primären Gewaltprävention
M 6.1: Berücksichtigung LSBTTI-Gewalt in der primären Kriminalitätsprävention z.B. Werteerziehung in der Schule.
M 6.2: Zusammenarbeit zwischen Ministerien, Behörden und NGOs, u.a. bei Broschüren-Entwicklung
Ziel 7: Vorurteilsgeleitete Gewalt wird sachgerecht bearbeitet
M 7.1: Erfassung von vorurteilsgeleiteten Straftaten bei Polizei und Justiz. M 7.1.1: Es wird eine Grundlage geschaffen, auf deren Basis Daten gewonnen werden, die ein Bild und eine Aussagen zu Gewaltdelikten gegenüber LSBTTI-Menschen ermöglichen. M 7.1.2: Es werden qualitative Dunkelfeldstudien durchgeführt.
M 7.2: Es findet im Vorfeld der Datenerhebung eine Aufklärungskampagne in der LSBTTI-Community statt, die Sinn und Zweck einer Erhebung vorurteilsgeleiteter Straftaten vermittelt. Einer Angst vor „Rosa Listen“ wird vorgebeugt.
M 7.3: Es wird eine Einstellungsstudie der Bevölkerung zu LSBTTI erstellt.
M 7.4: Eine spezifische Bearbeitung vorurteilgeleiteter Kriminalität wird gesichert durch spezielle Sachbearbeiter in den UPB (vgl. PMU)
Ziel 8: Das Land NRW positioniert sich gegen Gewalt gegenüber LSBTTI-Menschen und macht auf die Opfer des Nationalsozialismus aufmerksam.
M 8.1: Erklärung des Landtags NRW zu den LSBTTI-Opfern des Nationalsozialismus: Ächtung der Verfolgung von LSBTTI im Nationalsozialismus (27.1. oder 17.5. des Jahres, Tag gegen Homophobie).
Ziel 9: Opferschutz
M 9.1: Opfer werden gestärkt durch Aufklärung: Es wird ein Merkblatt für Opfer erstellt, das durch die Polizei verteilt wird (vergleichbar mit dem existierenden Merkblatt zu häuslicher Gewalt).
M 9.2: Bei den Gerichten wird eine Zeugenbetreuung bei Gewaltdelikten z. N. LSBTTI-Menschen eingerichtet (siehe auch Ansprechperson).
M 9.3: Es findet eine flächendeckende Ausweitung und Anwendung des Projekts „Anonyme Spurensicherung“ im Bereich von Gewaltdelikten gegenüber LSBTTI-Menschen statt. Die Polizei gibt „Spurensicherungssets“ an Institutionen (Krankenhäuser, Beratungsstellen, u.a.) und ermöglicht so eine Spurensicherung, die dem Opfer Chance und Voraussetzungen für eine Anklage schafft. Hierdurch kann das Opfer später selbst entscheiden, ob es zur Anklagen kommen soll.
M 9.4: Es wird ein landesweites LSBTTI-Überfall-Telefon etabliert. Von dort aus wird weiterverwiesen an Beratungsstellen, Trauma-Ambulanz und Therapiemöglichkeiten (Ergänzung und Veränderung nach Besprechung im Fachbeirat der Anti-Gewalt-Arbeit und in Rücksprache mit SÜT und Beratungsstellen).
M 9.5: Analyse und bedarfsgerechter Ausbau von qualifizierten Angeboten der Betreuung und Beratung von LSBTTI-Opfern von Gewalt
Ziel 10: Sensibilisierung von Polizeibeamten
M 10.1: Implementierung in Aus- und Fortbildung der Polizei (verpflichtend in Curricula und Fortbildung)
M 10.2: Polizeiberuf in der Community attraktiv machen durch zielgruppenspezifische Werbung. Individuelle Personalgewinnungskonzepte in der Polizei mit dem Ziel der Einstellung mit LSBTTI-Hintergrund.
Ziel 11: Bereitstellung eines qualifizierten und bedarfsorientierten Beratungs- und Unterstützungsangebotes bei häuslicher Gewalt
M 11.1: Analyse und bedarfsgerechter Ausbau von qualifizierten Angeboten der Betreuung und Beratung von LSBTTI- Opfer von häuslicher Gewalt
M 11.1.1: Finanzielle Förderung von spezialisierter Beratung
M 11.1.2: Vereinbarung von Standards der Opferberatung bei häuslicher Gewalt

M 11.2: Analyse und bedarfsgerechter Ausbau von qualifizierten Angeboten der Betreuung und Beratung von LSBTTI- Täterinnen und Tätern von häuslicher Gewalt
M 11.2.1: Vereinbarung von Standards der Opferberatung bei häuslicher Gewalt
M 11.3: Vernetzung und Verschränkung mit anderen Opferhilfsangeboten (wie z.B. Frauennotrufe/Frauenhäuser)
M 11.4: Sprachmittlerinnen: Kostenübernahme (auch Gebärdensprache)
Ziel 12: Gewinnung von Informationen über Erfahrungen von häuslicher Gewalt von LSBTTI in NRW: Beziehungsgewalt und familiäre Gewalt
M 12.1: Auswertung von Studien zu Erfahrungen von häuslicher Gewalt von LSBTTI
M 12.2: Initiierung und Durchführung von quantitativen und qualitativen Studien (z.B. häusliche Gewalt in schwulen Partnerschaften, Trans*, quantitative Forschung für LSBTTI)
M 12.3: Überprüfung der Machbarkeit und Implementierung von Datenerfassung und Statistiken von Beratungsfällen (Verknüpfung mit Datenerfassung von Gewalt und häuslicher Gewalt, sowie Falldokumentation von Beratungsstellen)
Ziel 13: Einrichtung von Schutzhäusern
M 13.1: Einrichtung von Schutzhäusern für die speziellen Zielgruppen: <ul style="list-style-type: none"> • LSBTTI-Jugendliche • Trans*, Intersexuelle • Schwule
M 13.2: Jugendzentren für LSBTTI (kommunal)
M 13.3: Strukturelle und finanzielle Stärkung der Arbeit der Jugendzentren
M 13.4: Sensibilisierung bestehender Schutzhäuser (z.B. Frauenhäuser, Jugendeinrichtungen...)
M 13.5: Vereinfachung bei der Erteilung einer Betriebserlaubnis bei der Einrichtung neuer Schutzhäuser. Entwicklung von Modellen mit NGOs, die dem besonderen Schutzbedürfnis von LSBTTI-Menschen, differenziert nach den verschiedenen Zielgruppen (z.B. Transsexuelle), entsprechen.
Ziel 14: Sensibilisierung der LSBTTI-Community als Unterstützungsfeld für das Thema häusliche Gewalt
M 14.1: Aufklärung in der Szene -> Nutzung der Infra-Struktur (CSD; Diskos; Internetseiten...)
Ziel 15: Erhöhung der Bereitschaft, bei häuslicher Gewalt in der Partnerschaft polizeiliche Intervention und Gewaltschutzgesetz in Anspruch zu nehmen
M 15.1: Sensibilisierung aller beteiligten Stellen <ul style="list-style-type: none"> - Opferschutzbeauftragte - Netzwerke der Frauenhäuser - Schulen, Bildungssystem
M 15.2: Berücksichtigung des Themas „sexualisierte Gewalt in LSBTTI-Partnerschaften“ in Aus- und Fortbildung für den Polizeidienst
M 15.3: Verzahnung mit den vorhandenen Interventionsstrukturen, z.B. Runde Tische, Interventionsstellen in NRW
Ziel 16: Stärkung und Ausbau der landesweiten Anti-Gewalt-Arbeit in NRW
M16.1: Ausbau und Weiterentwicklung der Landeskoordination der Anti-Gewalt-Arbeit bezogen auf die Themen Diskriminierung/Gewalt/ häusliche Gewalt und die Zielgruppen Lesben, Schwule, junge LSBT, Lesben und Schwule mit Migrationshintergrund analog zu dem in den jährlichen Berichten der Landeskoordination und im Antrag vom Dezember 2010 benannten Bedarf
M 16.2: Aufbau des Themenfeldes Diskriminierung/ Gewalt/ häusliche Gewalt bezogen auf Transsexuelle/ Transgender
M 16.2.1: Bestandaufnahme zu Diskriminierungs- und Gewalterfahrungen von Transsexuellen/ Transgender in NRW
M 16.2.3: Erhebung über den Beratungsbedarf und die bisherigen Beratungsangebote
M 16.2.4: Integration von TT-spezifischen Angeboten in das Anti-Gewalt-Netzwerk

M 16.3 Vereinbarung von Standards der LSBTTI-Opferberatung bei Diskriminierung/ Gewalt/ häusliche Gewalt
(siehe auch M 11.2.1)

HF 7: Kultur
Ziel 1: LSBTTI-Hintergrund wird sichtbar als Teil der gesellschaftlichen Kultur
<p>M 1.1: LSBTTI-Geschichte wird als Kulturgut gesichert.</p> <p>M 1.1.1: Geschichte von Kulturschaffenden mit LBSTI-Hintergrund wird bewahrt und sichergestellt durch Archive.</p> <p>M 1.1.2: Es findet eine Kooperation und Einbindung in Archivstrukturen in NRW statt.</p> <p>M 1.1.3: Geschichte und Kultur von Trans* wird sichtbar gemacht durch eine Erhebung, eine Evaluation vorhandener Publikationen, Veröffentlichungen u.ä.. Zum Beispiel wird die Internetseite „TransRay“ aufgegriffen (Sammlung zu Trans*Kultur von Nina Scholz, z.Zt. nicht mehr im Netz).</p>
<p>M 1.2: Frau und Lesbe wird sichtbar gemacht.</p> <p>M 1.2.1: Sichtbarkeit wird gefördert in Bereichen, in denen Lesben in der Kultur unterrepräsentiert sind (z.B: Komponistinnen, Dirigentinnen). Mögliche Formen: Ausstellungen, Publikationen, Hinweise in vorhandenen Kunstinstitutionen.</p> <p>M 1.2.2: Lesbenkultur wird gezielt unterstützt durch finanzielle Förderung.</p> <p>M 1.2.3: Bestandserweiterung: Lesbenkultur (+SBTI) in verschiedenen Kulturbereichen, Zeitschriften, Filmen etc.</p>
<p>M 1.3: Transsexuelle werden als ernstzunehmende Künstlerinnen und Künstler dargestellt - nicht als Subkultur (keine Reduzierung auf „Drag Queen“). Mögliche Formen: Ausstellungen, Publikationen, Hinweise in vorhandenen Kunstinstitutionen.</p>
<p>M 1.4: Die Darstellung von Kulturschaffenden mit LSBTTI-Hintergrund in öffentlichen Medien/Talkshows/Filmen wird verbessert. Dazu werden Agenturen konkret angesprochen.</p>
<p>M 1.5: Museen, die Kultur von Kulturschaffenden mit LSBTTI-Hintergrund darstellen, werden finanziell unterstützt (z.B. Schwules Museum, Frauenmuseum...)</p>
Ziel 2: Sensibilisierung bei allen Kulturschaffenden und in den Medien
<p>M 2.1: LSBTTI-Literatur und Filme werden verfügbar gemacht in öffentlichen Bibliotheken.</p>
<p>M 2.2: Es werden LSBTTI/Diversity-Beauftragte in Kultureinrichtungen geschaffen. Aufgaben u.a.: - Beachtung von LSBTTI in interkulturellen Projekten - Entwicklung eines Kulturverbindenden Preis/Wettbewerb</p>
<p>M 2.3: Etablierung einer Studie zu LSBTTI in den Medien, besonders im Fernsehen und Internet.</p>
<p>M 2.4: LSBTTI-Kunst wird sichtbar in Museen/Kunstbetrieb und Kulturstrukturen, z.B.: - LSBTTI-Identität von Künstlern wird in Museen hervorgehoben - durch Führungen „Homosexuelle Identität in der Kunst“ - Biographie-Arbeit - Aufarbeitung von Verfolgungsgeschichte - Lebensgeschichten der Vielfalt durch LSBTTI</p>
Ziel 3: Kultur als Transporter für Toleranz und Vielfalt
<p>M 3.1: Vorhandenes sichtbar machen: Kultur als Mittel zum Transport des Aktionsplans</p>
<p>M 3.2: „Raus aus der Nische“ Veranstaltungsorte und Kooperationen z.B. im Rathaus, in Schauspielhäusern, in anderen öffentlichen Räumen.</p>
<p>M 3.3: Soziokulturelle Zentren und Frauenkulturzentren werden gefördert.</p>
Ziel 4: Sensibilisierung zur LSBTTI-Kultur in vorhandenen Strukturen
<p>M 4.1: NRW-Tag zeigt Vielfalt und integriert LSBTTI-Projekte</p>
<p>M 4.2: Das Goethe-Institut zeigt Deutschland in Vielfalt</p>
<p>M 4.3: Bei Städtepartnerschaften wird Diversity als Bestandteil der Kultur dargestellt, z.B. LSBTTI Theater/Projekte werden präsentiert (HisStory...)</p>
<p>M 4.4: Es werden Kulturprojekten mit LSBTTI-Bezug mehr Ressourcen zur Verfügung gestellt (sowohl finanziell als auch logistisch, z.B. Bühne, Technik, Equipment, Kompetenz)</p>

<p>M 4.5: CSD ist Bestandteil der Öffentlichkeitsarbeit und wird als kulturelles und politisches Event gestärkt und gefördert</p> <p>M 4.5.1: CSD wird als Diversity-Strategie – LSBTTI als Bestandteil von Gesamtkultur – präsentiert:</p> <ul style="list-style-type: none"> - in der Öffentlichkeit - durch die Community selbst <p>M 4.5.2: CSD erfährt Wertschätzung und Unterstützung durch Präsenz von Prominenz an allen 10 CSD's (Juli-September)</p>
<p>Ziel 5: In vorhandenen Portalen wird LSBTTI dargestellt und entsprechend verlinkt</p>
<p>M 5.1: Bestehende LSBTTI-Kultur findet Beachtung, z.B.:</p> <ul style="list-style-type: none"> - Im Kulturportal NRW - In den überregionalen soziokulturelle Zentren
<p>Ziel 6: Nachhaltige Sicherung der LSBTTI-Kulturschaffung als Bestandteil der Kulturförderung</p>
<p>M 6.1: LSBTTI wird als Bestandteil des Haushaltstitels der Kulturförderung etabliert. Die Fördermittel werden erhöht.</p>
<p>M 6.2: Abrechnungsabläufe werden erleichtert und Flexibilität in der Vergabe/Verteilung von Fördermittel wird ermöglicht durch Verwaltung von Fördermitteln über bestehende Strukturen (LAG-Lesben und Schwules Netzwerk NRW)</p>
<p>M 6.3: Die Filmstiftung NRW fördert LSBTTI-Kultur-Themen</p>
<p>M 6.4: Landestheater veranstalten in Kooperation mit freien LSBTTI-Kulturschaffenden gemeinsam Events wie Theater/Konzert-/Ausstellungen/Lesungen. Fördermittel werden Projektbezogen daran gebunden.</p>
<p>M 6.5: Es werden Filmreihen zu LSBTTI in den Kinos (Beispiel: „Homochrom“) angeregt.</p>
<p>M 6.6: Wertschätzung und politische Unterstützung findet durch politische und/oder prominente Präsenz statt:</p> <ul style="list-style-type: none"> - Schirmherrschaften - Patenschaften - Grußworte - Präsenz/Pressekonferenzen
<p>Ziel 7: Die Landesregierung positioniert sich gegen Volksverhetzung</p>
<p>M 7.1: Sensibilisierung zu homophoben Musiktexten Minderheitenfeindliche strafrechtliche Inhalte von Musiktexten werden nicht zugelassen. Daraus folgt: Entsprechenden Interpreten (8 Gruppen aus Jamaika) wird die Einreise verweigert. Ebenso erfolgt Auftrittsverbot für deutsche Interpreten mit volksverhetzenden Texten. Hierzu ist eine Sensibilisierung der örtlichen Behörden, der Politik, der Veranstalter, der Veranstaltungsinstitutionen, der Strafverfolgungsbehörden und der Fan-Gemeinden erforderlich.</p>
<p>M 7.2: Kampagne gegen Hassmusik (z.B. vom LSVD)</p>

HF 8: Sport
Ziel 1: Enttabuisierung von LSBTTI im Sport
<p>M 1.1: Ächtung von Homophobie: Entwicklung einer Kampagne der Landesregierung auf der Basis „Pakt für den Sport“.</p> <p>M 1.1.1: Mögliche Bestandteile:</p> <ul style="list-style-type: none"> - ein Sportkongress als Auftakt - gemeinsame Turniere mit anderen Sportvereinen - Flyer gegen Homophobie im Fußball <p>M 1.1.2: Mehrwert herausstellen bei Verhandlung mit Sportstätten-/Stadien-Betreibern</p> <p>M 1.1.3: Ächtung von Homophobie: Sportvereine werden angeregt, Vielfalt als Chance, Ächtung von Homophobie/Transphobie in ihren Satzungen aufzunehmen</p> <p>M 1.1.4: Einbeziehung von Sponsoren</p>
<p>M 1.2: Es wird für Vielfalt im Sport und in Sportverbänden geworben durch Teilnahme von Schwul-Lesbischen Sportclubs an dem regulären Ligabetrieb.</p>
<p>M 1.3: Gemeinsame Turniere mit anderen Sportvereinen als Vehikel zur Annäherung, z.B. Come together-Cup/Düssel-Cup</p> <ul style="list-style-type: none"> - Hier wird ein Signal der Wertschätzung gesetzt durch die Anwesenheit der Ministerin / durch ein Grußwort. - Die Community ist aktiv: Es ergeht eine Einladung an die Ministerin durch die Community.
<p>M 1.4: Es werden Netzwerke von LSBTTI Sportclubs und Vereinen geschaffen</p>
Ziel 2: Studien über LSBTTI im Sport
<p>M 2.1: Es werden Studien und Bestandsaufnahme durchgeführt, die einen Überblick zu LSBTTI im Sport bieten:</p> <ul style="list-style-type: none"> - Recherche über vorhandene Angebote, Vereine etc. - Situation von LSBTTI im Sport, Besonderheiten im Outing - Besonderheiten für Trans* und Intersexuelle im Sport - Good Practice wird zugänglich gemacht
Ziel 3: Strukturen und Angebote LSBTTI freundlich gestalten
<p>M 3.1: Etablierung von Ansprechpartnerinnen und Ansprechpartner mit dem Charakter einer Ombudsfrau, Ombudsmann.</p> <p>Themen, die in den Aufgabenbereich fallen:</p> <ul style="list-style-type: none"> • Outing im Sport: „Betroffene“ stärken, beraten • Entwicklung eines Interventionsleitfaden
<p>M 3.2: LSBTTI sind in Entscheidungspositionen / Gremien im Sport verstärkt vertreten. Dazu wird intensiv in der Community für den Besuch von Fortbildungen und Qualifizierungen im Sportmanagement geworben. z.B. „Talente von heute, Führungskräfte von morgen“ Veranstalter: Landessportbund</p>
<p>M 3.3: Es werden Schutzräume im Sport geschaffen, die Gelegenheit bieten, Sport zu treiben unter Ihresgleichen/Seinesgleichen. Dazu werden z.B. bei Bedarf und durch Anmeldung der Community oder SL-Sportvereine besondere Öffnungszeiten/Hallenzeiten als zusätzliches Angebot eingerichtet. Hier ist eine Differenzierung vom Bedarf der jeweiligen Zielgruppe abhängig (Die Schwul-Lesbische Community hat andere Bedürfnisse als Trans* und Intersexuelle)</p>
<p>M 3.4: Trans* und Intersexuelle im Sport</p> <ul style="list-style-type: none"> - Aufgreifen einer Diskussion über besondere Regeln für Wettkämpfe bei Transfrauen und Transmännern.
Ziel 4: Selbstbewusstsein im Sport stärken im Sinne von Empowerment.
<p>M 4.1: Vernetzung der Schwul-Lesbischen Sportvereine Netzwerk-Workshop durch SNW und LAG-Lesben Themen: Sport unter Ihres-/Seinesgleichen, Schwul-Lesbische Fan-Clubs, LSBTTI im Sport</p>
<p>M 4.2: Städte machen auf ihren Portalen und in ihren Printmedien auf LSBTTI im Sport aufmerksam</p>
Ziel 5: Kompetenzerweiterung von Fachkräften im Sport

M 5.1: Veranstaltung einer Fachtagung zum Thema LSBTTI im Sport durch das MFKJKS unter Einbeziehung anderer Ressorts und NGOs
M 5.2: Die Jahrestagung 2012 für Beraterinnen und Berater im Schulsport, veranstaltet durch das MSW, thematisiert LSBTTI im Schulsport unter Einbeziehung der NGOs und SchLAu NRW.
M 5.3.1: Sensibilisierung in der Ausbildung von Trainerinnen und Trainern / Übungsleiterinnen und Übungsleitern M 5.3.2: Es werden Instrumente zur Aufklärung entwickelt (Beispiel „SchLAue Kiste“ für Jugendliche in der Schule) M 5.3.3: Sensibilisierung in der Lehreraus- und fortbildung (Sportlehrerinnen und Sportlehrer, Schulleiterinnen und Schulleiter), Integration der Thematik in Curricula. SchLAu NRW wird einbezogen zur inhaltlichen Ausgestaltung und zu Lehrbeispielen.
M 5.4: Es wird ein Toleranzpass LSBTTI / Gütesiegel für Sportvereine entwickelt.

HF 9: LSBTTI und Migration
Ziel 1: Unterstützung von Asylbewerberinnen und -bewerbern sowie Ausländerinnen und Ausländer mit LSBTTI-Hintergrund
M 1.1: Sensibilisierung für die Anhörung beim Bundesamt für Migration und Flüchtlinge, BAMF Hintergrund: LSBTTI ist seit 2007 ein möglicher Anerkennungsgrund in Asylverfahren. Die Praxis hat sich möglicherweise noch nicht durchgesetzt.
M 1.2: Das Transsexuellen-Gesetz TSG wird generell für Ausländerinnen und Ausländer geöffnet. NRW setzt sich hierfür ein.
M 1.3: Asylbewerberinnen und Asylbewerber mit LSBTTI-Hintergrund erfahren eine besondere Begleitung und Beratung, z.B. bei Pro Asyl, Flüchtlingsrat NRW.
M 1.4: Es werden Schutzräume in den Einrichtungen zur Unterbringung für Asylbewerberinnen und Asylbewerber im Asylverfahren mit LSBTTI-Hintergrund geschaffen.
Ziel 2: Migrantinnen und Migranten mit LSBTTI-Hintergrund erfahren Akzeptanz in Schule, Bildung und Hochschule
M 2.1: Migrantinnen und Migranten mit LSBTTI-Hintergrund werden sichtbar durch Forschung und Studien: <ul style="list-style-type: none"> • Es wird eine Studie zu LSBTTI mit Migrationshintergrund in NRW durchgeführt. Dabei werden Erfahrungen und Lebenssituation nicht nur unter dem Aspekt der Mehrfachdiskriminierung untersucht. Auch positive Erfahrungen sollen abgebildet werden. • Es wird eine Zielgruppenbefragung durchgeführt zum Thema „Wie wird der Zugang zur vorhandenen Infrastruktur in Bildung und Beratung erleichtert?“.
M 2.2: Der Einbürgerungstest zeigt ein offenes Bild pluraler und vielfältiger Gesellschaft: Integration auch von LSBTTI Thema in den Einbürgerungstests.
M 2.3: Aufnahme von LSBTTI in Standardbildungsmaßnahmen: LSBTTI wird Bestandteil von Orientierungskursen für Einwanderinnen und Einwanderern und in Frauenkursen. Dazu: generelle Überprüfung der Ausschreibungskriterien für Anbieter von Orientierungskursen und Frauenkursen. LSBTTI wird ein Kriterium in Finanzierungs- und Ausschreibungsbedingungen.
M 2.4: LSBTTI wird in Lehrpläne und Curricula aufgenommen. Dazu wird auf Träger und Lehrpersonal eingewirkt.
M 2.5: Interkulturelle Kompetenz bei Sozialarbeiterinnen und Sozialarbeitern, Sozialpädagoginnen und Sozialpädagogen wird schon in der Ausbildung gefördert und in das Studium integriert.
M 2.6: Der Zugang für LSBTTI-Jugendliche zu Bildungsangeboten in der Jugendarbeit wird (z.B. zu Jugendzentren, weiteren Angebote der offenen Jugendarbeit) durch kultursensible Angebote erleichtert. Verknüpfung auch mit SchLAu NRW.
Ziel 3: Kultursensible Aufklärung über Migrantinnen und Migranten mit LSBTTI-Hintergrund
M 3.1: Angebote, Träger und Vielfalt werden durch ein „Branchenbuch“ bekannt gemacht (z.B. Unternehmen, Unterhaltung und Freizeit, Beratungsangebote, Institutionen). Dadurch wird eine Bestandsaufnahme als Best Practice in NRW erreicht.
M 3.2: Migranten-Organisationen werden angesprochen und sensibilisiert: <ul style="list-style-type: none"> • Anregung durch Arbeitstreffen (NGO - MAIS -MGEPA) • Signal durch Landesbehörde • LSBTTI Organisationen gehen auf Migranten-Organisationen zu
M 3.3: DPWV (Deutscher Paritätischer Wohlfahrtsverband) - Migranten-Fachberatungsstellen werden sensibilisiert zu LSBTTI, das Thema wird aktiv angestoßen. Dazu werden Anknüpfungspunkte mit Trägern und Vorständen genutzt, z.B. Treffen, Tagungen, interkulturelle Wochen.
M 3.4: Es wird eine Tagung veranstaltet in Kooperation mit NGO - > Einladung durch Land in Kooperation mit NGO
M 3.5: Der Landesintegrationsrat (LAGA) wird sensibilisiert.
M 3.6: Die RAA (Regionale Arbeitsstellen zur Förderung von Kindern und Jugendlichen aus Zuwandererfamilien), bei der bereits jetzt schon Schulungen und Aktionen stattfinden, wird gebeten, das Thema noch weiter zu vertiefen.
M 3.7: Das Elternnetzwerk NRW wird sensibilisiert.

M 3.8: LSBTTI wird bei den 126 Integrationsagenturen in NRW sowie in den fünf spezialisierten Antidiskriminierungsbüros berücksichtigt.
M 3.9: Das Thema wird auch stärker in bestehende Beratungen und Institutionen integriert, z.B. Frauenberatungsstellen und in die Familienbildungsstätten.
M 3.10: Das Land NRW startet eine Toleranzkampagne, die sich verschiedene gesellschaftliche Gruppen erreicht: LSBTTI mit Migrationshintergrund, Migranten-Organisationen, Glaubensgemeinschaften, deutsche Bevölkerung ohne und mit Migrationshintergrund, Ausländerbeiräte, Behörden, Wohlfahrtsverbände etc.
Ziel 4: Netzwerke, Anlaufstellen und eigenständige Strukturen für Migrantinnen und Migranten mit LSBTTI-Hintergrund
M 4.1: Einrichtung einer Koordinationsstelle Aufgaben: <ul style="list-style-type: none"> • Transparenz und Vernetzung herstellen (z.B. durch mehrsprachige Internetseite) • Stärkung des Ehrenamts • Bedarfe aufgreifen • Austausch anregen und organisieren • Übersicht schaffen • „Branchenbuch NRW“ nutzen und aufbauen -> Wissen bündeln
M 4.2: Förderung von Projekten <ul style="list-style-type: none"> - Hauptamtliche Stellen schaffen - Evaluation: was wird geleistet, wo ist Bedarf? - HA-Stellen schaffen für Migration LSBTTI in Selbsthilfegruppen/vorhandenen Beratungsstellen - Beraterinnen und Berater mit Migrationshintergrund (Zielgruppenkompetenz)
Ziel 5: Förderung und Unterstützung sexueller Identitätsfindung von Menschen mit Zuwanderungsgeschichte und Stärkung der Gesundheitsprävention
M 5.1.1 Erhöhung der Akzeptanz von LSBTTI- Lebensweisen von Menschen mit Migrationsgeschichte durch einen Dialog mit landesweiten Migrationseinrichtungen, -vereinen und -organisationen sowie Ausländerbeiräten
M 5.1.2 Erhöhung der Bekanntheit von Informations-, Beratungs- und Unterstützungsangeboten für LSBTTI Menschen mit Migrationshintergrund
M 5.1.3 Initiierung eines Fachtages zum Thema „LSBTTI mit Migrationshintergrund“
M 5.1.4 Initiierung, Ausbau und Förderung von Beratungs-, Selbsthilfe- und Präventionsprojekte LSBTTI mit Migrationshintergrund
M 5.1.5 Einrichtung einer landesweiten Koordinationsstelle für den Bereich „LSBTTI mit Migrationshintergrund“
M 5.1.6 Aufbau einer landesweiten Vernetzungsstruktur der kommunalen Beratungs- und Selbsthilfeprojekte für LSBTTI Menschen mit Migrationshintergrund;
M 5.1.7 Unterstützung der transkulturellen Öffnung von öffentlichen und sozialen Einrichtung für Menschen mit Migrationshintergrund und Förderung der ehrenamtlichen und hauptamtlichen Mitarbeit
M 5.1.8 Integration von LSBTTI Menschen in Präventions- und Aufklärungsprojekten (u.a. SchLAu, Herzenslust).
M 5.2.1 Initiierung von Präventionskampagnen zu Gesundheitsthemen für die verschiedenen LSBTTI Menschen mit Migrationshintergrund in kultur- und zielgruppensensibler Ansprache (z.B. Aufklärung für schwule und bisexuelle Männer mit Migrationshintergrund und MSM, lesbische Frauen mit Migrationshintergrund, Trans-Menschen, HIV-Problematik verheirateter Männer)

UAG 10: LSBTTI und Behinderung
Ziel 1: Sexuelle Selbstbestimmung von Behinderten mit LSBTTI-Hintergrund in Einrichtungen der Behindertenhilfe und in Werkstätten für Behinderte
<p>M 1.1: Aufnahme eines Dialogs mit den Einrichtungen der Behindertenhilfe zur Sensibilisierung des Trägers, der Leitung, des Personals und der Angehörigen.</p> <p>M 1.1.2: Es wird angeregt, dass die Belange von Behinderten mit LSBTTI-Hintergrund berücksichtigt werden und als Zielsetzung in das Leitbild der Einrichtungen aufgenommen werden.</p> <p>M 1.2: Es finden Vernetzungen der LSBTTI Selbsthilfe mit Einrichtungen der Behindertenhilfe statt, z.B. durch Tagungen.</p> <p>M 1.3: Inhalte zu „LSBTTI-Menschen mit Behinderungen“ werden in Aus- und Fortbildungen integriert (z.B. in Förderschulen; Heilpädagogien) -> Verknüpfung mit Zielen aus UAG 3 Schule/Hochschule</p> <p>M 1.4: Es werden in den Einrichtungen Ansprechpersonen für die Belange von Menschen mit LSBTTI-Hintergrund etabliert. Sie können auch aus dem Kreis der Bewohnerinnen und Bewohner kommen.</p>
Ziel 2: Sensibilisierung der psychosozialen Beratungsstellen für Lesben, Schwule und deren Angehörige und deren Angehörige und der Beratungsstellen für Menschen mit Behinderung
<p>M 2.1: Sensibilisierung durch Schulungen und Fortbildungen-> siehe UAG 4_Z1 Maßnahmen zur Sensibilisierung</p> <p>M 2.2: Gemeinsame Veranstaltung / Fachtagung für die Annäherung der Lebenswelten Einbeziehung von Multiplikatorinnen und Multiplikatoren bei der Fachtagung: auch: Landeskoordination Anti-Gewalt-Arbeit, SchLAu NRW, Psychosoziale Beratungsstellen</p> <p>M 2.3: Das Jahres- Landestreffen der Selbsthilfe („Betroffene Behinderte LSBTTI“) auf überregionaler Ebene wird gefördert -> (z.B. Gebärdensprachedolmetscher, Räume etc.) Ziele des Treffens: Empowerment; Vernetzung; Anregung zur Selbsthilfe; behindertengerechte Gestaltung von Veranstaltungen</p>
Ziel 3: Studien zu Lebensbedingungen von LSBTTI mit Behinderung
<p>M 3.1: Berücksichtigung des Themas LSBTTI mit Behinderung im Landessozialbericht</p> <p>M 3.2: Studien über Lebenssituation von LSBTTI: - Integration von/Verknüpfung mit LSBTTI mit Behinderung - Besonderer Erhebungsbedarf bzw. Erkenntnisinteresse: Suizid und LSBTTI-Behinderung</p>
Ziel 4: Die Sichtbarkeit von Menschen mit LSBTTI Hintergrund und mit Behinderung wird gefördert
<p>M 4.1: Das Thema wird im Aktionsplan "Eine Gesellschaft für alle - NRW inklusiv" berücksichtigt.</p> <p>M 4.2: Qualifizierung der Öffentlichkeitsarbeit Landesregierung und Verbände weisen in ihrer Öffentlichkeitsarbeit und bei Veröffentlichungen auch auf LSBTTI-Menschen mit Behinderungen hin, bzw. berücksichtigen sie als Beispiele.</p> <p>M 4.3: Es werden Standards (Beispiel WDR) entwickelt und als Leitfaden für die Öffentlichkeitsarbeit und für Veranstaltungen zur Verfügung gestellt.</p>
Ziel 5: Barrierefreiheit – Es werden Beratungsstellen, Veranstaltungen und Tagungen barrierefrei gestaltet
<p>M 5.1: Barrierefreiheit wird beachtet bei Beratungsstellen, Veranstaltungen und Tagungen der LSBTTI-Community</p> <p>M 5.2: In der Außendarstellung und Werbung wird der Grad der Barrierefreiheit gekennzeichnet.</p> <p>M 5.3: Barrierefreiheit im Internet auf LSBTTI Seiten -> vorhandene Materialien nutzen</p>

UAG 11: Öffentlichkeitsarbeit
<p>Ziel 1: Es wird eine breit gefächerte Landeskampagne zum Thema LSBTTI initiiert, die die Gesamtbotschaft des Aktionsplans transportiert</p>
<p>M 1.1: Es wird ein wiedererkennbares Logo entwickelt.</p> <p>Kriterien:</p> <ul style="list-style-type: none"> • Label mit hohem Wiedererkennungswert, eventuell mit Regenbogenfarben, Verbindung zum Logo NRW. • gemeinsames Label für alle LSBTTI (eine zu beauftragende Agentur ist für die Differenzierungen der Zielgruppen zu sensibilisieren) mit differenzierten Slogans • es soll auch Außenstehende ansprechen • Charakter: witzig, charmant, polarisierend, selbstbewusst, offensiv, emotional
<p>M 1.2: Es wird ein Kommunikationskonzept entwickelt, das die Leitziele des Aktionsplans und die darin enthaltenen Handlungsfelder mit entsprechenden Botschaften aufgreift:</p> <ul style="list-style-type: none"> - Empowerment, Selbstbewusstsein, Stärkung der LSBTTI-Menschen - Wertschätzung, Respekt, Toleranz von Vielfalt - konsequente Ächtung von Homophobie und Gewalt <p>Zusammengefasst geht es um: „NRW stellt sich an die Seite der Community“, „Mitmachen“, „Sanktionierung und Ächtung“, „Mut zur Öffnung“.</p> <p>Maßnahmen Katalog - Kampagnen-Module: Es werden verschiedene Kampagnen-Module entwickelt, die als Anregungen zur Verfügung gestellt werden. Darin enthalten ist auch Pressematerial.</p> <p>Zielgruppenorientiert: Für einzelne Zielgruppen werden spezifische Slogans und Kampagnen entwickelt. Hierzu bedarf es der flexiblen Einbindung der lokalen Initiativen.</p> <p>Corporate Design: Es gibt ein einheitliches Erscheinungsbild (Corporate Design).</p>

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**RAT DER
EUROPÄISCHEN UNION**

**Brüssel, den 17. Juni 2010 (28.06)
(OR. en)**

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PESC 804**

VERMERK

der	Gruppe "Menschenrechte"
für das	Politische und Sicherheitspolitische Komitee
Betr.:	Maßnahmenkatalog zur Förderung und zum Schutz der Ausübung aller Menschenrechte durch Lesben, Schwule, Bisexuelle und Transgender-Personen

1. Die Gruppe "Menschenrechte" hat am 8. Juni 2010 den Maßnahmenkatalog zur Förderung und zum Schutz der Ausübung aller Menschenrechte durch Lesben, Schwule, Bisexuelle und Transgender-Personen (siehe Anlage) angenommen.
2. Das PSK wird gebeten, diesen Maßnahmenkatalog zur Kenntnis zu nehmen. Das Dokument wird dazu beitragen, dass die Institutionen der EU, die Hauptstädte der EU-Mitgliedstaaten sowie die Delegationen, Vertretungen und Botschaften der EU proaktiv auf Verletzungen der Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender-Personen reagieren und deren strukturellen Ursachen entgegenwirken können.

MASSNAHMENKATALOG ZUR FÖRDERUNG UND ZUM SCHUTZ DER AUSÜBUNG ALLER MENSCHENRECHTE DURCH LESBEN, SCHWULE, BISEXUELLE UND TRANSGENDER-PERSONEN

I. Einleitung und Zielsetzung

Mit diesem Dokument soll den Mitarbeitern der EU-Hauptsitze, der Behörden in den Hauptstädten der Mitgliedstaaten sowie der Delegationen, Vertretungen und Botschaften der EU ein operatives Instrumentarium für ihre Kontakte mit Drittländern sowie internationalen und zivilgesellschaftlichen Organisationen zur Förderung und zum Schutz der Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender-Personen (Lesbian, Gay, Bisexual and Transgender People, LGBT) im Rahmen ihrer Außenmaßnahmen an die Hand gegeben werden. Die EU soll damit in die Lage versetzt werden, proaktiv auf Verletzungen der Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender-Personen zu reagieren und deren strukturellen Ursachen entgegenzuwirken. Der Maßnahmenkatalog stellt somit auch einen Beitrag zum Ausbau und zur Unterstützung der Menschenrechtspolitik der EU generell dar.

Auf der ganzen Welt werden nach wie vor geschlechtliche Identität und sexuelle Ausrichtung zur Rechtfertigung schwerwiegender Menschenrechtsverletzungen herangezogen. Lesben, Schwule, Bisexuelle und Transgender-Personen sind als gefährdete Gruppe weiterhin Opfer von Verfolgung, Diskriminierung und Misshandlung und oft auch von extremen Formen der Gewalt. In einigen Ländern gelten sexuelle Beziehungen zwischen einwilligenden Erwachsenen desselben Geschlechts als Straftat, auf die Gefängnis- oder Todesstrafe steht.

Die EU setzt sich mit Nachdruck dafür ein, dass jedes Individuum ohne Diskriminierung in den vollen Genuss der Menschenrechte kommen kann. Förderung und Schutz der Menschenrechte sind eines der zentralen Ziele des Außenhandelns der EU. Durch die verschiedenen Instrumente, die ihr in diesem Rahmen zur Verfügung stehen, einschließlich der sowohl über die EU-Institutionen wie auch die Mitgliedstaaten nutzbaren Finanzinstrumente, wird sich EU aktiv für die Förderung und den Schutz der Ausübung aller Menschenrechte durch Lesben, Schwule, Bisexuelle und Transgender-Personen einsetzen.

Nach dem Vertrag über die Europäische Union (EUV) sind die "Werte, auf die sich die Union gründet, [...] die Achtung der Menschenwürde, [...] Gleichheit [...] und die Wahrung der Menschenrechte [...]. Diese Werte sind allen Mitgliedstaaten in einer Gesellschaft gemeinsam, die sich durch Pluralismus, Nichtdiskriminierung, Toleranz, Gerechtigkeit, Solidarität und die Gleichheit von Frauen und Männern auszeichnet" (Artikel 2 EUV). In Artikel 3 EUV verpflichtet sich die Union, diese Werte zu fördern, soziale Ausgrenzung und Diskriminierungen zu bekämpfen, die Gleichstellung von Frauen und Männern zu fördern und ihre Werte in ihren Beziehungen zur übrigen Welt zu schützen und zu fördern. Auch wird mit den EU-Verträgen – nach dem Inkrafttreten des Vertrags von Lissabon – die verbindliche Verpflichtung der EU hinsichtlich der Menschenrechte erheblich ausgeweitet: In Artikel 6 EUV erkennt die Union die Rechte, Freiheiten und Grundsätze an, die in der Charta der Grundrechte der Europäischen Union niedergelegt sind, wozu auch das Verbot der Diskriminierung wegen der sexuellen Ausrichtung gehört (Artikel 21 der Charta), und es ist vorgesehen, dass die EU der Europäischen Konvention zum Schutz der Menschenrechte und Grundfreiheiten beitrifft. Bei der Festlegung und Durchführung ihrer Politik und ihrer Maßnahmen zielt die Union darauf ab, Diskriminierungen unter anderem aus Gründen der sexuellen Ausrichtung zu bekämpfen (siehe Artikel 10 und 19 des Vertrags über die Arbeitsweise der Europäischen Union).

Den Leitlinien der EU zu den Menschenrechten und zum humanitären Völkerrecht wird in diesem Dokument umfassend Rechnung getragen. Von besonderer Bedeutung sind in diesem Zusammenhang die Leitlinien zur Todesstrafe, zu Folter und anderer grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe, zu Menschenrechtsverteidigern und zu Gewalt gegen Frauen und der Bekämpfung aller Formen der Diskriminierung von Frauen.

II. Ausübung aller Menschenrechte durch Lesben, Schwule, Bisexuelle und Transgender-Personen

Für Lesben, Schwule, Bisexuelle und Transgender-Personen gelten dieselben Menschenrechte wie für alle Individuen, wozu auch das Recht auf Nichtdiskriminierung bei der Ausübung dieser Rechte gehört. Dieser Grundsatz ist in zahlreichen internationalen Instrumenten verankert, die hierfür einen breiten Geltungsbereich vorsehen. Auf globaler Ebene ist er konkret in Artikel 26 des Internationalen Pakts über bürgerliche und politische Rechte und in Artikel 2 des Internationalen Pakts über wirtschaftliche, soziale und kulturelle Rechte niedergelegt (siehe **Anlage 1**).

Die EU hat einstimmig die Erklärung der Generalversammlung der Vereinten Nationen vom Dezember 2008 zu Menschenrechten, sexueller Orientierung und Geschlechtsidentität ⁽¹⁾ befürwortet, die von 68 Ländern aus fünf Kontinenten unterstützt worden ist. Die Erklärung bekräftigt den Grundsatz der Nichtdiskriminierung und verurteilt Hinrichtungen, willkürliche Verhaftungen und Menschenrechtsverletzungen aufgrund der sexuellen Ausrichtung oder der geschlechtlichen Identität.

Lesben und Schwule sind Homosexuelle, also Menschen, deren sexuelle Orientierung auf einen Partner desselben Geschlechts ausgerichtet ist. Bisexuelle sind Menschen, deren sexuelle Orientierung auf beide Geschlechter ausgerichtet ist. "Transgender" ist ein Begriff für Abweichungen der geschlechtlichen Identität (der eigenen Identifizierung als männlich, weiblich, beiden Geschlechtern oder keinem Geschlecht zugehörig) von der zugewiesenen Geschlechterrolle (der Identifizierung durch andere als männlich oder weiblich aufgrund der physischen Geschlechtsmerkmale). Der Begriff "Transgender" beinhaltet dabei keine spezielle Form der sexuellen Orientierung ⁽²⁾. Die sexuelle Ausrichtung (Angezogenheit durch andere mit oder ohne sexuelle Aktivität) ist von der sexuellen Aktivität zu unterscheiden.

Das Geschlecht eines Menschen wird üblicherweise bei der Geburt festgelegt und stellt fortan ein soziales und rechtliches Faktum dar. Einige Menschen fühlen sich jedoch durch dieses bei der Geburt zugewiesene Geschlecht nicht korrekt beschrieben. Dies kann auch bei Intersexuellen der Fall sein, deren Körper alle oder einige Merkmale sowohl der männlichen als auch der weiblichen Physiologie und manchmal ihrer Genitalanatomie aufweist. In anderen Fällen entstehen Probleme, weil die Eigenwahrnehmung der Betroffenen nicht mit dem ihnen bei der Geburt zugewiesenen Geschlecht übereinstimmt. Diese Menschen werden als Transgender-Personen oder als Transsexuelle bezeichnet. Hierzu gehören auch Cross-Dresser, Transvestiten und andere Menschen, die nicht in die engen Kategorien "männlich" oder "weiblich" passen ⁽³⁾. Unter den LGBT-Personen stellen die Transgender-Personen eine besonders gefährdete Gruppe dar.

III. Prioritäre Maßnahmenbereiche

Um die Ausübung der Menschenrechte durch LGBT-Personen im Rahmen der außenpolitischen Maßnahmen der Union wirksam zu fördern und zu schützen, sollte die EU ihre Schwerpunkte auf die folgenden Bereiche legen:

1. Entkriminalisierung

Nach wie vor stehen heute in zirka 80 Staaten einvernehmliche gleichgeschlechtliche Beziehungen unter Strafe; in sieben Ländern steht hierauf sogar die Todesstrafe. Nach unserem Verständnis ist dies mit dem humanitären Völkerrecht unvereinbar. Darüber hinaus wirkt sich eine solche Kriminalisierung nachteilig auf den Genuss anderer Menschenrechte durch LGBT-Personen aus, etwa auf das Recht auf Schutz der Privatsphäre und der Gesundheit sowie auf die Vereinigungs-, Versammlungs- und Meinungsfreiheit. Im übrigen führt die Kriminalisierung häufig auch zu anderen Menschenrechtsverletzungen wie Folter, grausamer oder unmenschlicher Behandlung und der Verletzung des Rechts auf Leben bei der Vollstreckung der Todesstrafe oder einer stärkeren Tolerierung sogenannter "Ehrenmorde" an LGBT-Personen, die straffrei bleiben.

Die EU sollte die Kriminalisierung einvernehmlicher gleichgeschlechtlicher Beziehungen und insbesondere die Verhängung der Todesstrafe sowie Folterungen oder Misshandlungen in diesem Zusammenhang aktiv verurteilen. Sie sollte auf die generelle Abschaffung solcher Praktiken hinarbeiten, was dann auch den LGBT zugute käme.

Das Vorgehen der EU sollte sich dabei an folgenden Leitlinien orientieren:

- Vorrang haben sollte ihre Arbeit in denjenigen Ländern, in denen einvernehmliche gleichgeschlechtliche Beziehungen unter Strafe stehen oder in denen Bestrebungen im Gange sind, die bestehenden Rechtsvorschriften (in die eine oder die andere Richtung) zu ändern, wobei die EU diese Frage zur Sprache bringen und die Staaten auffordern sollte, Änderungen der gesetzlichen Bestimmungen im Einklang mit den Menschenrechtsstandards vorzunehmen.
- Ein besonderer Schwerpunkt sollte auf Situationen gelegt werden, in denen es um die Todesstrafe geht und/oder es zu Folterungen und Misshandlungen kommt. Die EU sollte derartige Praktiken im Rahmen ihrer Leitlinien zur Todesstrafe bzw. zu Folter und anderer grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe verurteilen.

2. Gleichstellung und Nichtdiskriminierung

Diskriminierung ist das Problem, mit dem LGBT in der Mehrzahl der Länder aufgrund ihrer sexuellen Ausrichtung oder ihrer geschlechtlichen Identität tagtäglich am häufigsten konfrontiert sind. Diskriminierende Praktiken finden sich am Arbeitsplatz und im öffentlichen Bereich, insbesondere was den Zugang zu Gesundheitsversorgung und Bildung anbelangt.

Solche Praktiken widersprechen dem Recht auf Gleichbehandlung und Nichtdiskriminierung beim Genuss der Menschenrechte gemäß den Artikeln 2 und 26 des Internationalen Pakts über bürgerliche und politische Rechte und gemäß Artikel 2 des Internationalen Pakts über wirtschaftliche, soziale und kulturelle Rechte.

Die EU sollte jegliche Form der Diskriminierung verurteilen, die kein rechtmäßiges Ziel verfolgt und Ursachen hat, die diesen Grundprinzipien entgegenstehen. Mit Blick auf die LGBT sind in den Rechtsvorschriften und politischen Maßnahmen der EU Gleichstellung und Nichtdiskriminierung aufgrund der sexuellen Ausrichtung in den Artikeln 10 und 19 des Vertrags über die Arbeitsweise der Europäischen Union und in Artikel 21 der Charta der Grundrechte der Europäischen Union verankert.

Artikel 10 AEUV

Bei der Festlegung und Durchführung ihrer Politik und ihrer Maßnahmen zielt die Union darauf ab, Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.

Artikel 19 AEUV

1. Unbeschadet der sonstigen Bestimmungen der Verträge kann der Rat im Rahmen der durch die Verträge auf die Union übertragenen Zuständigkeiten gemäß einem besonderen Gesetzgebungsverfahren und nach Zustimmung des Europäischen Parlaments einstimmig geeignete Vorkehrungen treffen, um Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.

Artikel 21 der Grundrechtscharta

1. Diskriminierungen insbesondere wegen des Geschlechts, der Rasse, der Hautfarbe, der ethnischen oder sozialen Herkunft, der genetischen Merkmale, der Sprache, der Religion oder der Weltanschauung, der politischen oder sonstigen Anschauung, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt, einer Behinderung, des Alters oder der sexuellen Ausrichtung sind verboten.

Die EU sollte dabei folgende Strategie verfolgen:

- Sie sollte sich dafür einsetzen, dass die Staaten Gleichstellung und Nichtdiskriminierung bei der Ausübung aller Menschenrechte durch LGBT fördern, unter anderem durch legislative Maßnahmen und Gesetze zur Förderung der Gleichstellung und Nichtdiskriminierung am Arbeitsplatz und im Bereich der Bildung, und sie sollte auf die Abschaffung von Gesetzen, durch die LGBT diskriminiert werden, hinwirken.
- Es sollte festgestellt werden, in welchen Fällen durch politische und finanzielle Unterstützung staatlicher und nichtstaatlicher Initiativen bei der Förderung der Nichtdiskriminierung diese Maßnahmen einen Zusatznutzen erhalten würden.

3. Unterstützung und Schutz von Menschenrechtsverteidigern

Menschenrechtsverteidigern sollte in sämtlichen Staaten Achtung entgegengebracht werden, wie in der (1998 von der VN-Generalversammlung angenommenen) internationalen Erklärung über das Recht und die Verpflichtung von Einzelpersonen, Gruppen und Organen der Gesellschaft, die allgemein anerkannten Menschenrechte und Grundfreiheiten zu fördern und zu schützen, gefordert wird. Dennoch werden Menschenrechtsverteidiger (Journalisten, Aktivisten, Anwälte, Gewerkschaftler usw.), die sich mit ihrer Arbeit für die Förderung und den Schutz der Menschenrechte von LGBT-Personen einsetzen, häufig zur Zielscheibe von Verfolgung und Menschenrechtsverletzungen. In besonderem Maße gilt dies für Länder, deren Regierungen öffentliche Diskussionen über die sexuelle Ausrichtung untersagen und die Vereinigungs- und Meinungsfreiheit in diesem Zusammenhang einschränken.

Entsprechend den Fortschritten, die bei der Umsetzung der EU-Leitlinien zum Schutz von Menschenrechtsverteidigern bislang erzielt worden sind, sollte die EU dabei folgende Strategie verfolgen:

- Drittländer sollten darin bestärkt werden, eine Kultur der generellen Achtung und Anerkennung der Arbeit der Menschenrechtsverteidiger und somit auch derjenigen, die sich für die Menschenrechte der LGBT-Personen einsetzen, zu entwickeln.
- Der Schwerpunkt sollte auf Ländern liegen, in denen Menschenrechtsverteidiger generell und speziell solche, die sich für die Menschenrechte der LGBT-Personen einsetzen, gering geachtet werden. Insbesondere gilt dies dort, wo Änderungen der Rechtsvorschriften und die Verhängung strafrechtlicher Sanktionen die Arbeit derjenigen, die sich für die Menschenrechte der LGBT-Personen einsetzen, negativ beeinflusst haben.

- Auf offensichtliche Verletzungen der Rechte von Menschenrechtsverteidigern in Drittländern sollte reagiert werden, indem die EU ihren diesbezüglichen Standpunkt hervorhebt und entsprechend den EU-Leitlinien zum Schutz von Menschenrechtsverteidigern tätig wird.

IV. Allgemeine Maßnahmen

Die Gruppe "Menschenrechte" des Rates wird den vorliegenden Maßnahmenkatalog nach seiner Annahme spätestens alle drei Jahre aktualisieren. Diese Gruppe wird ferner darauf hinarbeiten, dass Fragen, die LGBT-Personen betreffen, bei den außenpolitischen Maßnahmen der EU systematisch berücksichtigt werden, und wird die Entwicklung in diesem Bereich überwachen; ferner wird sie diesen Maßnahmenkatalog aktiv verbreiten und sich für seine Umsetzung durch die EU-Mitgliedstaaten, den Europäischen Auswärtigen Dienst, die Europäische Kommission und das Europäische Parlament einsetzen.

Die Gruppe wird einen Katalog mit bewährten Verfahren und den Erfahrungen, die die EU mit ihren Maßnahmen zur Förderung und zum Schutz der uneingeschränkten Ausübung der Menschenrechte durch LGBT-Personen gesammelt hat, zusammenstellen, um das wechselseitige Lernen und die Kohärenz der Maßnahmen zu fördern.

Besondere Aufmerksamkeit sollen dabei Gleichstellungsaspekte finden, indem sowohl die Rechte von Männern als auch die von Frauen Berücksichtigung finden, da lesbische, bisexuelle und transsexuelle Frauen einen erheblichen Teil der LGBT-Gruppe ausmachen und durch geschlechtsspezifische und sexuelle Gewalt besonders gefährdet sind. Auch spielen zivilgesellschaftliche Gruppen und Organisationen von Frauen häufig eine wichtige Rolle bei der Förderung und beim Schutz der Ausübung der Menschenrechte durch LGBT-Personen, insbesondere in Ländern, in denen deren Organisationen verboten sind.

V. Operative Instrumente

Den Hauptsitzen und den EU-Missionen in den Partnerländern stehen verschiedene Instrumente und Maßnahmen zu Gebote, wobei sie auch auf bereits bestehende Instrumente und Leitlinien zurückgreifen können:

1. In Bezug auf die Partnerländer

Überwachung der Rechte von LGBT:

- Verwendung der Analyse/Checkliste in **Anlage 2** zur Überwachung der Menschenrechtslage von LGBT-Personen im jeweiligen Land, um Fortschritte/Rückschritte festzustellen.

- Kontakte zu lokalen Behörden, regionalen Organisationen sowie lokalen und internationalen Organisationen der Zivilgesellschaft, um Informationen zu erhalten, unter anderem über konkrete Fälle von Menschenrechtsverletzungen gegenüber LGBT-Personen.

Berichte der EU-Missionsleiter:

- Im Rahmen der regelmäßigen Berichte Analyse der Situation der LGBT-Personen unter Einbeziehung von Menschenrechtsverletzungen in Bezug auf diese Personengruppe und auf Menschenrechtsverteidiger.
- Ermittlung konkreter Fälle offensichtlicher Verletzungen der Menschenrechte von LGBT-Personen.
- Detaillierte Maßnahmen (z.B. Demarchen, Thematisierung im Rahmen des politischen Dialogs, Finanzierung), die zur Bekämpfung behaupteter oder nachgewiesener Verstöße ergriffen wurden oder geplant sind (in konkreten Fällen sollten Maßnahmen nur mit Einwilligung des oder der Betroffenen ergriffen werden).

Merkblätter zu Menschenrechten:

- Thematisierung der Lage der LGBT in den Merkblättern zu Menschenrechten, wobei insbesondere Fälle von Menschenrechtsverletzungen bei LGBT zu vermerken sind.

Demarchen und öffentliche Erklärungen:

- Vorschlag und Durchführung von Demarchen und öffentlichen Erklärungen zu LGBT-Fragen mit besonderem Schwerpunkt auf Fällen und Situationen mit hohem Risiko.
- Reaktion auch auf positive Entwicklungen bei der Förderung und beim Schutz der uneingeschränkten Ausübung der Menschenrechte durch LGBT in Drittländern.

Konkrete Einzelfälle:

- Vorschläge für gezielte Maßnahmen, z.B. Demarchen, bei Bekanntwerden belegter Fälle behaupteter oder bewiesener Verletzungen der Menschenrechte von LGBT-Personen (Maßnahmen sollten jeweils auf Einzelfallbasis festgelegt werden und können Bestandteil einer allgemeinen Demarche oder Erklärung sein).

Gerichtsverhandlungen und Besuche in Haftanstalten:

- Teilnahme an Gerichtsverhandlungen und sichtbare Unterstützung bei Gerichtsverfahren im Zusammenhang mit Menschenrechtsverletzungen in Bezug auf LGBT-Personen, speziell in Fällen mit hohem Risiko.
- Kontaktaufnahme zu Staatsanwälten oder Polizeibehörden, um Genehmigungen für Besuche inhaftierter LGBT-Personen zu erhalten.

Politische Dialoge:

- Thematisierung der Menschenrechtslage von LGBT-Personen im Menschenrechtsteil des politischen Dialogs und spezialisierter Dialoge (Menschenrechtsdialoge, Konsultationen, Unterausschüsse und Dialoge nach Artikel 8 des Cotonou-Abkommens) mit Partnerländern und regionalen Organisationen.
- Thematisierung konkreter Einzelfälle von Menschenrechtsverletzungen in Bezug auf LGBT-Personen mit Zustimmung der Betroffenen.
- Einwirken auf die Partnerländer, damit diese Änderungen der gesetzlichen Bestimmungen einleiten, um die rechtliche Gleichstellung von LGBT-Personen sicherzustellen.
- Einwirken auf die Partnerländer, damit diese einschlägige internationale Übereinkünfte unterzeichnen und/oder ratifizieren, insbesondere den Internationalen Pakt über bürgerliche und politische Rechte und den Internationalen Pakt über wirtschaftliche, soziale und kulturelle Rechte, und einschlägige Vorbehalte gegen diese Instrumente zurückziehen.
- Einwirken auf die Partnerländer, Anträge auf besondere Verfahren des VN-Menschenrechtsrates zu stellen, damit Ländermissionen und thematische Missionen durchgeführt werden, die dabei ausgesprochenen Empfehlungen zu akzeptieren und umzusetzen.
- Unterstützung derjenigen Partnerländer, die die Förderung und den Schutz der Ausübung der Menschenrechte durch LGBT-Personen befürworten, indem eine engere Zusammenarbeit in multilateralen Foren angeregt wird, und Bekanntmachung ihrer Bemühungen als Beispiele auf regionaler Ebene.
- Anregungen für einen Informationsaustausch über bewährte Praktiken mit den Partnerländern, die die Förderung und den Schutz der Menschenrechte in Bezug auf LGBT-Personen befürworten, um die Maßnahmen der EU zu verbessern und Beiträge dazu zu leisten (Aufnahme in das Verzeichnis bewährter Verfahren und gewonnener Erfahrungen).

Unterstützung der Anstrengungen der Zivilgesellschaft:

- Übermittlung politischer Unterstützungsbotschaften, wenn dies als nützlich erachtet wird.
- Erleichterung der Informationsbeschaffung über die verfügbaren Finanzmittel (z.B. durch das EIDHR oder einschlägige Instrumente der EU-Mitgliedstaaten).
- Bereitstellung von Informationen über die derzeitigen Rechtsvorschriften und Verfahrensweisen in Bezug auf LGBT-Personen in der EU.
- Ggf. Förderung der Außenwirkung lokaler Organisationen, die sich für die Menschenrechte von LGBT-Personen einsetzen, z.B. durch Ausrichtung von Debatten und Seminaren über einschlägige Fragen unter Einbeziehung von LGBT-Aspekten und -Sprechern. Unterstützung von kulturellen Veranstaltungen, Konferenzen oder sozialen Projekten.
- Anhörung zivilgesellschaftlicher Organisationen zu der Frage, wie LGBT-Aspekte durchgehend berücksichtigt werden können.
- Aufruf an zivilgesellschaftliche Organisationen, die Rechte von LGBT-Personen zu fördern.

Internationale Mechanismen:

- Unterbreitung des Vorschlags, dass VN-Sonderberichterstatter, EU-Sonderbeauftragte und entsprechende Vertreter des Europarats, der OSZE und regionaler Menschenrechtsorgane im Rahmen ihrer Besuche mit Vertretern lokaler NRO zusammentreffen, die sich für die Förderung und den Schutz der Menschenrechte von LGBT-Personen einsetzen.
- Aufruf an lokale Gruppen, Informationen über die Situation der LGBT in ihre alternativen Berichte für regionale Menschenrechtsmechanismen sowie die VN-Gremien aufzunehmen. Aufnahme solcher Informationen in die Unterlagen, die im Rahmen des Mechanismus der allgemeinen regelmäßigen Überprüfung durch den Menschenrechtsrat der VN verwendet werden.

Besuchsmissionen der EU und der Mitgliedstaaten:

- Aufnahme von Informationen über die Situation der LGBT-Personen in Briefing-Unterlagen für Besuchsmissionen der EU und der Mitgliedstaaten, deren Mitglieder darin bestärkt werden sollten, das Thema mit den örtlichen Ansprechpartnern zu erörtern und sich mit Menschenrechtsverteidigern zu treffen, die sich für die Förderung und den Schutz der Menschenrechte von LGBT-Personen einsetzen.

Im Rahmen dieser Maßnahmen sollten folgende Aspekte durchgängig besondere Aufmerksamkeit erhalten: Fälle mit hohem Risiko, wozu strafrechtliche Verurteilungen, Todesstrafe, Folter oder Misshandlungen gehören; Fälle angeblicher und erwiesener Rechtsverletzungen gegen Menschenrechtsverteidiger, die sich für die Rechte von LGBT einsetzen; bewährte Verfahren zur Herbeiführung politischer und rechtlicher Veränderungen und zum Abbau struktureller Zwänge, einschließlich diskriminierender Rechtsvorschriften und Praktiken, sowie zur Beendigung der Straflosigkeit für Verletzungen der Menschenrechte von LGBT-Personen.

2. In multilateralen Gremien:

Vereinte Nationen

- Hinweis darauf, dass alle Länder sich der Allgemeinen Erklärung der Menschenrechte (1948) anschließen müssen, in deren Artikel 1 ("Alle Menschen sind frei und gleich an Würde und Rechten geboren") der Grundsatz der Universalität der Menschenrechte verankert ist, und dass sie diese Erklärung einhalten müssen.
- Berücksichtigung von LGBT-Belangen in Erklärungen und in Fragen während interaktiver Dialoge auf VN-Ebene, mit denen zum Ausdruck gebracht wird, dass Verletzungen von Menschenrechten und Grundfreiheiten aus Gründen der sexuellen Ausrichtung oder der Geschlechtsidentität für die Europäische Union Anlass zu größter Sorge sind, und mit denen insbesondere die Verhängung der Todesstrafe aus diesen Gründen sowie außergerichtliche, summarische oder willkürliche Hinrichtungen, Folter und andere grausame, unmenschliche oder erniedrigende Behandlung oder Strafe, willkürliche Festnahme oder Haft und der Entzug der wirtschaftlichen, sozialen und kulturellen Rechte verurteilt werden.
- Aufruf an die Staaten, alle erforderlichen – insbesondere legislativen oder administrativen – Maßnahmen zu treffen, um zu gewährleisten, dass sexuelle Ausrichtung oder Geschlechtsidentität unter keinen Umständen Grundlage für strafrechtliche Sanktionen, insbesondere Hinrichtungen, Festnahmen oder Haft sein können; Gewährleistung, dass derartige Menschenrechtsverletzungen verfolgt und die Täter dafür zur Verantwortung gezogen und vor Gericht gestellt werden, sowie Gewährleistung, dass Menschenrechtsverteidiger hinreichend geschützt werden und sie sich ungehindert betätigen können.
- Eintreten für eine verstärkte Unterstützung der VN-Mitgliedstaaten für die Erklärung der VN-Generalversammlung zu Menschenrechten, sexueller Orientierung und Geschlechtsidentität aus dem Jahr 2008 und Gewährleistung von Folgemaßnahmen zu dieser Erklärung sowie Zusammenarbeit auf überregionaler Basis, soweit dies möglich ist.
- Aufruf an die Staaten, die Empfehlungen zu berücksichtigen, die in dem Bericht des Weltkongresses über Menschenrechte, sexuelle Orientierung und Geschlechtsidentität vom Mai 2009 in Paris enthalten sind.

- Ggf. Würdigung der Aufmerksamkeit, die diesen Fragen im Wege von Sonderverfahren auf Ebene des Menschenrechtsrats und der Vertragsorgane gewidmet wird und Aufforderung an diesen Rat und diese Organe, Überlegungen über Menschenrechtsverletzungen aufgrund der sexuellen Ausrichtung oder der Geschlechtsidentität auch weiterhin in ihr jeweiliges Mandat einzubeziehen.
- Ggf. Aufnahme von Fragen und Empfehlungen betreffend LGBT in Interventionen während des Prozesses der allgemeinen regelmäßigen Überprüfung auf Ebene des Menschenrechtsrats in Genf.

OSZE

- Ggf. Berücksichtigung von LGBT-Belangen in nationalen Erklärungen und in Fragen während der interaktiven Dialoge auf OSZE-Ebene.
- Fortsetzung der aktiven Bemühungen um Aufnahme von "sexueller Ausrichtung und Geschlechtsidentität" als ausdrücklich anerkannte Gründe von Diskriminierung in die OSZE-Verpflichtungen oder die Ministerratsbeschlüsse.
- Aufnahme von Informationen über die Abschaffung der Todesstrafe im Zusammenhang mit LGBT-Personen in die einzelstaatlichen Erklärungen der EU-Mitgliedstaaten im Rahmen des Regelwerks der OSZE in Bezug auf die "menschliche Dimension" (in den EU-Leitlinien zur Todesstrafe enthaltene Maßnahme) gemäß der Verpflichtung der OSZE-Teilnehmerstaaten, Informationen über die Abschaffung der Todesstrafe auszutauschen und der Öffentlichkeit zur Verfügung zu stellen (Kopenhagener Dokument).

Europarat

- Ggf. Berücksichtigung von LGBT-Belangen in nationalen Erklärungen und in Fragen während der interaktiven Dialoge auf Ebene des Europarats.
- Würdigung der positiven Ergebnisse, die die Expertengruppe Schutz vor Diskriminierung wegen sexueller Orientierung und Geschlechtsidentität (DH.LGBT) des Europarats erzielt hat.
- Berücksichtigung der Menschenrechte von LGBT, wenn der Europarat Instrumente zum Schutz der Menschenrechte ausarbeitet, wie etwa den Entwurf eines Übereinkommen betreffend Gewalt gegen Frauen.
- Berücksichtigung der Arbeit des Menschenrechtskommissars, der die Diskriminierung wegen sexueller Orientierung und Geschlechtsidentität als einen der vorrangigen Themenbereiche seines Amtes eingestuft hat.

Weitere Mechanismen

- Aufruf an andere einschlägige internationale Organisationen, mit geeigneten Schritten die Staaten dazu zu bewegen, die einschlägigen internationalen Normen und Standards, die die Wahrnehmung der Menschenrechte durch LGBT betreffen, zu ratifizieren und einzuhalten.
- Ggf. Aufnahme der die LGBT betreffenden Menschenrechtsbelange in Erklärungen und Fragen während interaktiver Dialoge im Rahmen internationaler Mechanismen.
- Aufruf an Drittstaaten, im Rahmen der Sonderverfahren im Menschenrechtsbereich verschiedene internationale Organisationen zu länder- und themenbezogenen Missionen einzuladen, ihre Empfehlungen zu akzeptieren und diese umzusetzen.
- Verfolgung des Ziels, soweit wie möglich im Wege überregionaler Zusammenarbeit Nebenveranstaltungen durchzuführen, die der Förderung und dem Schutz der Ausübung der Menschenrechte durch LGBT-Personen gewidmet sind, um insbesondere bewährte Verfahrenswesen in LGBT-Fragen zu erörtern; Beachtung der Empfehlungen unterschiedlicher internationaler Organisationen und Aufruf an die Staaten, diese Empfehlungen zu berücksichtigen, um die Menschenrechtssituation der LGBT auf lokaler Ebene zu verbessern.
- Feststellung, welche Staaten gleiche Ansichten vertreten, um mit ihnen die Gleichstellung von LGBT bei der Ausübung der Menschenrechte voranzubringen.
- Ergreifung von Maßnahmen, um das Amt des Hohen Kommissars der Vereinten Nationen für Menschenrechte (UNHCHR), weitere VN-Einrichtungen, den Europarat und die lokalen OSZE-Büros dazu zu bewegen, sich im Rahmen ihrer Arbeiten mit Fragen zu befassen, die die Menschenrechte von LGBT-Personen betreffen.
- Einbeziehung von Mitgliedern der Zivilgesellschaft in Nebenveranstaltungen, die parallel zu Tagungen multilateraler Gremien durchgeführt werden, um dort den Anliegen, die die Menschenrechte von LGBT betreffen, Gehör zu verschaffen.

Anlagen:

- Anlage 1** Internationale und regionale Rechtsinstrumente, Erklärungen, Stellungnahmen und weitere vorhandene Standards zur Förderung und zum Schutz der Menschenrechte von LGBT-Personen
- Anlage 2** Analyseelemente/Checkliste für die Situation der Menschenrechte von LGBT-Personen

Anlage 1: Internationale und regionale Rechtsinstrumente, Erklärungen, Stellungnahmen und weitere vorhandene Standards zur Förderung und zum Schutz der Menschenrechte von LGBT-Personen

Internationale Rechtsinstrumente:

- Übereinkommen über die Rechte des Kindes (CRC), 1989
(Artikel 2)
- Übereinkommen gegen Folter und andere grausame, unmenschliche oder erniedrigende Behandlung oder Strafe (CAT), 1984
(Artikel 1)
- Übereinkommen zur Beseitigung jeder Form von Diskriminierung der Frau (CEDAW), 1979
(Artikel 2, 10, 11, 12 und 13)
- Internationaler Pakt über wirtschaftliche, soziale und kulturelle Rechte (IPWSKR), 1966
(Artikel 2, 3, 7, 12, 13 und 14)
- Internationales Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung (ICERD), 1965
- Internationaler Pakt über bürgerliche und politische Rechte (IPBPR), 1966
(Artikel 2, 3, 7, 9, 14, 17, 18, 19, 22, 24 und 26)
- Übereinkommen Nr. 111 (1958) der Internationalen Arbeitsorganisation (IAO)

Regionale Rechtsinstrumente:

a) Europa

- Vertrag über die Arbeitsweise der Europäischen Union (AEUV), 2010
(Artikel 10 und 19)
- Charta der Grundrechte der Europäischen Union, 2000
(Artikel 21)

- Europäische Menschenrechtskonvention (EMRK), 1953
(Artikel 8, 12 und 14)
- Abgeleitetes Recht der EU: Richtlinie 2000/78/EG des Rates zur Festlegung eines allgemeinen Rahmens für die Verwirklichung der Gleichbehandlung in Beschäftigung und Beruf, 2000

b) Amerikanischer Kontinent

- Amerikanische Konvention für Menschenrechte, 1978
- Interamerikanische Menschenrechtskommission, 1959

c) Asien

- ASEAN-Charta, 2007

d) Afrika

- Afrikanische Charta der Rechte der Menschen und der Völker, 1981

Erklärungen

- Allgemeine Erklärung der Menschenrechte, 1948
(Artikel 1, 2, 3, 5, 7, 12, 16, 18, 19, 20, 22 und 23)
- Erklärung der VN über das Recht und die Verpflichtung von Einzelpersonen, Gruppen und Organen der Gesellschaft, die allgemein anerkannten Menschenrechte und Grundfreiheiten zu fördern und zu schützen, 1999
(Artikel 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 und 18)

Weitere regionale Dokumente

- Empfehlung des Europarats zu Maßnahmen zur Bekämpfung der Diskriminierung aus Gründen der sexuellen Ausrichtung und der Geschlechtsidentität, 2010
- OAS-Resolution zum Thema "Menschenrechte, sexuelle Orientierung und Geschlechtsidentität", 2008
- OAS-Resolution zum Thema "Menschenrechte, sexuelle Orientierung und Geschlechtsidentität in den Ländern Amerikas", 2009

Erklärungen

- Erklärung der Generalversammlung der Vereinten Nationen zu Menschenrechten, sexueller Orientierung und Geschlechtsidentität, 2008

Anlage 2:

Analyseelemente/ Checkliste für die Situation der Menschenrechte von LGBT-Personen:

Menschenrechtsaspekt	Indikatoren	Informationsquellen
1. Recht auf Leben		
1.1. Wird die Todesstrafe zur Bestrafung von einvernehmlichen gleichgeschlechtlichen Beziehungen angewandt?	Sieht das Gesetz die Todesstrafe für einvernehmliche gleichgeschlechtliche Beziehungen vor? Werden die Rechtsvorschriften angewandt (polizeiliche Ermittlungen und/oder gerichtliche Verurteilungen)?	Strafgesetzbuch, Zeitungsberichte, Kriminalstatistiken, NRO, Blogs und Webseiten.
1.2. Sind LGBT aufgrund ihrer sexuellen Orientierung oder Geschlechtsidentität die Zielscheibe außergerichtlicher Tötungen?	Gibt es verlässliche Berichte über LGBT, die durch die Polizei oder andere Sicherheitsbeamte oder unter deren Mitwirkung ermordet oder mit dem Tod bedroht worden sind? Wurde in diesen Fällen ermittelt und eine strafrechtliche Verfolgung aufgenommen?	Zeugenaussagen, Zeitungsberichte, NRO, Blogs und Webseiten, Berichte der VN-Sonderberichterstatter oder sonstiger Vertreter internationaler Organisationen.

2. Recht auf Freiheit von Folter oder grausamer, unmenschlicher oder erniedrigender Behandlung		
2.1. Sind LGBT systematisch Opfer von Folter durch die Polizei oder andere Sicherheitskräfte?	Gibt es verlässliche Berichte über LGBT, die während der Ermittlungen oder in der Haft von der Polizei oder anderen Sicherheitskräften gefoltert worden sind? Wurde in diesen Fällen ermittelt und eine strafrechtliche Verfolgung aufgenommen?	Zeugenaussagen, Zeitungsberichte, NRO, Blogs und Webseiten, Berichte der VN-Sonderberichterstatter oder sonstiger Vertreter internationaler Organisationen.
2.2. Gewähren die Polizei und andere Sicherheitsbeamte LGBT einen angemessenen Schutz?	Wird im Falle von Gewaltverbrechen gegen LGBT ermittelt und eine strafrechtliche Verfolgung aufgenommen?	Zeugenaussagen, Zeitungsberichte, Kriminalstatistiken, NRO, Blogs und Webseiten.
3. Recht auf Gleichheit vor dem Gesetz und auf Nichtdiskriminierung		
3.1. Genießen LGBT einen gleichberechtigten und wirksamen Schutz gegen Diskriminierung vor dem Gesetz?	Gibt es in der Gesetzgebung Diskriminierungen aufgrund der sexuellen Orientierung oder der Geschlechtsidentität? Erstrecken sich die Rechtsvorschriften zur Bekämpfung von Diskriminierung auf die sexuelle Orientierung und die Geschlechtsidentität? Werden diese Rechtsvorschriften durch die Polizei und die Gerichte angewandt?	Zeugenaussagen, Rechtsvorschriften zur Bekämpfung von Diskriminierung, Gesetzgebung im Allgemeinen, Juristenvereinigungen, NRO, Blogs und Webseiten.

4. Recht auf Schutz der Privatsphäre		
4.1. Werden einvernehmliche gleichgeschlechtliche Beziehungen strafrechtlich geahndet?	Werden Personen wegen des Verdachts gleichgeschlechtlicher sexueller Beziehungen von der Polizei verhaftet? Werden Personen wegen solcher Beziehungen vor Gericht gestellt und bestraft?	Zeugenaussagen, Strafgesetzbuch, Zeitungsberichte, Kriminalstatistiken, NRO, Blogs und Webseiten.
4.2. Gibt es sonstige Rechtsvorschriften betreffend die guten Sitten oder die öffentliche Ordnung, die angewandt werden, um gleichgeschlechtliche Beziehungen für ungesetzlich zu erklären?	Führen die Behörden Razzien auf Privatparties durch oder halten sie die Menschen davon ab, Kontaktanzeigen im Internet aufzugeben?	Zeugenaussagen, Zeitungsberichte, NRO, Strafgesetzbuch, Anwaltsvereinigungen.
4.3. Gibt es unterschiedliche Einwilligungsalter für heterosexuelle Handlungen einerseits und homosexuelle Handlungen andererseits? Werden diese unterschiedlichen Regelungen angewandt?	Gibt es Ermittlungen und/oder eine strafrechtliche Verfolgung? Werden junge Menschen, die das Einwilligungsalter noch nicht erreicht haben, für gleichgeschlechtliche Handlungen bestraft, während sie für verschiedengeschlechtliche Handlungen nicht bestraft würden?	Zeugenaussagen, Berichte in Zeitungen und auf Webseiten über Rechtssachen, NRO, Strafgesetze, Polizeiberichte.
4.4. Können Transgenderpersonen die Bezeichnung ihres Geschlechts in amtlichen Unterlagen ändern lassen?	Gestatten die Rechts- und/oder Verwaltungsvorschriften dies?	Amtliche Registrierungsstellen, NRO für LGBT.
4.5. Kann eine Transgenderperson alle Rechte ihres neu zugewiesenen Geschlechts, einschließlich des Rechts, eine Ehe einzugehen, in Anspruch nehmen?	Wird eine Transgenderperson, der ihr neues Geschlecht zugewiesen wurde, auf die gleiche Weise wie Personen desselben Geschlechts behandelt?	Juristenvereinigungen, Beamte, die Eheschließungen vornehmen können.

5. Vereinigungsrecht		
5.1. Können LGBT Interessenvereinigungen gründen?	Sind solche Vereinigungen gesetzlich verboten? Wenn nicht, wird deren Existenz in der Praxis durch Schikanierungen von staatlicher Seite verhindert? Hat die Mitgliedschaft in einer solchen Vereinigung nachteilige Folgen für die Mitglieder? Fühlen die Vereinigungen sich genötigt, ihre eigentliche Zielsetzung durch Verwendung von Euphemismen zu verschleiern?	Gesetz über NRO/Vereinigungen, Vorhandensein von Webseiten, Berichte von NRO, Gewerkschaften.
6. Versammlungsfreiheit		
6.1. Können LGBT-Vereinigungen öffentliche Veranstaltungen wie Gay-Pride-Paraden oder kulturelle oder soziale Veranstaltungen organisieren?	Werden solche Veranstaltungen nicht durch übertriebene politische Hindernisse beeinträchtigt? Schützt die Polizei die Veranstaltungen im Falle öffentlicher Feindseligkeiten? Wird Druck auf die Eigentümer von Räumlichkeiten ausgeübt, diese nicht für LGBT-Veranstaltungen zu vermieten?	Versammlungsgesetze, Medienberichte, NRO-Berichte, Webseiten von lokalen Gruppen für bürgerliche Freiheiten/lokalen LGBT-Gruppen.
7. Informations- und Meinungsfreiheit		
7.1. Sind Magazine/Webseiten/Rundfunk-/Fernsehsprogramme/Filme, in denen LGBT-Themen behandelt werden, gesetzlich zulässig? Können diese Medien wirklich arbeiten?	Sind Magazine im freien Verkauf zu erwerben? Können Rundfunk, Fernsehshows und Filme Aspekte des LGBT-Lebens behandeln? Versteht sich die Berichterstattung zu LGBT-Themen als informativ oder soll sie Hass schüren? Besteht ein amtlicher Druck auf die Vertriebsunternehmen und die Rundfunk- und Fernsehanstalten, kein positives Bild von LGBT zu vermitteln.	Verfügbarkeit in Zeitungskiosken im ganzen Land, Berichte in Zeitungen und auf Webseiten, Berichte von NRO für Menschenrechte und LGBT, Rücksprache mit Mediengruppen.

8. Recht auf Arbeit		
8.1. Werden Personen, von denen bekannt ist bzw. vermutet wird, dass sie LGBT sind, in ihrem Recht auf Arbeit diskriminiert?	Müssen LGBT ihre sexuelle Orientierung/Geschlechtsidentität am Arbeitsplatz oder bei einer Stellenbewerbung geheim halten? Werden sie rechtmäßig entlassen, wenn ihr LGBT-Status entdeckt wird? Gibt es einen gesetzlichen Schutz gegen Diskriminierung aufgrund der sexuellen Orientierung oder der Geschlechtsidentität?	Zeugenaussagen, Berichte in Zeitungen und auf Webseiten, LGBT-Gruppen und -Blogs, Gewerkschaften.
9. Recht auf Gesundheit		
9.1. Genießen LGBT in Fragen, die für sie von Bedeutung sind, einen gleichberechtigten Zugang zu den Gesundheitseinrichtungen?	Besteht für LGBT ein Zugang zu vertraulichen und angemessenen Gesundheitsdiensten? Gibt es angemessene, auf diese Personen ausgerichtete Informationen über HIV/AIDS/STD-Vorbeugung? Wird für LGBT der Zugang zu den Gesundheitseinrichtungen durch nachteilige Strafgesetze verhindert oder erschwert? Werden bestimmte Gesundheitsdienste den LGBT vorenthalten, z.B. die reproduktive Gesundheitsversorgung im Falle von Lesben?	LGBT-Gruppen, Vereinigungen für medizinische Berufe, Gesundheitsministerium.

9.2. Können geschlechts- umgewandelte Personen eine ihrer Situation angemessene Gesund- heitsversorgung erhalten, falls diese vorhanden ist?	Ist es Psychiatern und Ärzten gestattet, einer geschlechts- umgewandelten Person bei der Geschlechtsumwandlung beizustehen?	Gesundheitsministe- rium, Berufsverbände von Ärzten und Psychiatern, Patien- tenorganisationen, LGBT-Gruppen.
10. Rechte der Kinder		
10.1. Leiden Kinder unter Diskriminierung infolge der sexuellen Orientierung oder der Geschlechtsidentität?	Werden Kinder wegen ihrer eigenen sexuellen Orientierung oder Geschlechtsidentität diskriminiert? Hat die sexuelle Orientierung oder Geschlechts- identität eines LGBT-Elternteils negative Auswirkungen auf den Status seiner Kinder?	Gesetzgebung zur Bekämpfung von Diskriminierung; Gesetze über die Rechte der Kinder, Gesetze über Vor- mundschaft, das Erbrecht, Juristen- vereinigungen, NRO für Kinderrechte und LGBT.

⁽¹⁾ Vollständiger Text verfügbar unter

<http://www.droitslgbt2008.fr/documents/?mode=download&id=2>

⁽²⁾ Diese im vorliegenden Dokument verwendeten Begriffe finden keine universelle Anwendung.

⁽³⁾ Definition aus dem "Themenpapier über Geschlechtsidentität" des Kommissars für Menschenrechte des Europarates. Obwohl die Definition von "Geschlechtsidentität" in diesem Dokument nicht rechtsverbindlich ist, enthält sie ein wertvolles Bekenntnis zum Schutz der Menschenrechte von Transgenderpersonen.



HIRSCHFELD-EDDY-STIFTUNG

Die Yogyakarta-Prinzipien

Prinzipien zur Anwendung der Menschenrechte
in Bezug auf die sexuelle Orientierung
und geschlechtliche Identität



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Inhalt

Vorwort von <i>Uta Kehr und Axel Hochrein</i>	7
Geleitwort von <i>Heiner Bielefeldt</i>	9
Einführung in die Yogyakarta-Prinzipien von <i>Sonia Onufer Corrêa und Vitit Muntarbhorn</i>	11
Präambel	13
Prinzip 1: Das Recht auf universellen Genuss der Menschenrechte	15
Prinzip 2: Das Recht auf Gleichheit und Nichtdiskriminierung	15
Prinzip 3: Das Recht auf Anerkennung vor dem Gesetz	16
Prinzip 4: Das Recht auf Leben	17
Prinzip 5: Das Recht auf persönliche Sicherheit	18
Prinzip 6: Das Recht auf Schutz der Privatsphäre	19
Prinzip 7: Das Recht auf Schutz vor willkürlicher Freiheitsentziehung	20
Prinzip 8: Das Recht auf ein faires Verfahren	21
Prinzip 9: Das Recht auf menschenwürdige Haftbedingungen	21
Prinzip 10: Das Recht auf Freiheit von Folter und grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe	22
Prinzip 11: Das Recht auf Schutz vor allen Formen der Ausbeutung, vor dem Verkauf von Menschen und vor Menschenhandel	23
Prinzip 12: Das Recht auf Arbeit	24
Prinzip 13: Das Recht auf soziale Sicherheit und andere soziale Schutzmaßnahmen	24
Prinzip 14: Das Recht auf einen angemessenen Lebensstandard	25
Prinzip 15: Das Recht auf angemessenen Wohnraum	25
Prinzip 16: Das Recht auf Bildung	26
Prinzip 17: Das Recht auf das höchstmögliche Maß an Gesundheit	27
Prinzip 18: Das Recht auf Schutz vor medizinischer Misshandlung	28
Prinzip 19: Das Recht auf Meinungsfreiheit und Äußerungsfreiheit	29
Prinzip 20: Das Recht zur friedlichen Versammlung und Vereinigung	30
Prinzip 21: Das Recht auf Gedanken-, Gewissens- und Religionsfreiheit	31
Prinzip 22: Das Recht auf Freizügigkeit	32
Prinzip 23: Das Recht, Asyl zu suchen	32
Prinzip 24: Das Recht auf Gründung einer Familie	33
Prinzip 25: Das Recht auf Teilhabe am öffentlichen Leben	34
Prinzip 26: Das Recht auf Teilhabe am kulturellen Leben	35
Prinzip 27: Das Recht auf die Förderung von Menschenrechten	35
Prinzip 28: Das Recht auf wirksamen Rechtsschutz und Wiedergutmachung	36
Prinzip 29: Verantwortlichkeit	37
Weitere Empfehlungen	38
Anhang: Unterzeichnerinnen und Unterzeichner der Yogyakarta-Prinzipien	41
Ziele der Hirschfeld-Eddy-Stiftung	43
Magnus Hirschfeld und Fannyann Eddy: Namensgeber und Namensgeberin der Stiftung	45

Vorwort

Alle Menschen sind frei und gleich an Würde und Rechten. Die Menschenrechte sind universell, unteilbar und bedingen einander. Die sexuelle Orientierung und geschlechtliche Identität sind Teil der Würde und des Daseins eines jeden Menschen und dürfen nicht als Grundlage für Diskriminierung oder Misshandlung dienen.

Diese Maxime leitet die *Yogyakarta-Prinzipien zur Anwendung der Menschenrechte in Bezug auf die sexuelle Orientierung und geschlechtliche Identität* ein. Sie wurden im November 2006 von namhaften internationalen Menschenrechtsexpertinnen und -experten auf einer Konferenz im indonesischen Yogyakarta entwickelt.

Die Yogyakarta-Prinzipien sind die erste systematische Gesamtschau auf die Menschenrechtsgewährleistung für Lesben, Schwule, Bisexuelle und Transgender. Die Hirschfeld-Eddy-Stiftung stellt die Prinzipien mit dieser Broschüre erstmals in deutscher Übersetzung vor.

In vielen Regionen dieser Welt werden die Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender noch mit Füßen getreten. In 85 Staaten ist gleichgeschlechtliche Liebe strafbar, in mindestens sieben Ländern der islamischen Welt droht sogar die Todesstrafe. Vielerorts sind staatliche Behörden zudem an der Unterdrückung von Lesben, Schwulen, Bisexuellen und Transgender beteiligt und verweigern ihnen jeglichen Schutz vor Anfeindungen und Gewalt. Auch in Europa schlägt Lesben, Schwulen, Bisexuellen und Transgender mitunter noch Hass entgegen. Die Behörden einiger Staaten versuchen, sie in die gesellschaftliche Unsichtbarkeit zu zwingen und ihnen das Recht auf Meinungs- und Versammlungsfreiheit wie auf freie Entfaltung der Persönlichkeit abzusprechen.

Gegen dieses Unrecht setzen die Yogyakarta-Prinzipien klare Maßstäbe für eine konsequente Menschenrechtspolitik auf internationaler wie nationaler Ebene.

Die Yogyakarta-Prinzipien sind damit auch ein wichtiger Prüfstein für die Frage, ob und wie weit die Menschenrechte für Lesben, Schwule, Bisexuelle und Transgender hierzulande bereits vollständig verwirklicht sind.

Uta Kehr, Axel Hochrein

Vorstand der Hirschfeld-Eddy-Stiftung

Geleitwort

In vielen Staaten müssen sich Lesben, Schwule, bisexuelle und transsexuelle Menschen auch heute noch verstecken, weil ihnen Gewalt seitens ihrer sozialen Umwelt oder staatliche Repressionsmaßnahmen – in einigen Staaten sogar die Todesstrafe – drohen. Indem Gesellschaft und Staat sie daran hindern, offen zu ihrer sexuellen Orientierung und geschlechtlichen Identität zu stehen, wird ihnen das fundamentale Recht auf ein selbstbestimmtes Leben vorenthalten. Auch in den Staaten, die sich zum Recht auf sexuelle Selbstbestimmung bekennen, erleben LGBT-Personen¹ nach wie vor oft Diskriminierungen und Ausgrenzungen, die von verbalen Attacken bis hin zu besonderen Hürden bei der Wohnungssuche oder der Verweigerung von Adoptionsrechten reichen können.

Die Yogyakarta-Prinzipien zu sexueller Orientierung und geschlechtlicher Identität stellen klar, dass Lesben, Schwule, Bisexuelle und Transgender einen Anspruch auf gleichberechtigte Inklusion in das System des Menschenrechtsschutzes haben, der in allen konkreten menschenrechtlichen Gewährleistungen zu berücksichtigen ist. Dieser Anspruch betrifft beispielsweise das Recht auf Bildung genauso wie den Schutz der Privatsphäre oder die Familienzusammenführung; er ist dem Recht auf freie Meinungsäußerung genauso eingeschrieben wie etwa dem Recht auf Arbeit. Kurz: Es gibt kein Menschenrecht, das unter dem Gesichtspunkt sexueller Orientierung und geschlechtlicher Identität irrelevant wäre.

Indem die Yogyakarta-Prinzipien Selbstbestimmung und Gleichberechtigung für LGBT-Personen systematisch auf die gesamte Palette menschenrechtlicher Gewährleistungen beziehen, leisten sie einen wichtigen Beitrag zur Weiterentwicklung der Menschenrechte. Dabei geht es zuletzt um nichts Geringeres als die innere Konsistenz und Glaubwürdigkeit des menschenrechtlichen Universalismus. Bekanntlich ist das abstrakte Subjekt der universalen Menschenrechte historisch nie frei von der Imprägnierung mit bestimmten, partikularen Menschenbildern gewesen. Lange Zeit wurde es primär als weißer, männlicher Mittelstandsbürger imaginiert – ein Kurzschluss, der ansatzweise bereits von der Frauenbewegung des späten 18. Jahrhunderts und den frühen Bewegungen zur Abschaffung der Sklaverei aufgedeckt wurde. Dass das Subjekt der Menschenrechte heterosexuell orientiert sei, galt hingegen noch bis vor wenigen Jahren international weithin als Selbstverständlichkeit. Infolgedessen wurde beispielsweise das Recht auf Schutz von Ehe und Familie lange Zeit fraglos auf die traditionelle heterosexuelle Partnerschaft und die mit ihr einhergehende Familienstruktur verkürzt. Mit anderen Worten: Diskriminierungen und Exklusionen sind faktisch im Namen der Menschenrechte legitimiert worden – ein eklatanter Widerspruch zum Anspruch des menschenrechtlichen Universalismus, den die Yogyakarta-Prinzipien systematisch angehen und überwinden. Deshalb handelt es sich bei ihnen nicht um ein menschenrechtliches Spezialthema, sondern es geht um das Ganze der Menschenrechte.

1 LGBT = Lesbian, Gay, Bisexual, Transgender.

Obwohl die Yogyakarta-Prinzipien in ihrem systematischen Anspruch innovativ sind, stehen sie zugleich in Kontinuität zur jüngeren Interpretationspraxis der für die Überwachung der verschiedenen UN-Konventionen zuständigen internationalen Fachausschüsse. Seit Mitte der 1990er Jahre besteht dort die klare Tendenz, bei der Auslegung des allgemeinen Diskriminierungsverbots die Merkmale sexuelle Orientierung und geschlechtliche Identität ausdrücklich mit zu berücksichtigen. Die Yogyakarta-Prinzipien fassen die Ergebnisse der völkerrechtlichen Rechtsauslegung der letzten Jahre zusammen. Sie stehen insofern nicht für ein utopisches Projekt, sondern repräsentieren den aktuellen Stand der internationalen Menschenrechtsdiskussion. Auch wenn sie nicht im strengen Sinne rechtsverbindlich sind, haben sie als Auslegungsprinzipien völkerrechtlich verbindlicher Menschenrechtskonventionen nicht nur politische, sondern zugleich auch juristische Relevanz.

Ich freue mich, dass die Yogyakarta-Prinzipien nun auch in deutscher Sprache verfügbar sind, und wünsche der Publikation eine breite Rezeption.

Prof. Dr. Heiner Bielefeldt

Direktor des Deutschen Instituts für Menschenrechte

Einführung in die Yogyakarta-Prinzipien

Alle Menschen sind frei und gleich an Würde und Rechten. Die Menschenrechte sind universell, unteilbar und bedingen einander. Die sexuelle Orientierung¹ und geschlechtliche Identität² sind Teil der Würde und des Daseins eines jeden Menschen und dürfen nicht als Grundlage für Diskriminierung oder Misshandlung dienen.

Es wurden bereits zahlreiche Anstrengungen mit dem Ziel unternommen, dafür zu sorgen, dass Menschen jeglicher sexueller Orientierung und geschlechtlicher Identität das allen Menschen zustehende Maß an Würde und Achtung zuteil wird. Viele Staaten verfügen mittlerweile über Gesetze und Verfassungen, die allen Menschen ohne Unterschied nach Geschlecht (*sex*)*, sexueller Orientierung und geschlechtlicher Identität das Recht auf Gleichbehandlung und das Verbot der Diskriminierung zusichern.

Gleichwohl sind Verletzungen der Menschenrechte von Personen aufgrund ihrer tatsächlichen oder vermuteten sexuellen Orientierung nach wie vor ein weltweit tief verwurzeltes, ernstzunehmendes Problem. Unter diese Rechtsverletzungen fallen Hinrichtungen ohne Gerichtsverfahren, Folter und Misshandlungen, sexuelle Übergriffe und Vergewaltigung, Verletzung der Privatsphäre, willkürliche Verhaftung, Vorenthalten von Arbeits- und Bildungschancen sowie schwerwiegende Diskriminierungen in Bezug auf den Genuss anderer Menschenrechte. Häufig kommen andere Formen von Gewalt, Hass, Diskriminierung und Ausgrenzung hinzu, etwa aufgrund von Rasse, Alter, Religion, Behinderungen oder des wirtschaftlichen, sozialen oder sonstigen Status.

In vielen Staaten und Gesellschaften werden Menschen mithilfe von Gebräuchen, Gesetzen und Gewalt bestimmte Normen in Bezug auf die sexuelle Orientierung und geschlechtliche Identität aufgezwungen. So wird versucht, Kontrolle über ihre persönlichen Beziehungen und ihre Identitätsbildung auszuüben. Dieser Versuch des Kontrollierens von Sexualität ist nach wie vor eine treibende Kraft hinter geschlechtsbezogener Gewalt (*gender-based violence*) und der Ungleichbehandlung der Geschlechter (*gender inequality*).

Auf internationaler Ebene wurden im Hinblick auf die Gleichstellung der Geschlechter (*gender equality*) sowie

1 Der Begriff „sexuelle Orientierung“ bezeichnet die Fähigkeit eines Menschen, sich emotional und sexuell intensiv zu Personen desselben oder eines anderen Geschlechts oder mehr als einen Geschlechts hingezogen zu fühlen und vertraute und sexuelle Beziehungen mit ihnen zu führen.

2 Unter „geschlechtlicher Identität“ versteht man das tief empfundene innere und persönliche Gefühl der Zugehörigkeit zu einem Geschlecht, das mit dem Geschlecht, das der betroffene Mensch bei seiner Geburt hatte, übereinstimmt oder nicht übereinstimmt; dies schließt die Wahrnehmung des eigenen Körpers (darunter auch die freiwillige Veränderung des äußeren körperlichen Erscheinungsbildes oder der Funktionen des Körpers durch medizinische, chirurgische oder andere Eingriffe) sowie andere Ausdrucksformen des Geschlechts, z.B. durch Kleidung, Sprache und Verhaltensweisen, ein.

* [Redaktionelle Anmerkung zur deutschen Übersetzung:] Der Begriff „Geschlecht“ wird in unserer Übersetzung für die im Original verwendeten Begriffe „sex“ und „gender“ gleichermaßen verwendet. Da es für diese Termini im Deutschen keine Entsprechungen gibt, die den Bedeutungsunterschied – „sex“ bezeichnet gemeinhin das biologische, „gender“ das soziale Geschlecht – treffend fassen, haben wir im Folgenden den der Übersetzung jeweils zugrundeliegenden Begriff in Klammern dem deutschen Wort beigelegt. Bei den Begriffen „sexuelle Orientierung“ (für „sexual orientation“) und „geschlechtliche Identität“ (für „gender identity“) ist dies nicht mehr im Einzelnen aufgeführt.

den Schutz vor Gewalt in der Gesellschaft, der Gemeinschaft und in den Familien bereits große Fortschritte erzielt. Außerdem wurde durch die zentralen Menschenrechtsmechanismen der Vereinten Nationen die Verpflichtung der Staaten unterstrichen, alle Menschen wirksam vor Diskriminierung aufgrund von sexueller Orientierung oder geschlechtlicher Identität zu schützen. Allerdings wird auf Menschenrechtsverletzungen aufgrund von sexueller Orientierung und geschlechtlicher Identität international bisher nicht konsequent und sehr unterschiedlich reagiert.

Um diesen Mängeln abzuhelpen, sind ein einheitliches Verständnis des umfassenden Systems der internationalen Menschenrechte sowie Kenntnisse über dessen Anwendung in Bezug auf die sexuelle Orientierung und geschlechtliche Identität erforderlich. Um die Menschenrechte für alle Menschen gleichermaßen und ohne Diskriminierung zu fördern und zu schützen, müssen die Pflichten der Staaten nach den geltenden Menschenrechten zusammengestellt und deutlich gemacht werden.

Die Internationale Juristenkommission und der „International Service for Human Rights“ (ISHR) haben im Auftrag verschiedener Menschenrechtsorganisationen ein Projekt in Angriff genommen, um eine Reihe internationaler Rechtsgrundsätze über die Anwendung des Völkerrechts bei Menschenrechtsverletzungen aufgrund der sexuellen Orientierung und geschlechtlichen Identität auszuarbeiten. Diese sollen für mehr Klarheit und Einheitlichkeit in Bezug auf die Menschenrechtsverpflichtungen der Staaten sorgen.

Eine Gruppe renommierter Menschenrechtsexpertinnen und -experten hat diese Prinzipien konzipiert, erarbeitet, erörtert und verbessert. Im Anschluss an ein Treffen der Expertinnen und Experten, das vom 6. bis 9. November 2006 an der Gadjah Mada University in Yogyakarta in Indonesien stattfand, haben 29 angesehene Expertinnen und Experten aus 25 verschiedenen Ländern mit unterschiedlichem Hintergrund und Fachwissen im Bereich der Menschenrechte einstimmig die *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* (Yogyakarta-Prinzipien zur Anwendung der Menschenrechte in Bezug auf die sexuelle Orientierung und geschlechtliche Identität) angenommen.

Professor Michael O’Flaherty, der Berichterstatter des Treffens, hatte erheblichen Anteil am Entwurf und an der Überarbeitung der Prinzipien. Sein Engagement und seine unermüdlichen Anstrengungen trugen maßgeblich zum Erfolg des Projekts bei.

Die Yogyakarta-Prinzipien sprechen ein breites Spektrum von Menschenrechtsnormen und deren Anwendung auf Fragen der sexuellen Orientierung und geschlechtlichen Identität an. Sie bekräftigen, dass die Verantwortung für die Umsetzung von Menschenrechten vor allem bei den Staaten liegt. Zu jedem Prinzip gibt es eingehende Empfehlungen für die Staaten. Allerdings betonen die Expertinnen und Experten auch, dass sämtliche Akteurinnen und Akteure die Pflicht haben, Menschenrechte zu fördern und zu schützen. Die weiteren Empfehlungen richten sich an weitere Akteurinnen und Akteure, so etwa an das Menschenrechtssystem der Vereinten Nationen, nationale Menschenrechtsinstitutionen, die Medien, nichtstaatliche Organisationen sowie Geldgeberinnen und Geldgeber.

Die Expertinnen und Experten sind sich darüber einig, dass die Yogyakarta-Prinzipien den aktuellen Stand der Menschenrechte in Bezug auf Fragen der sexuellen Orientierung und der geschlechtlichen Identität widerspiegeln. Ihnen ist bewusst, dass im Zuge der Weiterentwicklung der Menschenrechte möglicherweise weitere Verpflichtungen auf die Staaten zukommen.

Durch die Yogyakarta-Prinzipien werden verbindliche internationale Rechtsnormen bestätigt, die für alle Staaten gelten. Sie verheißen eine Zukunft, in der alle Menschen, die ja frei und gleich an Würde und Rechten geboren sind, dieses wertvolle Geburtsrecht auch wahrnehmen können.

Sonia Onufer Corrêa, Vitit Muntarbhorn

Co-Vorsitzende, Co-Vorsitzender

Präambel

WIR, DAS INTERNATIONALE FORUM VON EXPERTINNEN UND EXPERTEN FÜR DIE MENSCHENRECHTE UND DIE SEXUELLE ORIENTIERUNG UND GESCHLECHTLICHE IDENTITÄT

ERINNERN daran, dass alle Menschen frei und gleich an Würde und Rechten geboren werden und dass jede und jeder das Recht auf den Genuss von Menschenrechten hat ohne irgendeinen Unterschied etwa nach Rasse, Hautfarbe, Geschlecht (*sex*), Sprache, Religion, politischen oder sonstigen Überzeugungen, nationaler oder gesellschaftlicher Herkunft, Vermögen, Geburt oder sonstigem Status;

sind BEUNRUHIGT, dass Menschen in allen Teilen der Welt wegen ihrer sexuellen Orientierung oder geschlechtlichen Identität Gewalt, Übergriffe, Diskriminierungen, Ausgrenzungen, Stigmatisierungen und Vorurteile erfahren, dass diese Vorfälle mit Diskriminierungen aufgrund von Geschlecht (*gender*), Rasse, Alter, Religion, Behinderung, Gesundheitszustand und des wirtschaftlichen Status einhergehen und dass diese Gewalttaten, Übergriffe, Diskriminierungen, Ausgrenzungen, Stigmatisierungen und Vorurteile die Unversehrtheit und Würde derjenigen beeinträchtigen, die ihnen ausgesetzt sind, ihr Selbstwertgefühl und das Zugehörigkeitsgefühl zu ihrer Gemeinschaft schwächen und so dazu führen könnten, dass sie ihre Identität verbergen oder unterdrücken und ein Leben in Angst und in Unsichtbarkeit führen;

sind uns BEWUSST, dass Menschen seit langem solche Menschenrechtsverletzungen erfahren müssen, weil sie lesbisch, schwul oder bisexuell sind bzw. dafür gehalten werden, einvernehmliche sexuelle Handlungen mit Personen desselben Geschlechts (*gender*) eingegangen sind oder weil sie transsexuell, transgender oder intersexuell sind oder dafür gehalten werden oder zu gesellschaftlichen Gruppen gehören, die in bestimmten Gesellschaften nach ihrer sexueller Orientierung oder geschlechtlichen Identität definiert werden;

VERSTEHEN unter „sexueller Orientierung“ die Fähigkeit eines Menschen, sich emotional und sexuell intensiv zu Personen desselben oder eines anderen Geschlechts (*gender*) oder mehr als einen Geschlechts (*gender*) hingezogen zu fühlen und vertraute und sexuelle Beziehungen mit ihnen zu führen;

VERSTEHEN unter „geschlechtlicher Identität“ das tief empfundene innere und persönliche Gefühl der Zugehörigkeit zu einem Geschlecht (*gender*), das mit dem Geschlecht (*sex*), das der betroffene Mensch bei seiner Geburt zugewiesen wurde, übereinstimmt oder nicht übereinstimmt; dies schließt die Wahrnehmung des eigenen Körpers mit ein (darunter auch die freiwillige Veränderung des äußeren körperlichen Erscheinungsbildes oder der Funktionen des Körpers durch medizinische, chirurgische oder andere Eingriffe) sowie andere Ausdrucksformen des Geschlechts (*gender*), z.B. durch Kleidung, Sprache und Verhaltensweisen;

STELLEN FEST, dass den Bestimmungen der Menschenrechte zufolge alle Menschen ungeachtet ihrer sexuellen Orientierung oder geschlechtlichen Identität das Recht auf vollen Genuss sämtlicher Menschenrechte haben, dass bei der Anwendung bestehender Ansprüche aus Menschenrechten die besondere Situation und die besonderen Erfahrungen von Menschen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten berücksichtigt werden sollten, dass bei allen Handlungen, bei denen es um Kinder geht, das Kindeswohl im Vordergrund stehen sollte, dass ein Kind, das sich eine eigene Meinung bilden kann, diese auch frei äußern können muss und dass diese entsprechend dem Alter und der Reife des Kindes gebührend berücksichtigt wird;

STELLEN FEST, dass die internationalen Menschenrechte ein absolutes Verbot der Benachteiligung im Hinblick auf den uneingeschränkten Genuss aller Menschenrechte einschließlich der bürgerlichen, kulturellen, wirtschaftlichen, politischen und sozialen Rechte vorsehen, dass die Achtung der sexuellen Rechte, sexuellen Orientierung und geschlechtlichen Identität ein wesentliches Element bei der Verwirklichung der Gleichberechtigung von Mann und Frau darstellt und dass die Staaten Maßnahmen ergreifen müssen, um Vorurteile und Verhaltensmuster zu bekämpfen, die auf stereotypen Vorstellungen von Männer- und Frauenrollen oder der Vorstellung beruhen, ein Geschlecht (*sex*) wäre dem anderen überlegen. Ferner stellen wir fest, dass die Internationale Gemeinschaft das Recht jedes Menschen anerkannt hat, frei und selbstverantwortlich über Fragen im Zusammenhang mit seiner Sexualität zu entscheiden, so auch über Fragen der sexuellen und reproduktiven Gesundheit, ohne Zwang, Diskriminierung oder Gewalt;

ERKENNEN AN, dass es in diesem Zusammenhang sehr wichtig ist, systematisch darzustellen, dass und wie die Menschenrechte auf das Leben und die Erfahrungen von Menschen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten anwendbar sind;

ERKENNEN AN, dass diese Darstellung auf dem aktuellen Stand der internationalen Menschenrechte aufbauen und regelmäßig überprüft werden muss, damit die Weiterentwicklung dieser Rechte sowie deren Anwendung auf das Leben und die Erfahrungen von Menschen mit unterschiedlichen sexuellen Orientierungen und geschlechtlichen Identitäten im Laufe der Zeit und in den verschiedenen Regionen und Ländern berücksichtigt werden können;

VERABSCHIEDEN IM ANSCHLUSS AN DAS TREFFEN DER EXPERTINNEN UND EXPERTEN, DAS VOM 6. BIS 9. NOVEMBER 2006 IN YOGYAKARTA (INDONESIEN) STATTFAND, DIE FOLGENDEN PRINZIPIEN:

Prinzip

1

Das Recht auf universellen Genuss der Menschenrechte

Alle Menschen sind frei und gleich an Würde und Rechten. Menschen aller sexuellen Orientierungen und geschlechtlichen Identitäten haben Anspruch auf den uneingeschränkten Genuss aller Menschenrechte.

DIE STAATEN MÜSSEN

- A. das Prinzip, dass alle Menschenrechte universell und unteilbar sind, miteinander zusammenhängen und einander bedingen, in die nationalen Verfassungen oder andere entsprechende Gesetzgebungen aufnehmen und für die praktische Umsetzung des universellen Genusses aller Menschenrechte sorgen;
- B. sämtliche Gesetze, darunter auch das Strafrecht, entsprechend ändern, um für die Übereinstimmung mit dem Prinzip des universellen Genusses aller Menschenrechte zu sorgen;
- C. Bildungs- und Aufklärungskampagnen durchführen, um den universellen Genuss aller Menschenrechte durch alle Menschen unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität zu fördern und zu verbessern;
- D. einen pluralistischen Ansatz als festen Bestandteil der staatlichen Politik und Entscheidungsprozesse integrieren, durch den anerkannt und bekräftigt wird, dass sämtliche Aspekte der menschlichen Identität, einschließlich der sexuellen Orientierung und geschlechtlichen Identität, miteinander zusammenhängen und unteilbar sind.

Prinzip

2

Das Recht auf Gleichheit und Nichtdiskriminierung

Alle Menschen haben Anspruch auf den Genuss aller Menschenrechte ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität. Alle Menschen haben Anspruch auf Gleichheit vor dem Gesetz und gleichen Schutz durch das Gesetz ohne derartige Diskriminierung und unabhängig davon, ob dies den Genuss eines anderen Menschenrechts berührt. Das Gesetz sollte jegliche Form der Diskriminierung verbieten und allen Menschen gleichermaßen wirksamen Schutz vor derartiger Diskriminierung garantieren.

Als Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität zählen auch jegliche Art von Unterscheidungen, Ausgrenzungen, Beschränkungen oder Bevorzugungen aufgrund der sexuellen Orientierung oder geschlechtlichen Identität, durch die als Ziel oder Folge die Gleichheit vor dem Gesetz oder der gleichen Schutz durch das Gesetz, die Anerkennung, der Genuss oder die gleichberechtigte Ausübung aller Menschenrechte und Grundfreiheiten aufgehoben oder beeinträchtigt werden. Diskriminierung aufgrund von sexueller Orientierung oder geschlechtlicher Identität kann mit Diskriminierung aus anderen Gründen einhergehen, z.B. aufgrund des Geschlechts

(*gender*), der Rasse, des Alters, der Religion, von Behinderungen oder des Gesundheitszustandes oder des wirtschaftlichen Status, und dies ist in der Praxis auch häufig der Fall.

DIE STAATEN MÜSSEN

- A. die Prinzipien der Gleichstellung und Nichtdiskriminierung aufgrund der sexuellen Orientierung und geschlechtlichen Identität in ihre nationalen Verfassungen bzw. die entsprechende Gesetzgebung aufnehmen, sofern sie noch nicht darin enthalten sind, z.B. durch Änderungen und Auslegung von Gesetzen, und für die praktische Umsetzung dieser Prinzipien sorgen;
- B. strafrechtliche sowie sonstige rechtliche Bestimmungen aufheben, die einvernehmliche sexuelle Handlungen zwischen Menschen desselben Geschlechts (*sex*), die das Einwilligungsalter erreicht haben, verbieten oder die in der Praxis dazu verwendet werden, diese zu verbieten. Darüber hinaus sollten die Staaten dafür sorgen, dass für sexuelle Handlungen zwischen Personen unterschiedlichen oder gleichen Geschlechts (*sex*) dasselbe Einwilligungsalter gilt;
- C. entsprechende gesetzgeberische und weitere Maßnahmen ergreifen, um Diskriminierung aufgrund der sexuellen Orientierung und geschlechtlichen Identität im öffentlichen wie im privaten Bereich zu verbieten und abzuschaffen;
- D. entsprechende Maßnahmen ergreifen, um für die angemessene Förderung von Personen mit unterschiedlichen sexuellen Orientierungen und geschlechtlichen Identitäten zu sorgen, die notwendig ist, damit diese Gruppen oder Einzelpersonen Menschenrechte gleichberechtigt genießen oder ausüben können. Diese Maßnahmen dürfen nicht als diskriminierend gelten;
- E. bei allen Reaktionen auf Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität berücksichtigen, inwieweit es bei diesen Diskriminierungen Überschneidungen mit anderen Formen der Diskriminierung gibt;
- F. alle geeigneten Schritte einschließlich Bildungs- und Fortbildungsprogramme zur Bekämpfung von Vorurteilen oder diskriminierenden Haltungen oder Verhaltensweisen ergreifen, die mit der Vorstellung zusammenhängen, eine bestimmte sexuelle Orientierung oder geschlechtliche Identität oder Ausdrucksform von Geschlecht (*gender expression*) sei anderen überlegen bzw. unterlegen.

Prinzip

3

Das Recht auf Anerkennung vor dem Gesetz

Jeder Mensch hat das Recht, überall als rechtsfähig anerkannt zu werden. Menschen mit unterschiedlicher sexueller Orientierung und geschlechtlicher Identität müssen in allen Lebensbereichen in den Genuss der Rechtsfähigkeit kommen. Die selbstbestimmte sexuelle Orientierung und geschlechtliche Identität jedes Menschen ist fester Bestandteil seiner Persönlichkeit und eines der grundlegenden Elemente von Selbstbestimmung, Würde und Freiheit. Niemand darf als Voraussetzung für die rechtliche Anerkennung seiner geschlechtlichen Identität gezwungen werden, sich medizinischen Behandlungen zu unterziehen, darunter operativen Geschlechtsanpassungen (*sex reassignment surgery*), Sterilisationen oder Hormonbehandlungen. Kein rechtlicher Stand, wie beispielsweise die Ehe oder die Elternschaft,

darf als Grund angeführt werden, um die rechtliche Anerkennung der geschlechtlichen Identität eines Menschen zu verhindern. Es darf auf keinen Menschen Druck ausgeübt werden, seine sexuelle Orientierung oder geschlechtliche Identität zu verbergen, zu unterdrücken oder zu verleugnen.

DIE STAATEN MÜSSEN

- A. dafür sorgen, dass allen Menschen ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität im zivilrechtlichen Bereich Rechtsfähigkeit zuerkannt wird und dass sie die Möglichkeit haben, diese Rechtsfähigkeit auszuüben, einschließlich gleicher Rechte, Verträge abzuschließen sowie Eigentum zu verwalten, zu besitzen, zu erwerben (auch durch Erbschaften), zu bewirtschaften, zu nutzen und zu veräußern;
- B. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, damit die selbstbestimmte geschlechtliche Identität jedes Menschen in vollem Umfang geachtet und rechtlich anerkannt wird;
- C. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass es Verfahren gibt, durch die auf allen vom Staat ausgegebenen persönlichen Dokumenten, in denen das Geschlecht (*gender/sex*) eines Menschen angegeben wird – z.B. Geburtsurkunden, Reisepässe, Wählerverzeichnisse usw. – die von der betroffenen Person selbst bestimmte geschlechtliche Identität genannt wird;
- D. dafür sorgen, dass diese Verfahren effizient, gerecht und nichtdiskriminierend sind und die Würde und Privatsphäre der betroffenen Personen achten;
- E. dafür sorgen, dass Änderungen an Ausweispapieren in allen Zusammenhängen anerkannt werden, in denen die Identifizierung oder Einteilung von Personen nach dem Geschlecht (*gender*) qua Gesetz oder durch politische Maßnahmen vorgeschrieben ist;
- F. gezielt Programme umsetzen, mit denen alle Menschen, die eine Geschlechtstransition (*gender transition*) vollziehen oder eine Geschlechtsanpassung (*gender reassignment*) vornehmen, gesellschaftlich unterstützt werden.

Prinzip

Das Recht auf Leben

4

Jeder Mensch hat das Recht auf Leben. Niemand darf willkürlich seines Lebens beraubt werden, auch nicht mit Verweis auf die sexuelle Orientierung oder geschlechtliche Identität. Niemand darf aufgrund einvernehmlicher sexueller Handlungen zwischen Menschen, die das Einwilligungsalter erreicht haben, oder aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität zum Tode verurteilt werden.

DIE STAATEN MÜSSEN

- A. Straftatbestände aufheben, deren Ziel oder Folgewirkung darin besteht, einvernehmliche sexuelle Handlungen zwischen Personen desselben Geschlechts (*sex*), die das Einwilligungsalter erreicht haben, zu verbieten. Bis zur Aufhebung der entsprechenden Vorschriften darf unter

keinen Umständen die Todesstrafe gegen Personen verhängt werden, die aufgrund dieser Vorschriften verurteilt wurden;

- B. Todesurteile aufheben und alle Menschen freilassen, die derzeit auf die Hinrichtung aufgrund von Strafen warten, die im Zusammenhang mit einvernehmlichen sexuellen Handlungen zwischen Personen stehen, die das Einwilligungsalter erreicht haben;
- C. sämtliche staatlicherseits unterstützten oder geduldeten Angriffe auf das Leben von Menschen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität einstellen und dafür sorgen, dass solche von Behördenvertretern, Einzelpersonen oder Gruppen verübte Angriffe sorgfältig untersucht werden und bei entsprechender Beweislage die Verantwortlichen strafrechtlich verfolgt, vor Gericht gestellt und angemessen bestraft werden.

Prinzip

5

Das Recht auf persönliche Sicherheit

Jeder Mensch besitzt unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität das Recht auf persönliche Sicherheit und staatlichen Schutz vor Gewalt oder Körperverletzung durch Behördenvertreter, Einzelpersonen oder Gruppen.

DIE STAATEN MÜSSEN

- A. alle erforderlichen polizeilichen und sonstigen Maßnahmen ergreifen, um Schutz vor jeglicher Form von Gewalt und Übergriffen im Zusammenhang mit der sexuellen Orientierung und geschlechtlichen Identität zu gewährleisten und diese zu verhindern;
- B. alle erforderlichen gesetzgeberischen Schritte ergreifen, damit in Fällen von Gewalt, der Androhung von Gewalt, Aufrufen zur Gewalt sowie von entsprechenden Übergriffen aufgrund der sexuellen Orientierung oder geschlechtlichen Identität einer Person oder Gruppe von Personen in allen Lebensbereichen einschließlich der Familie angemessene Strafen verhängt werden;
- C. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um sicherzustellen, dass die sexuelle Orientierung bzw. die geschlechtliche Identität des Opfers nicht zur Rechtfertigung, Entschuldigung oder Verharmlosung solcher Gewalttaten herangezogen werden darf;
- D. dafür sorgen, dass diese Gewalttaten sorgfältig untersucht und bei entsprechender Beweislage die Verantwortlichen strafrechtlich verfolgt, vor Gericht gestellt und angemessen bestraft werden; darüber hinaus müssen die Staaten den Opfern angemessene Rechtsmittel und Wiedergutmachung verschaffen, einschließlich des Anspruchs auf Schadensersatz;
- E. Sensibilisierungskampagnen durchführen, die sich an die Allgemeinheit sowie an tatsächliche und potenzielle Gewalttäter richten, um die Vorurteile zu bekämpfen, die Gewalttaten aufgrund der sexuellen Orientierung oder der geschlechtlichen Identität einer Person zugrunde liegen.

Das Recht auf Schutz der Privatsphäre

Jeder Mensch hat unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität Anspruch auf eine Privatsphäre, in die nicht willkürlich oder widerrechtlich eingegriffen werden darf. Dies gilt auch für die Familienangehörigen, die Wohnung und den Briefwechsel. Niemand darf widerrechtlichen Beeinträchtigungen ihrer oder seiner Ehre und ihres oder seines Rufes ausgesetzt werden. Das Recht auf Schutz der Privatsphäre schließt auch die Freiheit ein, Informationen über die eigene sexuelle Orientierung oder geschlechtliche Identität preiszugeben oder nicht, sowie die Entscheidungsfreiheit über Fragen, die den eigenen Körper sowie einvernehmliche sexuelle oder andere Beziehungen zu anderen Personen betreffen.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass jeder Mensch unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität eine vor willkürlichen Eingriffen geschützte freie Privatsphäre genießt und persönliche Entscheidungen treffen und Beziehungen zu anderen Menschen eingehen kann, einschließlich einvernehmlicher sexueller Handlungen mit Personen, die das Einwilligungsalter erreicht haben;
- B. alle Gesetze aufheben, durch die einvernehmliche sexuelle Handlungen zwischen Personen desselben Geschlechts (*sex*), die das Einwilligungsalter erreicht haben, zur strafbaren Handlung erklärt werden, und sicherstellen, dass für sexuelle Handlungen zwischen Personen unterschiedlichen oder gleichen Geschlechts (*sex*) dasselbe Einwilligungsalter gilt;
- C. sicherstellen, dass allgemeine strafrechtliche und sonstige Bestimmungen nicht benutzt werden, um einvernehmliche sexuelle Handlungen zwischen Personen desselben Geschlechts (*sex*), die das Einwilligungsalter erreicht haben, *de facto* zu einer strafbaren Handlung zu machen;
- D. alle Gesetze aufheben, durch die der Ausdruck der geschlechtlichen Identität unter anderem durch Kleidung, Sprache und Verhaltensweisen zur strafbaren Handlung erklärt wird oder durch die Menschen verboten wird, ihren Körper als Mittel des Ausdrucks ihrer geschlechtlichen Identität zu verändern;
- E. alle Personen freilassen, die sich in Untersuchungs- oder Strafhaft befinden, sofern ihre Inhaftierung im Zusammenhang mit ihrer geschlechtlichen Identität oder einvernehmlichen sexuellen Handlungen zwischen Personen, die das Einwilligungsalter erreicht haben, steht;
- F. dafür sorgen, dass alle Menschen grundsätzlich das Recht haben zu entscheiden, wann, gegenüber wem und auf welche Weise sie Informationen preisgeben wollen, die ihre sexuelle Orientierung oder geschlechtliche Identität betreffen, und dass alle Menschen vor der willkürlichen oder ungewollten Bekanntgabe solcher Informationen oder der Androhung der Bekanntgabe durch andere Personen geschützt werden.

Prinzip

7

**Das Recht auf Schutz
vor willkürlicher Freiheitsentziehung**

Niemand darf willkürlich festgenommen oder in Haft gehalten werden. Sofern eine Person aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität auf richterliche Anordnung oder anderweitig festgenommen oder in Haft gehalten wird, stellt dies eine willkürliche Handlung dar. Alle Inhaftierten haben unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität gleichberechtigten Anspruch darauf, über die Gründe für ihre Festnahme sowie über die gegen sie erhobenen Vorwürfe informiert zu werden, unverzüglich einem Vertreter oder einer Vertreterin des Gerichts vorgeführt zu werden und die Rechtmäßigkeit ihrer Verhaftung gerichtlich klären zu lassen, unabhängig davon, ob ihnen eine Straftat zur Last gelegt wird oder nicht.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass sexuelle Orientierung oder geschlechtliche Identität unter keinen Umständen als Grund für eine Festnahme oder Inhaftierung dienen. Dies schließt die Beseitigung unklar formulierter strafrechtlicher Bestimmungen ein, die eine Aufforderung zur diskriminierenden Anwendung darstellen oder anderweitig Spielraum für Festnahmen aufgrund von Vorurteilen bieten;
- B. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass alle Festgenommenen unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität gleichberechtigten Anspruch darauf haben, über die Gründe für ihre Festnahme sowie über die gegen sie erhobenen Vorwürfe informiert zu werden, unverzüglich einem Vertreter oder einer Vertreterin des Gerichts vorgeführt zu werden und die Rechtmäßigkeit ihrer Verhaftung gerichtlich klären zu lassen, unabhängig davon, ob ihnen eine Straftat zur Last gelegt wird oder nicht;
- C. Fortbildungs- und Sensibilisierungsmaßnahmen durchführen, um die Polizei und andere Bedienstete im Bereich der Strafverfolgung über die Willkürlichkeit einer Festnahme oder Inhaftierung von Personen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität aufzuklären;
- D. dafür sorgen, dass über sämtliche Festnahmen und Inhaftierungen Akten geführt werden, die korrekt und auf dem neuesten Stand sind und dass darin das Datum, der Ort sowie der Grund für die Inhaftierung angegeben werden; darüber hinaus müssen sie eine unabhängige Überwachung aller Haftorte durch Organe sicherstellen, die über ein entsprechendes Mandat sowie die notwendigen Mittel verfügen, um Festnahmen und Inhaftierungen von Personen zu erkennen, die möglicherweise aufgrund von deren sexueller Orientierung oder geschlechtlicher Identität veranlasst wurden.

Prinzip

8

Das Recht auf ein faires Verfahren

Jeder Mensch hat im Hinblick auf die Feststellung seiner Rechte und Pflichten im Rahmen eines Gerichtsverfahrens und in Bezug auf den Vorwurf einer strafbaren Handlung das Recht auf eine faire öffentliche Anhörung durch ein zuständiges, unabhängiges und unparteiisches ordentliches Gericht ohne Vorverurteilung oder Diskriminierung aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um die benachteiligende Behandlung von Menschen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität in jeder Phase eines Gerichtsverfahrens, in Zivilprozessen und Strafverfahren sowie allen anderen Gerichts- und Verwaltungsverfahren, in denen Rechte und Pflichten festgelegt werden, zu verhindern und zu beseitigen. Ferner müssen sie dafür sorgen, dass weder die Glaubwürdigkeit noch die Eignung eines Menschen als Person oder Partei, Zeuge, Anwalt oder Entscheidungsträger aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität in Zweifel gezogen werden;
- B. alle erforderlichen und sinnvollen Schritte ergreifen, um Menschen vor Strafverfolgung oder Zivilprozessen zu schützen, die ausschließlich oder teilweise auf Vorurteile über sexuelle Orientierung oder geschlechtliche Identität zurückzuführen sind;
- C. Fortbildungs- und Sensibilisierungsmaßnahmen für Richterinnen und Richter, Justizbedienstete, Staatsanwältinnen und Staatsanwälte, Anwältinnen und Anwälte und andere Personen über internationale Menschenrechtsnormen sowie die Prinzipien der Gleichberechtigung und Nichtdiskriminierung durchführen, auch in Bezug auf die sexuelle Orientierung und geschlechtliche Identität.

Prinzip

9

Das Recht auf menschenwürdige Haftbedingungen

Jeder Mensch, dem seine Freiheit entzogen ist, muss menschlich und mit Achtung vor der dem Menschen innewohnenden Würde behandelt werden. Die sexuelle Orientierung und geschlechtliche Identität sind integraler Bestandteil der Würde eines jeden Menschen.

DIE STAATEN MÜSSEN

- A. dafür sorgen, dass Inhaftierungen keine weitere Ausgrenzung von Menschen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität nach sich ziehen und dass diese Personen durch ihre Inhaftierung nicht der Gefahr von Gewalt, Misshandlung oder körperlichem, seelischem oder sexuellem Missbrauch ausgesetzt werden;

- B. für angemessenen Zugang zu bedarfsgerechter medizinischer Versorgung und Beratung für in Gewahrsam befindliche Personen unter Beachtung der besonderen Bedürfnisse sorgen, die sich aus der sexuellen Orientierung oder geschlechtlichen Identität einer Person ergeben können, auch im Hinblick auf reproduktive Gesundheit, Zugang zu Informationen über HIV/AIDS und entsprechenden Therapien sowie Zugang zu Hormon- oder anderen Behandlungen und Behandlungen im Rahmen einer Geschlechtsanpassung (*gender-reassignment treatments*), sofern gewünscht;
- C. sicherstellen, dass alle Gefangenen soweit möglich an den Entscheidungen darüber beteiligt werden, ob der Ort der Inhaftierung den Bedürfnissen, die sich aus ihrer sexuellen Orientierung und geschlechtlichen Identität ergeben, angemessen Rechnung trägt;
- D. Schutzmaßnahmen für alle Gefangenen vorsehen, die aufgrund ihrer sexuellen Orientierung, ihrer geschlechtlichen Identität oder der von ihnen gewählten Ausdrucksform von Geschlecht (*gender expression*) in besonderem Maße von Gewalt oder Missbrauch bedroht sind, und – soweit praktikabel – sicherstellen, dass diese Schutzmaßnahmen ihre Rechte nicht stärker einschränken als bei Gefängnisinsassen und -insassinnen allgemein üblich;
- E. sicherstellen, dass Besuche von Lebenspartnerinnen und Lebenspartnern, sofern gestattet, unabhängig vom Geschlecht (*gender*) der Partnerin bzw. des Partners allen Gefangenen und Inhaftierten in gleichem Maße gewährt werden;
- F. für eine unabhängige Kontrolle der Haftanstalten durch den Staat und durch nichtstaatliche Organisationen, darunter auch Organisationen, die im Bereich der sexuellen Orientierung und geschlechtlichen Identität tätig sind, sorgen;
- G. Fortbildungs- und Sensibilisierungsmaßnahmen für das Gefängnispersonal und alle anderen in Haftanstalten tätigen Bediensteten des öffentlichen und privaten Sektors über internationale Menschenrechtsnormen sowie die Prinzipien der Gleichheit und Nichtdiskriminierung auch in Bezug auf sexuelle und geschlechtliche Identität durchführen.

Prinzip

10

Das Recht auf Freiheit von Folter und grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe

Niemand darf der Folter oder grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe unterworfen werden, auch nicht aus Gründen, die sich auf die sexuelle Orientierung oder geschlechtliche Identität beziehen.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um Folter sowie grausame, unmenschliche oder erniedrigende Behandlung oder Strafe aufgrund der sexuellen Orientierung oder geschlechtlichen Identität eines Menschen sowie das Aufrufen zu solchen Taten zu verhindern sowie Schutz vor diesen zu bieten;
- B. sinnvolle Schritte ergreifen, um Opfer von Folter und grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe aus Gründen, die mit der sexuellen Identität oder ge-

schlechtlichen Identität des Opfers zusammenhängen, festzustellen sowie ihnen geeignete Rechtsmittel einschließlich Wiedergutmachungs- und Entschädigungsansprüchen zu verschaffen und erforderlichenfalls medizinische und psychologische Betreuung anzubieten;

- C. Fortbildungs- und Sensibilisierungsmaßnahmen für die Polizei, das Gefängnispersonal sowie alle anderen im öffentlichen und privaten Sektor tätigen Bediensteten, die in der Lage sind, solche Taten begehen oder verhindern zu können, durchführen.

Das Recht auf Schutz vor allen Formen der Ausbeutung, vor dem Verkauf von Menschen und vor Menschenhandel

Prinzip 11

Jeder Mensch hat Anspruch auf Schutz vor Menschenhandel, vor dem Verkauftwerden und vor jeglicher Form von Ausbeutung aufgrund seiner tatsächlichen oder vermuteten sexuellen Orientierung oder geschlechtlichen Identität, einschließlich der sexuellen Ausbeutung, aber nicht beschränkt auf diese. Die Maßnahmen zur Verhinderung des Menschenhandels sollten sich gegen die Umstände richten, die das Gefährdungspotenzial erhöhen, einschließlich unterschiedlicher Formen der Benachteiligung und Diskriminierung aufgrund der tatsächlichen oder vermuteten sexuellen Orientierung oder geschlechtlichen Identität oder des Ausdrucks dieser oder anderer Identitäten. Diese Maßnahmen dürfen nicht im Widerspruch zu den Menschenrechten von Personen stehen, die Opfer von Menschenhandel werden könnten.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, die dem Schutz vor und der Verhinderung von Menschenhandel, dem Verkauf von Menschen und allen anderen Formen der Ausbeutung von Menschen dienen, einschließlich der sexuellen Ausbeutung, aber nicht beschränkt auf diese, die auf ihre tatsächliche oder vermutete sexuelle Orientierung oder geschlechtliche Identität zurückzuführen sind;
- B. sicherstellen, dass die entsprechenden Gesetze oder Maßnahmen das Verhalten von Personen, die in besonderem Maße von solchen Praktiken bedroht sind, weder zu einer strafbaren Handlung erklären noch stigmatisieren noch die Benachteiligung dieser Personen verschärfen;
- C. rechtliche, soziale und bildungsbezogene Maßnahmen, Dienstleistungen und Programme zur Verringerung des Risikos anbieten, aufgrund der tatsächlichen oder vermuteten sexuellen Orientierung oder geschlechtlichen Identität Opfer von Menschenhandel, des Verkaufs von Menschen und anderer Formen der Ausbeutung zu werden, einschließlich sexueller Ausbeutung, jedoch nicht beschränkt auf diese. Hierunter fallen auch Faktoren wie soziale Ausgrenzung, Diskriminierung, Ablehnung durch die Familie oder eine kulturelle Gemeinschaft, finanzielle Abhängigkeit, Obdachlosigkeit, diskriminierende Haltungen der Gesellschaft, die ein geringes Selbstwertgefühl zur Folge haben, sowie mangelnder Schutz vor Diskriminierung beim Zugang zu Wohnraum, Unterkünften, Arbeit und sozialen Dienstleistungen.

Prinzip

12**Das Recht auf Arbeit**

Jeder Mensch hat das Recht auf eine menschenwürdige, sinnvolle Arbeit, gerechte und günstige Arbeitsbedingungen sowie auf Schutz vor Erwerbslosigkeit ohne Diskriminierung aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um die Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität im Rahmen einer Beschäftigung im staatlichen oder privaten Sektor auch in Bezug auf Berufsausbildung, Einstellung, Beförderung, Entlassung, Beschäftigungsbedingungen sowie Vergütung zu beseitigen und zu verbieten;
- B. jegliche Form der Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität beseitigen, um Gleichheit im Hinblick auf Beschäftigungsmöglichkeiten und Förderung in allen Bereichen des öffentlichen Dienstes sicherzustellen, darunter alle Ebenen des Staatsdienstes und der Beschäftigung in öffentlichen Ämtern einschließlich des Polizei- und Militärdienstes, und entsprechende Fortbildungs- und Sensibilisierungsmaßnahmen anbieten, um gegen diskriminierende Haltungen vorzugehen.

Prinzip

13**Das Recht auf soziale Sicherheit und andere soziale Schutzmaßnahmen**

Jeder Mensch hat das Recht auf soziale Sicherheit und andere soziale Schutzmaßnahmen ohne Diskriminierung aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um den gleichberechtigten Zugang zu sozialer Sicherheit und anderen sozialen Schutzmaßnahmen ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität sicherzustellen; dies beinhaltet beschäftigungsbezogene Leistungen, Erziehungszeit, Leistungen bei Erwerbslosigkeit, die Krankenversicherung oder gesundheitliche Versorgung oder finanzielle Leistungen im Rahmen der Gesundheitsfürsorge (auch im Hinblick auf körperliche Veränderungen, die im Zusammenhang mit der geschlechtlichen Identität stehen), andere Formen der Sozialversicherung, Familienförderung, Sterbegeld, Renten und Leistungen bei Wegfall von Unterhaltszahlungen an den Ehegatten oder die Partnerin bzw. den Partner infolge von Erkrankung oder Tod;
- B. dafür sorgen, dass Kinder im Sozialversicherungssystem oder bei der Bereitstellung von Sozialleistungen nicht aufgrund ihrer eigenen oder der sexuellen Orientierung oder geschlechtlichen Identität eines ihrer Familienmitglieder diskriminiert werden;

- C. alle erforderlichen rechtlichen, administrativen und sonstigen Maßnahmen ergreifen, um Zugang zu Programmen und Strategien zur Armutsbekämpfung ungeachtet der sexuellen Orientierung oder geschlechtlichen Identität zu gewährleisten.

Das Recht auf einen angemessenen Lebensstandard

Prinzip 14

Jeder Mensch hat das Recht auf einen angemessenen Lebensstandard; einschließlich ausreichender Ernährung, sauberem Trinkwasser, geeigneten sanitären Einrichtungen und Bekleidung, sowie auf die ständige Verbesserung seiner Lebensbedingungen, ohne aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität diskriminiert zu werden.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um Zugang zu ausreichender Nahrung, sauberem Trinkwasser sowie geeigneten sanitären Einrichtungen und Kleidung ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität zu gewährleisten.

Das Recht auf angemessenen Wohnraum

Prinzip 15

Jeder Mensch hat das Recht auf angemessenen Wohnraum, das den Schutz vor Räumung einschließt, ohne aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität diskriminiert zu werden.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um ein gesichertes Wohnrecht und den Zugang zu bezahlbarem, bewohnbarem, der entsprechenden Kultur angemessenem und sicherem Wohnraum, darunter zu Zufluchtsräumen und anderen Notunterkünften, ohne Diskriminierung aufgrund der sexuellen Orientierung, der geschlechtlichen Identität oder des Ehe- oder Familienstandes sicherzustellen;
- B. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um die Vollstreckung von Räumungen zu verbieten, die nicht im Einklang mit den internationalen menschenrechtlichen Verpflichtungen stehen. Darüber hinaus muss dafür gesorgt werden, dass jedem Menschen angemessene und wirksame Rechtsmittel oder andere Mittel zur Verfügung stehen, wenn nach eigener Aussage sein Recht auf Schutz vor Zwangsräumungen verletzt wurde oder verletzt zu werden droht; dies beinhaltet das Recht auf Wiederansiedlung, welches das Recht auf die Bereitstellung von Ersatzland besserer oder gleicher Qualität

- und auf angemessenen Wohnraum einschließt, ohne Diskriminierung aufgrund der sexuellen Orientierung, der geschlechtlichen Identität oder des Ehe- oder Familienstandes;
- C. für gleiches Recht auf Grund- und Wohnungseigentum und gleiches Erbrecht ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität sorgen;
 - D. soziale Initiativen schaffen, einschließlich Förderprogrammen, um die Faktoren im Zusammenhang mit sexueller Orientierung und geschlechtlicher Identität zu bekämpfen, die die Gefahr der Obdachlosigkeit, insbesondere für Kinder und Jugendliche, erhöhen; dazu zählen soziale Ausgrenzung, häusliche Gewalt und andere Formen von Gewalt, Diskriminierung, finanzielle Abhängigkeit sowie Zurückweisung durch die Familie oder eine kulturelle Gemeinschaft. Darüber hinaus müssen Initiativen im Bereich der Nachbarschaftshilfe und der Sicherheit in Wohngebieten gefördert werden.
 - E. Fortbildungs- und Sensibilisierungsmaßnahmen anbieten, um dafür zu sorgen, dass sich alle betroffenen Behörden der Bedürfnislagen derjenigen Menschen, die aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität von Obdachlosigkeit oder sozialer Benachteiligung betroffen oder bedroht sind, bewusst sind und sie berücksichtigen.

Prinzip

16

Das Recht auf Bildung

Jeder Mensch hat das Recht auf Bildung unter Berücksichtigung seiner sexuellen Orientierung oder geschlechtlichen Identität und ohne aufgrunddessen diskriminiert zu werden.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität den gleichberechtigten Zugang zu Bildung für Studierende, Schülerinnen und Schüler, Beschäftigte und Lehrende und deren Gleichbehandlung im Bildungssystem sicherzustellen;
- B. sicherstellen, dass Bildungsmaßnahmen auf die bestmögliche Weiterentwicklung der Persönlichkeit, Begabungen und geistigen und körperlichen Fähigkeiten jedes und jeder Studierenden, jeder Schülerin und jeden Schülers abzielen und auf die Bedürfnisse von Studierenden und Schülerinnen und Schülern aller sexuellen Orientierungen und geschlechtlichen Identitäten eingehen;
- C. dafür sorgen, dass durch Bildungsmaßnahmen die Achtung vor den Menschenrechten und vor den Eltern und Familienangehörigen, der kulturellen Identität, der Sprache und den Werten jedes Kindes in einer von Verständnis, Frieden, Toleranz und Gleichberechtigung geprägten Atmosphäre und unter Berücksichtigung und Achtung der unterschiedlichen sexuellen Orientierungen und geschlechtlichen Identitäten gestärkt wird;
- D. sicherstellen, dass die Lehrmethoden, Lehrpläne und Lehrmaterialien dazu geeignet sind, Verständnis und Respekt unter anderem für unterschiedliche sexuelle Orientierungen und geschlechtliche Identitäten zu fördern, wobei die damit in Zusammenhang stehenden beson-

deren Bedürfnisse der Schülerinnen und Schüler bzw. Studierenden sowie ihrer Eltern und Familienangehörigen einbezogen werden;

- E. dafür sorgen, dass Schülerinnen und Schüler bzw. Studierende, Beschäftigte und Lehrende mit unterschiedlicher sexueller Orientierung und geschlechtlicher Identität durch Gesetze und politische Maßnahmen vor allen Formen sozialer Ausgrenzung und Gewalt im schulischen Umfeld, einschließlich Schikanierungen und Übergriffen, angemessen geschützt werden;
- F. sicherstellen, dass Schülerinnen und Schüler bzw. Studierende, die Ausgrenzung und Gewalt ausgesetzt sind, nicht durch Schutzmaßnahmen marginalisiert oder isoliert werden und ihre Interessen gemeinsam mit ihnen festgestellt und geachtet werden;
- G. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um sicherzustellen, dass die Disziplin in Bildungseinrichtungen in einer Art und Weise geregelt wird, die mit der Würde des Menschen vereinbar ist, d.h. ohne Diskriminierung oder Bestrafung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität der Studierenden bzw. der Schülerinnen und Schüler oder des Ausdrucks derselben;
- H. dafür sorgen, dass allen Menschen ohne Diskriminierung aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität Möglichkeiten und Mittel für lebenslanges Lernen zur Verfügung stehen. Dies gilt auch für Erwachsene, die im Bildungssystem bereits derartige Diskriminierungen erfahren haben.

Das Recht auf das höchstmögliche Maß an Gesundheit

Prinzip

17

Jeder Mensch hat das Recht auf den bestmöglichen Zustand seiner körperlichen und geistigen Gesundheit ohne Diskriminierung aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität. Sexuelle und reproduktive Gesundheit sind ein grundlegender Bestandteil dieses Rechts.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um den Genuss des Rechts auf den bestmöglichen Gesundheitsstandard ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität sicherzustellen;
- B. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass alle Menschen ohne Diskriminierung aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität Zugang zu Einrichtungen der Gesundheitsfürsorge und gesundheitsbezogenen Waren und Dienstleistungen, einschließlich solcher in Bezug auf die sexuelle und reproduktive Gesundheit, sowie zu ihren eigenen Krankenakten haben;
- C. dafür sorgen, dass Einrichtungen der Gesundheitsfürsorge und gesundheitsbezogene Waren und Dienstleistungen auf eine Verbesserung des Gesundheitszustands abzielen und auf die Bedürfnisse aller Menschen eingehen, ohne Diskriminierung aufgrund der sexuellen Ori-

tierung oder geschlechtlichen Identität und unter Berücksichtigung derselben. Ferner muss sichergestellt sein, dass Krankenakten in dieser Hinsicht vertraulich behandelt werden;

- D. Programme erarbeiten und umsetzen, mit denen Diskriminierung, Vorurteile und andere soziale Faktoren bekämpft werden, die die Gesundheit von Menschen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität beeinträchtigen;
- E. sicherstellen, dass alle Menschen über die notwendigen Informationen verfügen und in der Lage sind, durch Einwilligung nach umfassender Aufklärung eigenständig Entscheidungen über medizinische Behandlungen und die gesundheitliche Versorgung zu treffen, ohne aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität diskriminiert zu werden;
- F. dafür sorgen, dass bei allen Programmen und Dienstleistungen zur sexuellen und reproduktiven Gesundheit, Bildung, Prävention, Pflege und bei Behandlungen die Vielfalt der sexuellen Orientierungen und geschlechtlichen Identitäten geachtet wird und dass diese Programme und Dienstleistungen unterschiedslos allen Menschen zur Verfügung stehen;
- G. Personen, die im Rahmen von Geschlechtsanpassungen (*gender reassignment*) Veränderungen an ihrem Körper anstreben, den Zugang zu kompetenter, nichtdiskriminierender Behandlung, Versorgung und Betreuung ermöglichen;
- H. sicherstellen, dass alle Anbieter von Gesundheitsdienstleistungen ihre Klientinnen und Klienten und deren Partnerinnen und Partner nicht aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität diskriminieren, auch im Hinblick auf die Anerkennung als nächste Angehörige;
- I. im Bereich der Bildung und Weiterbildung die erforderlichen Maßnahmen und Programme verabschieden, damit die im Gesundheitssektor tätigen Personen allen Menschen den höchstmöglichen Standard der Gesundheitsfürsorge unter vollständiger Achtung der sexuellen Orientierung und geschlechtlichen Identität jedes Einzelnen bieten können.

Prinzip

18

Das Recht auf Schutz vor medizinischer Misshandlung

Niemand darf aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität gezwungen werden, sich irgendeiner Form von medizinischer oder psychologischer Behandlung, Untersuchung oder Maßnahme zu unterziehen, oder in eine medizinische Einrichtung eingewiesen werden. Entgegen anders lautender Beurteilungen sind die sexuelle Orientierung und die geschlechtliche Identität eines Menschen an und für sich keine Erkrankungen und sollen daher nicht behandelt, geheilt oder unterdrückt werden.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um vollständigen Schutz vor schädlichen medizinischen Praktiken, die aufgrund der sexuellen Orientierung oder geschlechtlichen Identität vorgenommen werden, zu gewährleisten. Hierzu zählen auch Praktiken aufgrund von kulturell oder anderweitig begründeten Klischees über Verhaltensweisen, das körperliche Erscheinungsbild oder empfundene geschlechtsspezifische Normen (*gender norms*);
- B. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um zu verhindern, dass am Körper eines Kindes durch medizinische Verfahren bei dem Versuch, diesem eine bestimmte geschlechtliche Identität aufzuzwingen, irreversible Änderungen vorgenommen werden, ohne dass die nach Aufklärung erfolgte freiwillige Einwilligung des Kindes entsprechend seinem Alter und seiner Reife und unter Beachtung des Prinzips, stets das Kindeswohl in den Vordergrund zu stellen, vorliegt;
- C. Mechanismen zum Schutz von Kindern einführen, die verhindern, dass Kindern medizinische Misshandlung droht oder sie dieser ausgesetzt sind;
- D. dafür sorgen, dass Menschen mit unterschiedlichen sexuellen Orientierungen und geschlechtlichen Identitäten vor unethischen oder unfreiwilligen medizinischen Verfahren oder Forschungsvorhaben auch im Zusammenhang mit Impfungen, Behandlungen oder Mikrobiziden gegen HIV/AIDS oder andere Erkrankungen geschützt werden;
- E. alle Vorschriften oder Programme zur Finanzierung der Gesundheitsversorgung einschließlich der Entwicklungshilfeprogramme, durch die derartige Misshandlungen gefördert, erleichtert oder auf andere Art ermöglicht werden könnten, überarbeiten und ändern;
- F. sicherstellen, dass sexuelle Orientierungen oder geschlechtliche Identitäten im Rahmen medizinischer oder psychologischer Behandlungen oder Beratungen weder explizit noch implizit als Erkrankungen betrachtet werden, die behandelt, geheilt oder unterdrückt werden sollten.

Das Recht auf Meinungsfreiheit und Äußerungsfreiheit

Prinzip 19

Jeder Mensch hat das Recht auf Meinungs- und Äußerungsfreiheit unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität. Hierzu gehören auch der Ausdruck der Identität oder der Persönlichkeit unter anderem durch Sprache, Verhalten, Kleidung, körperliche Eigenschaften, Namenswahl sowie die Freiheit, Informationen und Gedankengut jeglicher Art mittels aller Medien und ohne Rücksicht auf Grenzen zu suchen, zu empfangen und zu verbreiten, auch über Menschenrechte, sexuelle Orientierungen und geschlechtliche Identitäten.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um die volle Meinungs- und Äußerungsfreiheit ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität und unter gleichzeitiger Achtung der Rechte und Freiheiten anderer zu gewährleisten. Hierzu gehört das Recht auf den Empfang und die Weitergabe von Informationen und Gedankengut über sexuelle Orientierungen und geschlechtliche Identitäten sowie das damit zusammenhängende Eintreten für Rechtsansprüche, die Veröffentlichung von Material, Rundfunk- und Fernsehsendungen, die Organisation von oder die Teilnahme an Konferenzen sowie die Verbreitung von und der Zugang zu Informationen über „Safer Sex“;
- B. dafür sorgen, dass die Produkte und die Organisation staatlich kontrollierter Medien im Hinblick auf Fragen der sexuellen Orientierung und geschlechtlichen Identität pluralistisch und nichtdiskriminierend gestaltet sind und dass bei der Einstellung und Beförderung von Mitarbeiterinnen und Mitarbeitern in diesen Einrichtungen keine Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität stattfindet;
- C. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um den vollen Genuss des Rechtes auf Ausdruck der Identität oder des Status der eigenen Person unter anderem durch Sprache, Verhalten, Kleidung, körperliche Eigenschaften und Namenswahl zu gewährleisten;
- D. sicherstellen, dass Vorstellungen über die öffentliche Ordnung, öffentliche Moral, öffentliche Gesundheit und öffentliche Sicherheit nicht genutzt werden, um in diskriminierender Weise die Ausübung der Meinungs- und Äußerungsfreiheit einzuschränken, durch die unterschiedliche sexuelle Orientierungen oder geschlechtliche Identitäten zum Ausdruck kommen;
- E. dafür sorgen, dass durch die Wahrnehmung der Rede- und Äußerungsfreiheit nicht die Rechte und Freiheiten von Personen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten verletzt werden;
- F. dafür sorgen, dass alle Menschen unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität in gleichem Maße Zugang zu Informationen und Gedankengut haben sowie an öffentlichen Debatten teilnehmen können.

Prinzip

20

Das Recht zur friedlichen Versammlung und Vereinigung

Jeder Mensch hat das Recht, sich friedlich zu versammeln und zu Vereinigungen zusammenzuschließen, auch zum Zweck friedlicher Demonstrationen, unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität. Vereinigungen auf Grundlage der sexuellen Orientierung oder geschlechtlichen Identität und Vereinigungen, die Informationen über oder zwischen Personen unterschiedlicher sexueller Orientierung und geschlechtlicher Identität verbreiten sowie die Kommunikation zwischen diesen unterstützen oder für deren Rechte eintreten, dürfen gegründet und müssen als Organisationen offiziell anerkannt werden, ohne dass eine Diskriminierung stattfindet.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um das Recht zu gewährleisten, sich zu Themen der sexuellen Orientierung und geschlechtlichen Identität friedlich zu organisieren, zusammenzuschließen, zu versammeln und für diese Themen einzutreten sowie die rechtliche Anerkennung für derartige Vereinigungen und Gruppen zu erlangen, ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität;
- B. insbesondere dafür sorgen, dass Vorstellungen über die öffentliche Ordnung, öffentliche Moral, öffentliche Gesundheit und öffentliche Sicherheit nicht genutzt werden, um die Ausübung des Rechts auf Versammlungs- und Vereinigungsfreiheit zu friedlichen Zwecken allein deshalb einzuschränken, weil durch diese Ausübung unterschiedliche sexuelle Orientierungen oder geschlechtliche Identitäten zum Ausdruck kommen;
- C. dafür sorgen, dass unter keinen Umständen die Ausübung des Rechts auf Versammlungs- und Vereinigungsfreiheit zu friedlichen Zwecken aus Gründen erschwert wird, die mit der sexuellen Orientierung oder geschlechtlichen Identität zusammenhängen. Darüber hinaus muss sichergestellt werden, dass Personen, die von diesem Recht Gebrauch machen, durch Polizeischutz und anderen physischen Schutz ausreichend Sicherheit vor Gewalt und Übergriffen geboten wird;
- D. Fortbildungs- und Sensibilisierungsmaßnahmen für Vollzugsorgane und andere einschlägige öffentliche Stellen bereitzustellen, damit sie diesen Schutz auch bieten können;
- E. sicherstellen, dass die Vorschriften zur Offenlegung von Informationen für freiwillige Zusammenschlüsse und Gruppen sich in der Praxis nicht diskriminierend auf solche Vereinigungen und Gruppen oder auf deren Mitglieder auswirken, die sich mit Fragen der sexuellen Orientierung und geschlechtlichen Identität befassen.

Das Recht auf Gedanken-, Gewissens- und Religionsfreiheit

Prinzip 21

Jeder Mensch hat das Recht auf Gedanken-, Gewissens- und Religionsfreiheit, unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität. Der Staat darf sich zur Rechtfertigung von Gesetzen, Maßnahmen oder Praktiken, die Personen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität diskriminieren oder ihnen rechtlichen Schutz vorenthalten, nicht auf diese Rechte berufen.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um das Recht aller Menschen zu gewährleisten, unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität religiöse und nicht-religiöse Überzeugungen zu pflegen und ohne Einmischung in ihre Überzeugung und ohne Zwang oder die Auferlegung von Überzeugungen allein oder gemeinsam mit anderen auszuüben;

- B. dafür sorgen, dass der Ausdruck, die Ausübung sowie die Förderung unterschiedlicher Meinungen, Überzeugungen und Glaubensvorstellungen im Hinblick auf sexuelle Orientierungen und geschlechtliche Identitäten im Einklang mit den Menschenrechten stehen.

Prinzip

22

Das Recht auf Freizügigkeit

Jeder Mensch, der sich rechtmäßig in einem Staat aufhält, besitzt unabhängig von seiner sexuellen Orientierung und geschlechtlichen Identität das Recht auf Freizügigkeit und freie Wahl des Aufenthaltsortes innerhalb der Grenzen dieses Staates. Die sexuelle Orientierung und geschlechtliche Identität dürfen nicht als Gründe für die Beschränkung oder Verweigerung der Einreise oder Rückkehr eines Menschen in einen oder der Ausreise aus einem Staat angeführt werden. Dies gilt auch für den Heimatstaat der betreffenden Person.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um allen Menschen unabhängig von ihrer sexuellen Orientierung oder ihrer geschlechtlichen Identität das Recht auf Freizügigkeit und freie Wahl des Aufenthaltsortes zu garantieren.

Prinzip

23

Das Recht, Asyl zu suchen

Jeder Mensch hat das Recht, zum Schutz vor Verfolgung in einem anderen Land um Asyl zu bitten und Asyl zu genießen. Dies gilt auch für Verfolgungen im Zusammenhang mit der sexuellen Orientierung oder geschlechtlichen Identität einer Person. Kein Staat darf Menschen in einen Staat verbringen oder ausweisen oder an diesen ausliefern, wenn die betroffenen Personen die begründete Furcht haben, dort aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität Folter, Verfolgung oder einer anderen grausamen, unmenschlichen oder erniedrigenden Behandlung oder Strafe ausgesetzt zu sein.

DIE STAATEN MÜSSEN

- A. Gesetze überprüfen, ändern und verabschieden, um dafür zu sorgen, dass die begründete Furcht vor Verfolgung aufgrund der sexuellen Orientierung oder der geschlechtlichen Identität als Asylgrund und Grund für die Zuerkennung der Flüchtlingseigenschaft anerkannt wird;
- B. verhindern, dass Asylsuchende aufgrund ihrer sexuellen Orientierung oder ihrer geschlechtlichen Identität durch politische Maßnahmen oder Praktiken diskriminiert werden;

- C. sicherstellen, dass kein Mensch in einen Staat verbracht, ausgewiesen oder an diesen ausgeliefert wird, wenn die betroffene Person die begründete Furcht hat, dort aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität Folter, Verfolgung oder einer anderen grausamen, unmenschlichen oder erniedrigenden Behandlung oder Strafe ausgesetzt zu sein.

Prinzip

24

Das Recht auf Gründung einer Familie

Jeder Mensch hat unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität das Recht, eine Familie zu gründen. Es gibt die unterschiedlichsten Formen von Familien. Keine Familie darf aufgrund der sexuellen Orientierung oder geschlechtlichen Identität eines ihrer Mitglieder diskriminiert werden.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um das Recht auf Gründung einer Familie ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität zu gewährleisten. Dies gilt auch für den Zugang zu Adoption und medizinisch unterstützter Fortpflanzung (einschließlich Samenspenden);
- B. sicherstellen, dass die unterschiedlichen Familienformen durch Gesetze und politische Maßnahmen anerkannt werden, darunter auch solche Formen, die nicht auf direkte Abstammung oder eine Ehe zurückgehen, und alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um zu verhindern, dass Familien aufgrund der sexuellen Orientierung oder geschlechtlichen Identität eines ihrer Mitglieder diskriminiert werden, auch nicht im Hinblick auf Sozialleistungen für Familien und andere staatliche Leistungen sowie in Bezug auf die Arbeitswelt und Einwanderung;
- C. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass bei sämtlichen Handlungen und Entscheidungen im Zusammenhang mit Kindern von Seiten öffentlicher oder privater Einrichtungen der sozialen Fürsorge, Gerichten, Verwaltungsbehörden oder gesetzgebenden Organen das Kindeswohl stets im Vordergrund steht und die sexuelle Orientierung oder geschlechtliche Identität des Kindes oder eines anderen Familienangehörigen oder einer anderen Person nicht als unvereinbar mit dem Kindeswohl gelten;
- D. bei sämtlichen Handlungen und Entscheidungen im Zusammenhang mit Kindern sicherstellen, dass Kinder, die sich eine persönliche Meinung bilden können, von dem Recht Gebrauch machen können, diese Meinung frei zu äußern, und dass diese Meinung entsprechend dem Alter und der Reife des Kindes gebührend berücksichtigt wird;
- E. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass in Staaten, die gleichgeschlechtliche (*same-sex*) Ehen oder eingetragene Lebenspartnerschaften anerkennen, alle Ansprüche, Vorrechte, Pflichten und Vorteile, die für verheiratete oder in eingetragenen Lebenspartnerschaften lebende Partner und Partnerinnen unterschiedlichen Geschlechts (*sex*) gelten, in gleichem Maße auch für verheiratete

oder in eingetragenen Lebenspartnerschaften lebende Partner bzw. Partnerinnen gleichen Geschlechts (*sex*) gelten;

- F. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um dafür zu sorgen, dass alle Ansprüche, Vorrechte, Pflichten und Leistungen, die für unverheiratete Partnerinnen und Partner unterschiedlichen Geschlechts (*sex*) gelten, in gleichem Maße für unverheiratete Partnerinnen bzw. Partner gleichen Geschlechts (*sex*) gelten;
- G. dafür sorgen, dass Ehen und andere rechtlich anerkannte Partnerschaften nur bei freiwilliger und vollständiger Zustimmung der potenziellen Ehegatten oder Partnerinnen und Partner eingegangen werden dürfen.

Prinzip

25

Das Recht auf Teilhabe am öffentlichen Leben

Jede Bürgerin und jeder Bürger hat das Recht, an der Gestaltung der öffentlichen Angelegenheiten teilzunehmen; dies beinhaltet das Recht, für ein Amt zu kandidieren und an der Gestaltung politischer Maßnahmen mitzuwirken, die sich auf ihre bzw. seine Lebensbedingungen auswirken, sowie das Recht, im gleichen Umfang wie alle anderen Menschen und ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität Zugang zu allen Ebenen des öffentlichen Dienstes und der Beschäftigung in öffentlichen Ämtern, darunter auch zum Polizei- und Militärdienst, zu erhalten.

DIE STAATEN MÜSSEN

- A. Gesetze überprüfen, ändern und verabschieden, um den vollen Genuss des Rechts auf Teilhabe am öffentlichen und politischen Leben und entsprechenden Angelegenheiten sicherzustellen, unter Einbeziehung sämtlicher Ebenen des Staatsdienstes und der Beschäftigung in öffentlichen Ämtern, einschließlich des Polizei- und Militärdienstes, ohne Diskriminierung aufgrund der sexuellen Orientierung oder geschlechtlichen Identität einer Person und unter vollständiger Achtung derselben;
- B. sämtliche geeigneten Maßnahmen ergreifen, um Klischees und Vorurteile über sexuelle Orientierung und geschlechtliche Identität zu beseitigen, durch die die Teilhabe am öffentlichen Leben verhindert oder eingeschränkt wird;
- C. jedem Menschen ohne Diskriminierung aufgrund seiner sexuellen Orientierung und geschlechtlichen Identität und unter vollständiger Achtung derselben das Recht gewähren, an der Gestaltung politischer Maßnahmen mitzuwirken, die sich auf seine Lebensbedingungen auswirken.

Das Recht auf Teilhabe am kulturellen Leben

Jeder Mensch hat unabhängig von seiner sexuellen Orientierung oder geschlechtlichen Identität das Recht, ungehindert am kulturellen Leben teilzunehmen und durch kulturelle Teilhabe die Vielfalt sexueller Orientierungen und geschlechtlicher Identitäten auszudrücken.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, damit alle Menschen unabhängig von ihrer sexuellen Orientierung und geschlechtlichen Identität und unter vollständiger Achtung derselben die Möglichkeit haben, sich am kulturellen Leben zu beteiligen;
- B. den Dialog und die gegenseitige Achtung zwischen Vertreterinnen und Vertretern der unterschiedlichen im betreffenden Staat vorhandenen kulturellen Gruppen, auch zwischen Gruppen, die im Hinblick auf die sexuelle Orientierung und geschlechtliche Identität unterschiedliche Ansichten vertreten, in Übereinstimmung mit den im vorliegenden Prinzipien genannten Menschenrechte fördern.

Das Recht auf die Förderung von Menschenrechten

Jeder Mensch hat ohne Diskriminierung aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität das Recht, allein oder gemeinsam mit anderen den Schutz und die Durchsetzung von Menschenrechten auf nationaler und internationaler Ebene zu fördern. Hierzu gehören auch Aktivitäten, die auf die Förderung und die Verteidigung der Rechte von Personen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten abzielen, sowie das Recht, neue Menschenrechtsnormen auszuarbeiten, zu erörtern und für deren Anerkennung einzutreten.

DIE STAATEN MÜSSEN

- A. alle erforderlichen gesetzgeberischen, administrativen und sonstigen Maßnahmen ergreifen, um ein positives Umfeld für Aktivitäten zur Förderung, Verteidigung und Verwirklichung von Menschenrechten zu schaffen, darunter auch von Menschenrechten, die sich auf die sexuelle Orientierung und geschlechtliche Identität beziehen;
- B. sämtliche geeigneten Maßnahmen zur Bekämpfung von Handlungen oder Kampagnen ergreifen, die gegen Menschenrechtsverteidigerinnen und -verteidiger, die sich mit Fragen der sexuellen Orientierung und geschlechtlichen Identität befassen, sowie gegen Menschenrechtsverteidigerinnen und -verteidiger unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten gerichtet sind;

- C. dafür sorgen, dass Menschenrechtsverteidigerinnen und -verteidiger unabhängig von ihrer sexuellen Orientierung oder geschlechtlichen Identität und unabhängig von den Menschenrechtsfragen, für die sie eintreten, ohne Diskriminierung Zugang zu nationalen und internationalen Menschenrechtsorganisationen und den entsprechenden Organen haben und sich in diese einbringen sowie mit diesen kommunizieren können;
- D. sicherstellen, dass Menschenrechtsverteidigerinnen und -verteidiger, die sich mit Fragen der sexuellen Orientierung und geschlechtlichen Identität befassen, vor jeder Art von Gewalt, Bedrohungen, Vergeltungsaktionen, *de facto* oder *de jure* vorhandener Diskriminierung, Druck oder anderen willkürlichen Handlungen von Seiten des Staates oder nichtstaatlicher Akteure in Reaktion auf ihre Menschenrechtsaktivitäten geschützt sind. Ebenso muss sichergestellt werden, dass Menschenrechtsverteidigerinnen und -verteidiger unabhängig von der Frage, mit welchen Themen sie sich befassen, vor solchen Behandlungen, die auf ihre sexuelle Orientierung oder geschlechtliche Identität zurückgehen, geschützt werden;
- E. die Anerkennung und offizielle Zulassung von Organisationen unterstützen, die die Menschenrechte von Personen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten auf nationaler und internationaler Ebene unterstützen und verteidigen.

Prinzip

28 Das Recht auf wirksamen Rechtsschutz und Wiedergutmachung

Jedes Opfer einer Menschenrechtsverletzung – dies schließt auch Rechtsverletzungen aufgrund der sexuellen Orientierung oder geschlechtlichen Identität ein –, hat das Recht auf wirksame, angemessene und ausreichende Rechtsmittel. Maßnahmen mit dem Ziel, Menschen unterschiedlicher sexueller Orientierung und geschlechtlicher Identität zu Entschädigungen zu verhelfen oder ihnen eine angemessene Förderung zu sichern, sind integraler Bestandteil des Rechts auf wirksamen Rechtsschutz und Wiedergutmachung.

DIE STAATEN MÜSSEN

- A. die erforderlichen rechtlichen Verfahren schaffen, auch durch die Änderung von Gesetzen und politischen Maßnahmen, damit Personen, die aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität Opfer von Menschenrechtsverletzungen geworden sind, Zugang zu vollständiger Wiedergutmachung im Wege der Restitution, Entschädigung, Rehabilitation, Genugtuung, Garantie der Nichtwiederholung und/oder anderer geeigneter Mittel erhalten;
- B. gewährleisten, dass die Rechtsmittel zügig bearbeitet und vollstreckt werden;
- C. sicherstellen, dass funktionierende Institutionen und Normen für die Bereitstellung von Rechtsmitteln und Wiedergutmachung geschaffen werden und alle damit befassten Personen an Fortbildungsmaßnahmen zu Menschenrechtsverletzungen, die auf sexuelle Orientierung oder geschlechtliche Identität zurückzuführen sind, teilnehmen;

- D. dafür sorgen, dass alle Menschen Zugang zu den notwendigen Informationen über die Verfahren zur Erlangung von Rechtsschutz und Wiedergutmachung haben;
- E. sicherstellen, dass Personen, die die Kosten für die Erlangung von Wiedergutmachung nicht tragen können, entsprechende finanzielle Unterstützung erhalten, und dass sämtliche weiteren finanziellen oder anderweitigen Hindernisse im Hinblick auf die Erlangung von Wiedergutmachung beseitigt werden;
- F. die Durchführung von Fortbildungs- und Sensibilisierungsmaßnahmen gewährleisten, darunter Maßnahmen, die sich an Lehrende, Studierende, Schülerinnen und Schüler aller Stufen des öffentlichen Bildungswesens sowie an Berufsverbände und Personen richten, die gegen Menschenrechte verstoßen könnten, um die Achtung und Einhaltung von internationalen Menschenrechtsnormen in Übereinstimmung mit den vorliegenden Prinzipien zu fördern sowie gegen diskriminierende Haltungen aufgrund der sexuellen Orientierung oder geschlechtlichen Identität vorzugehen.

Prinzip

Verantwortlichkeit **29**

Jede Person, deren Menschenrechte einschließlich der in den vorliegenden Prinzipien angesprochenen Rechte verletzt wurden, hat Anspruch darauf, dass diejenigen, die direkt oder indirekt für diese Rechtsverletzung verantwortlich sind, unabhängig davon, ob es sich um Behördenvertreter handelt oder nicht, auf eine Art und Weise für ihr Handeln zur Verantwortung gezogen werden, die der Schwere der Rechtsverletzung angemessen ist. Es darf keine Straffreiheit für Personen geben, die Menschenrechtsverletzungen im Zusammenhang mit sexueller Orientierung oder geschlechtlicher Identität begehen.

DIE STAATEN MÜSSEN

- A. geeignete, leicht zugängliche und wirksame straf- und zivilrechtliche sowie administrative und sonstige Verfahren sowie Überwachungsmechanismen schaffen, um dafür zu sorgen, dass Personen, die Menschenrechtsverletzungen im Zusammenhang mit sexueller Orientierung oder geschlechtlicher Identität begehen, zur Verantwortung gezogen werden können;
- B. sicherstellen, dass alle Anschuldigungen in Bezug auf Straftaten, die aufgrund der tatsächlichen oder vermuteten sexuellen Orientierung oder geschlechtlichen Identität des Opfers begangen wurden – dies beinhaltet auch die in den vorliegenden Prinzipien beschriebenen Straftaten –, umgehend gründlich untersucht und die Verantwortlichen bei entsprechender Beweislage strafrechtlich verfolgt, vor Gericht gestellt und angemessen bestraft werden;
- C. unabhängige und wirksame Institutionen und Verfahren für die Überwachung der Erarbeitung und Umsetzung von Gesetzen und Maßnahmen schaffen, um die Beseitigung von Diskriminierungen aufgrund der sexuellen Orientierung oder geschlechtlichen Identität sicherzustellen;
- D. alle Hindernisse beseitigen, die verhindern könnten, dass Personen, die Menschenrechtsverletzungen im Zusammenhang mit sexueller Orientierung oder geschlechtlicher Identität begangen haben, für ihr Handeln zur Verantwortung gezogen werden.

Weitere Empfehlungen

Alle Mitglieder der Gesellschaft und der Internationalen Gemeinschaft stehen im Hinblick auf die Verwirklichung der Menschenrechte in der Pflicht. Deshalb empfehlen wir, dass

- A. der Hohe Kommissar der Vereinten Nationen für Menschenrechte diese Prinzipien billigt, deren Umsetzung auf der ganzen Welt fördert und diese in die Arbeit des Hochkommissars für Menschenrechte der Vereinten Nationen integriert, darunter auch in die Feldaktivitäten vor Ort;
- B. der Menschenrechtsrat der Vereinten Nationen diese Prinzipien anerkennt, sich intensiv mit Menschenrechtsverletzungen aufgrund sexueller Orientierung oder geschlechtlicher Identität befasst und die Einhaltung dieser Prinzipien durch die einzelnen Staaten unterstützt;
- C. im Rahmen der Sonderverfahren der Vereinten Nationen zum Schutz der Menschenrechte auch Menschenrechtsverletzungen, die aufgrund einer bestimmten sexuellen Orientierung oder geschlechtlichen Identität begangen werden, gebührend berücksichtigt und die vorliegenden Prinzipien in die Umsetzung ihrer jeweiligen Mandate einbezogen werden;
- D. der Wirtschafts- und Sozialrat der Vereinten Nationen gemäß seiner *Resolution 1996/31* nichtstaatliche Organisationen anerkennt und akkreditiert, deren Ziel die Förderung und Verteidigung der Menschenrechte von Personen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten ist;
- E. die Menschenrechtsvertragsorgane der Vereinten Nationen die vorliegenden Prinzipien nachdrücklich in die Umsetzung ihres jeweiligen Mandats sowie in ihr Fallrecht und die Prüfung der Länderberichte einbeziehen und gegebenenfalls Allgemeine Empfehlungen (General Comments) oder andere interpretierende Texte zur Anwendung der internationalen Menschenrechte auf Menschen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten verabschieden;
- F. die Weltgesundheitsorganisation und UNAIDS Richtlinien für die Bereitstellung einer geeigneten Gesundheitsfürsorge und geeigneter Gesundheitsdienste erarbeiten, die auf die gesundheitlichen Bedürfnisse von Personen im Zusammenhang mit deren sexueller Orientierung oder geschlechtlicher Identität und unter vollständiger Achtung ihrer Würde und Menschenrechte eingehen;
- G. der Hohe Kommissar der Vereinten Nationen für Flüchtlinge die vorliegenden Prinzipien in die Bemühungen zum Schutz von Personen einbezieht, die aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität verfolgt werden oder begründete Furcht vor Verfolgung haben, und dafür sorgt, dass niemand aufgrund seiner sexuellen Orientierung oder geschlechtlichen Identität in Bezug auf den Erhalt humanitärer Hilfe oder anderer Dienste oder bei der Bestimmung der Flüchtlingseigenschaft benachteiligt wird;
- H. regionale und subregionale zwischenstaatliche Organisationen, die sich für Menschenrechte einsetzen, ebenso wie regionale Menschenrechtsvertragsorgane dafür sorgen, dass die Förderung der vorliegenden Prinzipien ein fester Bestandteil bei der Umsetzung der Mandate ihrer

unterschiedlichen Menschenrechtsmechanismen, der entsprechenden Verfahren und anderer Vereinbarungen und Initiativen wird;

- I. regionale Gerichtshöfe für Menschenrechte die Grundsätze der vorliegenden Prinzipien, die für die von ihnen auszulegenden Menschenrechtsverträge relevant sind, nachdrücklich in ihr sich entwickelndes Fallrecht zu sexueller Orientierung und geschlechtlicher Identität integrieren;
- J. nichtstaatliche Organisationen, die sich auf nationaler, regionaler und internationaler Ebene mit Menschenrechtsfragen befassen, im Rahmen ihres jeweiligen Mandates die Achtung der vorliegenden Prinzipien fördern;
- K. humanitäre Organisationen die vorliegenden Prinzipien bei allen humanitären oder Hilfseinsätzen berücksichtigen und bei der Bereitstellung von Hilfe und anderen Diensten jegliche Diskriminierung von Menschen aufgrund ihrer sexuellen Orientierung oder geschlechtlichen Identität unterlassen;
- L. nationale Menschenrechtsinstitutionen die Beachtung der vorliegenden Prinzipien durch staatliche und nichtstaatliche Akteure fördern sowie die Unterstützung und Verteidigung der Menschenrechte von Personen unterschiedlicher sexueller Orientierungen oder geschlechtlicher Identitäten in ihre Arbeit einbeziehen;
- M. Berufsverbände, auch solche aus dem medizinischen, straf- und zivilrechtlichen Sektor sowie dem Bildungssektor, ihre Praktiken und Richtlinien überprüfen, um zu gewährleisten, dass sie die Umsetzung der vorliegenden Prinzipien nachdrücklich fördern;
- N. Unternehmen die wichtige Rolle, die sie zum einen im Hinblick auf die Einhaltung der vorliegenden Prinzipien gegenüber ihrer eigenen Belegschaft und zum anderen bei der Durchsetzung der Prinzipien auf nationaler und internationaler Ebene spielen, anerkennen und entsprechend handeln;
- O. die Massenmedien die Verbreitung von Klischees in Bezug auf die sexuelle Orientierung und geschlechtliche Identität vermeiden und die Toleranz und Anerkennung der vielfältigen sexuellen Orientierungen und geschlechtlichen Identitäten fördern sowie das Bewusstsein für diese Fragen schärfen;
- P. staatliche und private Geldgeber nichtstaatlichen und anderen Organisationen finanzielle Unterstützung für die Förderung und Verteidigung der Menschenrechte von Personen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten zur Verfügung stellen.

DIE VORLIEGENDEN AUSGEFÜHRTEN PRINZIPIEN UND EMPFEHLUNGEN stellen die Anwendung der internationalen Menschenrechte auf das Leben und die Erfahrungen von Menschen unterschiedlicher sexueller Orientierungen und geschlechtlicher Identitäten dar. Keinesfalls dürfen diese Prinzipien ganz oder teilweise so ausgelegt werden, dass sie die durch internationales, regionales oder nationales Recht bzw. durch entsprechende Standards anerkannten Rechte und Freiheiten dieser Menschen in irgendeiner Weise einschränken.

Anhang

Unterzeichnerinnen und Unterzeichner der Yogyakarta-Prinzipien

- Philip Alston (Australien), Sonderberichterstatter der Vereinten Nationen über außergerichtliche, summarische oder willkürliche Hinrichtungen, Rechtsprofessor an der New York University School of Law, USA
- Maxim Anmeghichean (Republik Moldau), European Region of the International Lesbian and Gay Association – ILGA-Europe
- Mauro Cabral (Argentinien), Wissenschaftler, Universidad Nacional de Córdoba, Argentinien, IGLHRC (International Gay and Lesbian Human Rights Commission)
- Edwin Cameron (Südafrika), Richter, Oberstes Berufungsgericht, Bloemfontein, Südafrika
- Sonia Onufer Corrêa (Brasilien), wissenschaftliche Mitarbeiterin bei der Associação Brasileira Interdisciplinar de AIDS (AIBA) und Co-Vorsitzende von Sexuality Policy Watch (Co-Vorsitzende des Treffens der Expertinnen und Experten)
- Yakin Ertürk (Türkei), Sonderberichterstatterin der Vereinten Nationen über Gewalt gegen Frauen, Professorin am Fachbereich Soziologie der Middle East Technical University, Ankara, Türkei
- Elizabeth Evatt (Australien), ehemals Mitglied und Vorsitzende des Ausschuss der Vereinten Nationen für die Beseitigung der Diskriminierung der Frau, ehemals Mitglied des Menschenrechtsausschusses der Vereinten Nationen und Beauftragte der Internationalen Juristenkommission
- Paul Hunt (Neuseeland), Sonderberichterstatter der Vereinten Nationen für das Recht auf Gesundheit und Professor am Fachbereich Recht der University of Essex, Großbritannien
- Asma Jahangir (Pakistan), Vorsitzende der pakistanischen Menschenrechtskommission
- Maina Kiai (Kenia), Vorsitzender der kenianischen Menschenrechtskommission
- Miloon Kothari (Indien), Sonderberichterstatter der Vereinten Nationen für das Recht auf angemessenes Wohnen
- Judith Mesquita (Großbritannien), Senior Research Officer, Human Rights Centre, University of Essex, Großbritannien
- Alice M. Miller (USA), Hochschulassistentin, School of Public Health (Fachbereich Gesundheitsversorgung), Co-Direktorin, Menschenrechtsprogramm der Columbia University, USA
- Sanji Mmasenono Monageng (Botsuana), Richterin des Hohen Gerichtshofs (Gambia), Beauftragte der Afrikanischen Kommission für Menschenrechte und Rechte der Völker, Vorsitzende der Kommission für Folgemaßnahmen zur Umsetzung der „Robben Island Guidelines“ über

Verbot und Verhütung von Folter und anderer grausamer, unmenschlicher oder erniedrigender Behandlung (Afrikanische Kommission für Menschenrechte und Rechte der Völker)

- Vitit Muntarbhorn (Thailand), Sonderberichterstatter der Vereinten Nationen für die Menschenrechtslage in Nordkorea und Rechtsprofessor an der Chulalongkorn University, Thailand (Co-Vorsitzender des Treffens der Expertinnen und Experten)
- Lawrence Mute (Kenia), Beauftragter des kenianischen nationalen Menschenrechtsausschusses
- Manfred Nowak (Österreich), Sonderberichterstatter der Vereinten Nationen über Folter, Mitglied der Internationalen Juristenkommission, Professor für Menschenrechte an der Universität Wien und Direktor des Ludwig-Boltzmann-Instituts für Menschenrechte
- Ana Elena Obando Mendoza (Costa Rica), Feministin und Anwältin, Aktivistin für die Menschenrechte von Frauen, internationale Beraterin
- Michael O’Flaherty (Irland), Mitglied des Menschenrechtsausschusses der Vereinten Nationen, Professor für angewandte Menschenrechte und Co-Direktor des Human Rights Law Centre der University of Nottingham, Großbritannien (Berichtersteller für die Entwicklung der Yogyakarta-Prinzipien)
- Sunil Pant (Nepal), Präsident der „Blue Diamond Society“, Nepal
- Dimitrina Petrova, (Bulgarien), Executive Director von „The Equal Rights Trust“
- Rudi Mohammed Rizki (Indonesien), Sonderberichterstatter der Vereinten Nationen für Internationale Solidarität, Dozent und Vizedekan für akademische Angelegenheiten des Fachbereichs Recht der University of Padjadjaran, Indonesien
- Mary Robinson (Irland), Gründerin von „Realizing Rights: The Ethical Globalization Initiative“, Präsidentin a. D. der Republik Irland und ehemalige Hohe Kommissarin der Vereinten Nationen für Menschenrechte
- Nevena Vuckovic Sahovic (Serbien), Mitglied des Ausschusses der Vereinten Nationen für die Rechte des Kindes und Vorsitzende des Zentrums für Kinderrechte, Belgrad, Serbien
- Martin Scheinin (Finnland), Sonderberichterstatter der Vereinten Nationen für Förderung und den Schutz der Menschenrechte bei der Bekämpfung des Terrorismus, Professor für Staats- und Völkerrecht und Direktor des Instituts für Menschenrechte, Åbo Akademi University, Finnland
- Wan Yanhai (China), Gründer des „AIZHI Action Project“ und Leiter des AIZHIXING Instituts für gesundheitliche Aufklärung, Peking
- Stephen Whittle (Großbritannien), Professor für Gleichstellungsrecht an der Manchester Metropolitan University, Großbritannien
- Roman Wieruszewski (Polen), Mitglied des Menschenrechtsausschusses der Vereinten Nationen und Leiter des Zentrums für Menschenrechte in Poznan (Posen), Polen
- Robert Wintemute (Kanada und Großbritannien), Professor für Menschenrechte, Fachbereich Recht, King’s College London, Großbritannien

Ziele der Hirschfeld-Eddy-Stiftung

Die Hirschfeld-Eddy-Stiftung wurde im Juni 2007 in Berlin gegründet. Sie hat sich zum Ziel gesetzt, die Achtung der Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender voranzubringen, international Menschenrechtsarbeit zu unterstützen, Menschenrechtsverteidigern aktiv zu helfen sowie Aufklärung und den Abbau von Vorurteilen zu fördern.

Benannt ist die Stiftung nach dem deutschen Arzt, Sexualwissenschaftler, Sexualreformer und Bürgerrechtsaktivisten Dr. Magnus Hirschfeld (1868-1935), der von den Nazis ins Exil getrieben worden war, und nach der prominenten lesbischen Menschenrechtsaktivistin Fannyann Eddy (1974-2004) aus Sierra Leone, die dort 2004 einem Mordanschlag zum Opfer fiel.

Mit der Namenskombination zwischen dem Pionier der homosexuellen Bürgerrechtsbewegung aus Deutschland und der zeitgenössischen Menschenrechtsaktivistin aus Afrika soll auch zum Ausdruck gebracht werden: Der Kampf für die Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender begann in Europa, findet heute aber auf allen Kontinenten statt. Es ist eine weltweite Angelegenheit, und es geht dabei um universelle Prinzipien.

In vielen Ländern arbeiten mutige Aktivistinnen und Menschenrechtsverteidiger gegen Unterdrückung und Verfolgung. Sie brauchen unsere finanzielle und ideelle Unterstützung.

Die Idee der Stiftungsgründung entstand im Lesben- und Schwulenverband in Deutschland (LSVD), der das Projekt auch organisatorisch unterstützt. Der LSVD hat sich in den letzten Jahren verstärkt in der internationalen Menschenrechtsarbeit engagiert. 2006 hat der Verband offiziell Beraterstatus bei den Vereinten Nationen erhalten. Daran will die Hirschfeld-Eddy-Stiftung anknüpfen.

Stärken Sie diese Menschenrechtsarbeit und verteidigen Sie die Universalität und Unteilbarkeit der Menschenrechte! Stiften Sie Respekt!

Spenden und Zustiftungen zugunsten der Hirschfeld-Eddy-Stiftung sind steuerabzugsfähig.

Wie kann ich die Hirschfeld-Eddy-Stiftung unterstützen?

Spenden und Zustiftungen zugunsten der Hirschfeld-Eddy-Stiftung sind steuerabzugsfähig: Spenden bis zu 20 % des Gesamtbetrags der Einkünfte und Zustiftungen zusätzlich bis zu einem Gesamtbetrag von einer Million Euro. Zum Jahresende gibt es eine Spendenquittung bzw. Bescheinigung über die Zuwendung.

Kann ich auch mit kleinen Summen Stifterin oder Stifter sein?

Ja. Stiften ist nicht nur eine Sache für Millionäre. Wir freuen uns auch über kleine Zustiftungen. Auch 100 € oder 500 € Zustiftung sind wertvoll. Viele kleine Summen geben zusammen ebenfalls Kapital.

Wie kann ich aktuell und direkt helfen?

Mit aktuellen Aktionen unterstützt die Hirschfeld-Eddy-Stiftung Menschenrechtsprojekte in ihrer Arbeit für Respekt, gegen Diskriminierung und Verfolgung. Informationen über die derzeitigen Schwerpunkte gibt es unter www.hirschfeld-eddy-stiftung.de.

Jede Spende hilft.

Die Einrichtung eines Dauerauftrags ist hierbei eine willkommene Möglichkeit, um der Hirschfeld-Eddy-Stiftung regelmäßig einen kleinen Spendenbetrag für die aktuelle Arbeit zukommen zu lassen.

Hirschfeld-Eddy-Stiftung
Konto 50 100 00
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www.hirschfeld-eddy-stiftung.de

We can change the world. Let us make it a better place!

Magnus Hirschfeld - Fannyann Eddy

Namensgeber und Namensgeberin der Stiftung

Wissenschaftler und Bürgerrechtspionier

Der preußische Sanitätsrat Dr. Magnus Hirschfeld gründete 1897 mit dem „Wissenschaftlich-humanitären Komitee“ die weltweit erste Organisation für die Bürgerrechte von Homosexuellen. Hauptziel war die Entkriminalisierung der Homosexualität in Deutschland, die Abschaffung des berüchtigten Paragraphen 175. 1918 gründete Hirschfeld die weltweit erste Einrichtung für Sexualforschung, das Institut für Sexualwissenschaft in Berlin, engagierte sich auch international, z.B. in der „Weltliga für Sexualreform“. Für Rechtsextreme und für die erstarkende Nazi-Bewegung war der fortschrittliche jüdische Sexualreformer ein totales Feindbild. Magnus Hirschfeld musste ins Exil nach Frankreich, wo er 1935 starb. Damals hatten die Nazis sein Lebenswerk in Deutschland bereits vernichtet und starteten gerade eine Homosexuellenverfolgung ohne gleichen in der Geschichte. Gerade aus seiner Geschichte heraus sehen wir Deutschland in einer besonderen Verantwortung, sich international für die Menschenrechte von Lesben, Schwulen, Bisexuellen und Transgender einzusetzen. Auch hierzu will die Hirschfeld-Eddy-Stiftung beitragen.

Menschenrechtsaktivistin aus Afrika

Fannyann Eddy war eine der bedeutendsten Stimmen der Lesben und Schwulen aus dem globalen Süden. In ihrer von einem langjährigen Bürgerkrieg zerrütteten Heimat gründete sie 2002 die Sierra Leone Lesbian and Gay Association (SLLGA). Als Mitglied der Kommission der All Africa Rights Initiative (AARI) und der panafrikanischen Coalition of African Lesbians (CAL) weitete sie ihre Arbeit über die Grenzen Sierras hinaus aus. Mit ihrem Mut und ihrem Einsatz wurde sie bald in ganz Afrika und weit darüber hinaus bekannt. Im April 2004 hielt Fannyann Eddy eine bewegende Rede vor der UNO-Menschenrechtskommission in Genf, prangerte Diskriminierung, Einschüchterung und Gewalt an. Nur wenige Monate nach ihrem Auftreten in Genf wurde sie selbst Opfer eines Hassverbrechens. Im September 2004 wurde Fannyann Eddy im Büro der SLLGA ermordet aufgefunden. Der brutale Mord an der mutigen Aktivistin war ein großer Schock. Homophobe Gewalttäter zielen darauf, alle Lesben, Schwulen, Bisexuellen und Transgender einzuschüchtern und mundtot zu machen. Mit der Stiftung wollen wir dagegen ein deutliches Zeichen setzen.

Herausgeberin:**Hirschfeld-Eddy-Stiftung**

Stiftung für die Menschenrechte von

Lesben, Schwulen, Bisexuellen und Transgender

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Antworten der Parteien auf die Wahlprüfsteine des LSVD zur Bundestagswahl 2009

Zehn Schritte zu Gleichstellung und Respekt

Lesben- und schwulenpolitische Prüfsteine zur Bundestagswahl 2009

1. Gleiche Rechte für gleichgeschlechtliche Paare verwirklichen!

*Sind Sie bereit, die bestehenden Gerechtigkeitslücken zu schließen und sich für die vollständige Gleichberechtigung gleichgeschlechtlicher Lebensgemeinschaften einzusetzen?
Sind Sie bereit, sich für die Öffnung der Ehe auch für homosexuelle Paare einzusetzen?*

CDU/CSU lehnen „eine vollständige rechtliche Gleichstellung solcher Lebensgemeinschaften mit der Ehe“ ab, da dies mit dem Grundgesetz unvereinbar sei.

Die **SPD** will den von ihr „beschrittenen Weg der Anerkennung gleichgeschlechtlicher Partnerschaften (...) konsequent weiter gehen“, ihr Ziel ist es, eingetragene Lebenspartnerschaften „mit der Ehe gleichzustellen und bestehende Benachteiligungen abzuschaffen“. Zur Öffnung der Ehe für homosexuelle Paare äußert sich die **SPD** nicht.

Die **FDP** setzt sich für die Gleichstellung von Lebenspartnerschaften ein. Sie will „die rechtlichen Benachteiligungen von Lebenspartnern insbesondere im Steuerrecht und im Beamtenrecht“ beseitigen, zur Eheöffnung äußert sie sich nicht.

Die Linke will gleichgeschlechtliche Lebensgemeinschaften mit heterosexuellen Lebensgemeinschaften gleichstellen und die Ehe für alle öffnen.

Bündnis 90/Die Grünen kämpfen für die volle rechtliche Gleichstellung von gleichgeschlechtlichen Paaren in allen Bereichen. Die Forderung nach Öffnung der Ehe für lesbische und schwule Paare haben sie in ihrem Bundestagswahlprogramm 2009 verankert.

2. Gleiche Rechte für Regenbogenfamilien herstellen!

*Sind Sie bereit, sich für die umfassende Gleichstellung von Regenbogenfamilien im Steuer- und Sozialrecht, im Sorge- und Adoptionsrecht sowie im Abstammungsrecht einzusetzen?
Wie wollen Sie dies tun?*

Unterstützen Sie das Recht schwuler bzw. lesbischer Paare auf Familiengründung durch Adoption, Pflegschaft bzw. oder Insemination?

CDU/CSU wiederholen lediglich, dass sie eine rechtliche Gleichstellung von Ehe und Lebenspartnerschaft ablehnen. Dies betrifft auch das Adoptionsrecht. Die anderen Fragen bleiben unbeantwortet.

Die **SPD** wiederholt, dass sie in allen Regelungen eingetragene Lebenspartnerschaften mit der Ehe gleichstellen will. Bezüglich der Familiengründung „steht für die **SPD** nicht der Personenstand, sondern (...) das Kindeswohl im Vordergrund.“

Die **FDP** will, dass die Erziehungsleistungen in Regenbogenfamilien „beim Kinder- und Betreuungsfreibetrag anerkannt werden“. Sie will „ein gemeinsames Adoptionsrecht für Lebenspartner“ und zudem „bundesgesetzlich klarstellen, dass alle in Deutschland zulässigen reproduktionsmedizinischen Angebote allen Menschen unabhängig von ihrem Familienstand rechtlich offen stehen“.

Die Linke unterstützt die umfassende Gleichstellung von Regenbogenfamilien, ebenso unterstützt sie die Möglichkeit der Insemination für lesbische Paare. Die Gleichstellung könne „über die Öffnung der Ehe vollzogen werden“. Sie will steuerliche Vergünstigungen nur noch an tatsächliche Betreuungs- und Pflegeleistungen sowie das Zusammenleben mit

Kindern binden und damit auch die einkommensteuerrechtliche Diskriminierung von Regenbogenfamilien beenden.

Bündnis 90/Die Grünen wollen „eine steuer- und sozialpolitische Gleichbehandlung aller Lebensformen mit Kindern“. Sie wollen „das Adoptionsrecht auch für gemeinschaftliche Adoptionen durch Eingetragene Lebenspartnerschaften und für auf Dauer angelegte nicht-eheliche Lebensgemeinschaften öffnen“ und fordern, dass „die Möglichkeit der künstlichen Befruchtung Lebenspartnerinnen, Unverheirateten und Alleinstehenden offen stehen muss.“

3. Gleichheitsartikel im Grundgesetz erweitern!

Sind Sie bereit, sich für eine Ergänzung des Gleichheitsartikels unserer Verfassung um das Kriterium der „sexuellen Identität“ einzusetzen?

CDU/CSU sehen dafür keinen Bedarf und lehnen es als „reine Symbolpolitik“ ab. Eine Aufnahme würde zudem auf andere Personengruppen diskriminierend wirken.

Für die **SPD** ist die Aufnahme des Merkmals „sexuelle Identität“ in den Artikel 3 des Grundgesetzes „richtig und geboten“, damit die Gleichstellung sexueller Minderheiten dauerhaft gesichert ist.

Für die **FDP** „ist fraglich, welchen konkreten Schutz eine Erweiterung von Artikel 3 Abs. 3 GG bieten soll“ und warnt vor „einer bloßen Signalwirkung mit appellativer Funktion“.

Die Linke unterstützt die Aufnahme des Merkmals „sexuelle Identität“ ins Grundgesetz.

Bündnis 90/Die Grünen wollen sich „weiter mit Nachdruck dafür einsetzen, dass Diskriminierung aufgrund sexueller Identität verfassungsrechtlich explizit untersagt wird.“

4. Antidiskriminierung vorantreiben!

Wollen Sie dafür Sorge tragen, dass die künftige Bundesregierung im EU-Ministerrat den Richtlinienentwurf ausdrücklich unterstützt und sich für eine möglichst zügige Verabschiedung der neuen Richtlinie zur Antidiskriminierung einsetzen wird?

Sind Sie bereit, sich für die Verbesserung des AGG im Sinne der Beschwerden der EU-Kommission einzusetzen?

Sind Sie bereit, sich für ein Verbandsklagerecht einzusetzen sowie für die Aufhebung der Ausnahmeregelungen für Religionsgemeinschaften im Arbeitsrecht?

CDU/CSU sehen keine Notwendigkeit für eine neue Richtlinie, die Einführung eines allgemeinen Verbandsklagerechts lehnen sie ab. Ausnahmeregelungen für die Religionsgemeinschaften im Arbeitsrecht sind für CDU/CSU „Teil der Garantien des Grundgesetzes für Religionsgemeinschaften“, weshalb sie sich nicht für deren Aufhebung einsetzen.

Die **SPD** hingegen befürwortet eine neue Antidiskriminierungsrichtlinie und will „etwaige erforderliche Änderungen, die sich durch die neue Antidiskriminierungsrichtlinie ergeben, zügig in nationales Recht umsetzen.“ Ebenso will sie bestehende Lücken schließen und den Anwendungsbereich des AGG ausweiten. Die **SPD** ist gegen ein Verbandsklagerecht und befürwortet die Möglichkeit der Antidiskriminierungsverbände, als Beistände und Bevollmächtigte von Einzelpersonen in gerichtlichen Verhandlungen aufzutreten. Zudem will sie, dass „allgemein geltende Arbeitnehmerrechte“ auch „in Einrichtungen der Kirche, Religionsgemeinschaften und Weltanschauungsgemeinschaften gelten.“

Die **FDP** ist gegen den Richtlinienentwurf. Sie setzt beim Schutz vor Diskriminierung auf Eigenverantwortung statt staatliche Bevormundung und Antidiskriminierungsgesetzgebung. Ein Verbandsklagerecht lehnt die **FDP** ab. Zur Aufhebung von Ausnahmeregelungen im Arbeitsrecht für Religionsgemeinschaften äußert sie sich nicht.

Die Linke unterstützt den Richtlinienentwurf der EU und setzt sich auch für den Ausbau des AGG sowie ein Verbandsklagerecht ein. Zudem setzt sie sich für eine Änderung der Ausnahmeregelungen für Religionsgemeinschaften im Arbeitsrecht ein.

Bündnis 90/Die Grünen unterstützen die neue europäische Antidiskriminierungsrichtlinie, die nächste Bundesregierung solle diese aktiv unterstützen und auf schnelle Verabschiedung drängen. Das AGG soll europarechtskonform überarbeitet, ein echtes Verbandsklagerecht aufgenommen werden. Dabei sollen Ausnahmeregelungen für Religionsgemeinschaften und ihnen zugeordnete Einrichtungen eingegrenzt werden.

5. Minderheitenfeindlichkeit und Hassverbrechen entschieden entgegenzutreten, Homophobie bekämpfen!

Wie wollen Sie homosexuellenfeindlicher Gewalt wirksam entgegenwirken?

Wie wollen Sie präventiv Homophobie entgegenwirken?

Setzen Sie sich dafür ein, dass die Situation von Schwulen, Lesben und Transgendern bei den staatlichen Programmen zur Gewaltprävention und zur Opferhilfe ausdrücklich berücksichtigt wird?

CDU/CSU antworten nicht auf die Fragen, sondern verweisen auf die Arbeit der Antidiskriminierungsstelle des Bundes. Toleranz gegenüber Schwulen, Lesben und Transgendern sollten allerdings „auch im Rahmen von Programmen zur Gewaltprävention Thema sein.“

Die **SPD** hingegen sieht den „Anstieg homophober Tendenzen mit großer Sorge“ und will den Nationalen Aktionsplan zur Bekämpfung von Rassismus, Fremdenfeindlichkeit, Antisemitismus auf die Bereiche Homophobie und antihomosexuelle Gewalt ausweiten.

Die **FDP** erläutert ihre „gezielte Präventionsstrategie“ bestehend aus Gewaltpräventionsprogrammen an Schulen und in der Jugendarbeit, verweist auf Konfliktpräventionsräte in den Kommunen und fordert eine Verstärkung der politischen Bildung. Erfolgreiche Kampagnen der Polizei zur Prävention antischwuler Gewalt müssen, so die **FDP**, fortgesetzt werden.

Die Linke setzt auf entsprechende Anwendung des Strafrechts sowie auf Aufklärungs- und Bildungsprozesse. Zudem verweist sie auf den Antrag der rot-roten Regierungsparteien in Berlin „Berlin tritt ein für Selbstbestimmung und die Akzeptanz sexueller Vielfalt.“ Die Situation von Lesben, Schwulen, Transsexuellen und Transgendern soll in Programme zur Gewaltprävention und der Opferhilfe aufgenommen werden.

Bündnis 90/Die Grünen verweisen auf ihre Eckpunkte für einen Nationalen Aktionsplan gegen Homophobie, die sie in den Bundestag eingebracht haben. Sie treten dafür ein, „alle Formen gruppenbezogener Menschenfeindlichkeit konzentriert anzugehen und den „Nationalen Aktionsplan der Bundesrepublik Deutschland zur Bekämpfung von Rassismus, Fremdenfeindlichkeit, Antisemitismus und darauf bezogene Intoleranz“ um das Problemfeld Homophobie und Transphobie zu ergänzen.“ Zudem fordern sie ein Bund-Länder-Programm zur Prävention und Bekämpfung antihomosexueller Gewalt, die Verbesserung der Situation lesbischer und schwuler Jugendlicher und Grundlagenforschung zu den Ursachen und zu Handlungsstrategien gegen Homophobie. In Schule und Unterricht müsse sexuelle Vielfalt eine Rolle spielen. Auch müsse die Bundesregierung in der Öffentlichkeit vor gefährlichen „Konversionstherapien“ warnen.

6. Integration nachhaltig voranbringen!

Wie wollen Sie sicherstellen, dass in Integrationsprogrammen und –maßnahmen die Lebenssituation von Lesben und Schwulen, Gleichberechtigung der Geschlechter und Nichtdiskriminierung von Lesben und Schwulen als Werte von Demokratie und Zivilgesellschaft vermittelt werden?

Welche Maßnahmen zur Unterstützung lesbischer Migrantinnen und schwuler Migranten wollen Sie ergreifen?

CDU/CSU verweisen auf den Einbürgerungstest und betonen, im Integrationsprozess müsse großes Augenmerk „auf die Aufklärung über Menschenrechte, Bürgerrechte und Sozialrechte und auf die Sensibilisierung für die Gleichberechtigung von Frauen und Männern“ gelegt werden. Die Frage zur Unterstützung homosexueller Migrant(inn)en bleibt unbeantwortet. Die **SPD** verweist auf die Integrations- und Orientierungskurse, in denen es auch um „unterschiedliche Formen des Zusammenlebens im Hinblick auf Gleichberechtigung und Antidiskriminierungsgebot“ gehe. Die Lebenssituation von Lesben und Schwule in Deutschland gehöre dazu. Auch die **SPD** beantwortet nicht, wie sie homosexuelle Migrant(inn)en unterstützen will.

Für die **FDP** liegt der „Schlüssel zur Integration“ im „Beherrschen der deutschen Sprache und der vorbehaltlosen Akzeptanz der freiheitlich-demokratischen Grundordnung“. Wichtig sei der Dialog mit Migrantenorganisationen. Für homosexuelle Migrant(inn)en müsse ein Umfeld des Respekts und der Anerkennung geschaffen werden.

Die Linke sieht in Akzeptanz und Vielfalt eine Querschnittsaufgabe, entsprechende Maßnahmen und Programme müssten überprüft und evaluiert werden. Sie fordert die Unterstützung lesbischer und schwuler MigrantInnen bzw. Menschen mit Migrationshintergrund und die Förderung des Dialogs.

Bündnis 90/Die Grünen wollen, dass das Werben für Respekt und der Kampf gegen Homophobie fester Bestandteil der Integrationspolitik werden, ebenso wie die Unterstützung von Lesben, Schwulen, Bisexuellen, trans- oder intersexuellen Menschen mit Migrationshintergrund. Im Lehrplan der Orientierungskurse für Migrant(inn)en sollen Informationen über Homosexualität, die Vielfalt sexueller Identitäten und unterschiedlicher Lebensweisen nicht länger ausgespart werden.

7. Menschenrechte von sexuellen Minderheiten weltweit stärken!

Sind Sie bereit, sich dafür einzusetzen, dass die künftige Bundesregierung die Yogyakarta-Prinzipien zur Grundlage ihrer Politik hinsichtlich Lesben, Schwule, Bisexuelle und Transgender bestimmt?

Welche konkreten Maßnahmen zur Stärkung der Menschenrechte und der Menschenrechtsarbeit wollen Sie auf diesem Feld verwirklichen, insbesondere gegen die Strafbarkeit von Homosexualität?

Sind Sie bereit, in Beitrittsverfahren darauf zu bestehen, dass die EU-Antidiskriminierungsrichtlinien im Beitrittsland konsequent umgesetzt werden?

Die **CDU/CSU** schreibt, dass die Yogyakarta-Prinzipien einen „wichtigen zivilgesellschaftlichen Beitrag“ zur Entkriminalisierung von Homosexualität in aller Welt darstellen. Konkrete Maßnahmen zur Stärkung der Menschenrechtsarbeit nennt sie nicht. Bezüglich der Beitrittsverfahren verweist die **CDU/CSU** auf die Kopenhagener Kriterien, in denen die „Verwirklichung des Diskriminierungsschutzes“ enthalten sei. Dazu stehe die CDU/CSU uneingeschränkt.

Die **SPD** will auf internationaler Ebene die Yogyakarta-Prinzipien befördern. Konkret will die **SPD** Einfluss über die EU-Kommission und das EU-Parlament ausüben, um in den Mitgliedsstaaten „auf die Einhaltung von Gleichberechtigung und Toleranz“ zu drängen. Bezüglich der Beitrittsverfahren verweist auch die SPD auf die Kopenhagener Kriterien („Acquis communautaire“) als rechtstheoretische Voraussetzungen, in der Praxis wolle sie ihren Einfluss geltend machen, damit in allen Mitgliedsstaaten ein hohes Antidiskriminierungsniveau realisiert wird.

Die **FDP** sieht in den Yogyakarta-Prinzipien „eine wichtige Leitschnur für die Menschenrechtspolitik“, Deutschland müsse sie „in der auswärtigen Politik berücksichtigen und sich für ihre internationale Anerkennung einsetzen.“ Als konkrete Maßnahme zur Stärkung der Menschenrechte verweist die **FDP** auf die Entwicklungszusammenarbeit, die sich stärker an der Einhaltung der Menschenrechte von sexuellen Minderheiten ausrichten müsse. Die Frage zu den Beitrittsverfahren bleibt unbeantwortet.

Die Linke bekennt sich zu den Yogyakarta-Prinzipien, fordert deren umfassende Umsetzung und verweist auf ihre diesbezügliche Kleine Anfrage im Bundestag. Als konkrete Maßnahmen zur Stärkung der Menschenrechtsarbeit schlägt sie die Unterstützung politischer Initiativen vor Ort, die sich für die Abschaffung der Strafbarkeit der Homosexualität einsetzen, vor, „im Rahmen der Entwicklungshilfe sollten lesbische und schwule Projekte gefördert werden.“

Bündnis 90/Die Grünen fordern, „dass sich die Bundesregierung die Yogyakarta-Prinzipien zu eigen macht“, die künftige Bundesregierung müsse sich „nachdrücklich für die weltweite Anerkennung und Beachtung der Yogyakarta-Prinzipien einsetzen.“ Deutschland habe „eine besondere Verantwortung, schwule Menschenrechtsverteidiger und lesbische Menschenrechtsverteidigerinnen beispielsweise über eine Stiftung weltweit zu schützen und zu unterstützen.“ Als weitere konkrete Maßnahmen fordern **Bündnis 90/Die Grünen** die massive Unterstützung von internationalen Bemühungen zur Abschaffung der Kriminalisierung von Homosexualität und entsprechende Projekte in der Entwicklungszusammenarbeit. Die EU-Antidiskriminierungsbestimmungen müssten „in den Mitgliedsländern und bei den Beitrittskandidaten umfassend und konsequent umgesetzt werden.“

8. Transsexuellengesetz modernisieren!

Sind Sie bereit, dafür Sorge zu tragen, dass das Transsexuellengesetz schnellstmöglich unter Beteiligung der Betroffenen umfassend reformiert wird, damit Transsexuelle ein Leben in Würde und Selbstbestimmung führen können, insbesondere unverhältnismäßige Hürden auf dem Weg zur Vornamens- und Personenstandsänderung beseitigt werden?

CDU/CSU treffen keine Aussagen zu weiteren Reformbedarf. Sie verweisen lediglich auf das im Juni 2009 in Kraft getretene Transsexuellengesetz-Änderungsgesetz. Danach bleibt die Ehe bestehen, wenn ein transsexueller Ehepartner sein Geschlecht wechselt. Damit sei auch eine Hürde für die Personenstandsänderung beseitigt.

Die **SPD** verweist auf das zuständige Bundesinnenministerium, dem es nicht gelungen sei, eine sachgerechte Reform des TSG umzusetzen, dies werde die **SPD** in der kommenden Wahlperiode nachholen.

Die **FDP** schreibt, Ziel einer Reform müsse die Stärkung des Selbstbestimmungsrechts der Betroffenen sein, wozu „eine Beschleunigung des Verfahrens, eine Änderung des Verfahrens zur Begutachtung sowie der Verzicht auf das Erfordernis der dauernden Fortpflanzungsunfähigkeit und des geschlechtsverändernden operativen Eingriffs“ gehörten.

Die Linke fordert ebenfalls eine weit reichende Reform, konkret die Aufhebung des TSG, eine Änderung des Namens- und Personenstandsrechts, eine freie Wahl des Personenstands (auch „Intersexuell“ und „Transgender“) und des Vornamens („auch einen geschlechtsuneindeutigen“) für alle Menschen.

Auch **Bündnis 90/Die Grünen** „wollen eine umfassende Reform des Transsexuellenrechts, die die Grundrechte Transsexueller in vollem Umfang verwirklicht, indem die tatsächliche Vielfalt von Identitäten akzeptiert wird.“ Die Verfahren für die Vornamensänderung oder des Personenstandes sollen vereinfacht und nur vom Geschlechtsempfinden der Antragstellerin oder des Antragstellers abhängig gemacht werden. Die Personenstandsänderung soll „nicht mehr an die menschenverachtende Voraussetzung „einer dauernden Fortpflanzungsunfähigkeit“ geknüpft“ und „nicht mehr von der deutlichen operativen Annäherung an das Erscheinungsbild des anderen Geschlechts abhängig gemacht werden.“

9. Menschenrechtsverletzungen an Intersexuellen bekämpfen!

Sind Sie bereit, sich dafür einzusetzen, dass in Zukunft chirurgische und/oder medikamentöse bzw. hormonelle Eingriffe nur mit der informierten Einwilligung der betroffenen Menschen erfolgen dürfen?

Was werden Sie dafür tun, um Sorge zu tragen, dass Menschen mit einer Besonderheit der geschlechtlichen Entwicklung ein Recht auf freie Entfaltung und Selbstbestimmung gewährleistet wird?

Werden Sie sich dafür einsetzen, dass dem Phänomen Intersexualität in die Rechtsordnung künftig Rechnung getragen wird?

CDU/CSU halten eine geschlechtsspezifische Zuordnung bei intersexuellen Säuglingen und Kleinkindern im Hinblick auf „eine ungestörte psychische Identitätsentwicklung“ für richtig, Voraussetzungen „für die Behandlung von Intersexuellen“ seien „die medizinische Notwendigkeit“ und „die rechtlich wirksame Einwilligung der Betroffenen bzw. ihrer rechtlichen Vertreter“. Diskriminierungsschutz werde durch das AGG abgedeckt.

Die **SPD** ist grundsätzlich bereit, sich für eine adäquate Lösung im Sinne des Selbstbestimmungsrechts zu engagieren, auch wenn das Sorgerecht der Eltern mit dem Selbstbestimmungsrecht der Kinder konkurrieren kann.

Für die **FDP** schließt das Selbstbestimmungsrecht die Vornahme von Zwangsbehandlungen aus. Sie fordert wissenschaftliche Untersuchungen über die Situation von Intersexuellen, um auf gesicherter Datenbasis gesetzliche oder administrative Maßnahmen zu prüfen.

Die Linke fordert, dass es „erst zu medizinischen Eingriffen für geschlechtsangleichende Maßnahmen kommen darf, wenn die Menschen einwilligungsfähig sind.“ Sie lehnt frühkindliche Eingriffe ab, „da sie zu schweren physischen und psychischen Folgen führen können“ und setzt sich für die Möglichkeit des personenstandsrechtlichen Eintrags „intersexuell“ ein.

Bündnis 90/Die Grünen fordern, dass intersexuelle Menschen, die mit uneindeutigen Geschlechtsmerkmalen geboren werden, keinen medizinisch unnötigen Operationen zur Geschlechtsanpassung unterworfen werden. Geschlechtliche Uneindeutigkeit solle zugelassen und die Möglichkeit, sich unter einem dritten Geschlecht eintragen zu lassen, geschaffen werden.

10. Rehabilitierung aller nach § 175 Verurteilten durchsetzen!

Sind Sie bereit, sich für die gesetzliche Rehabilitierung und die Entschädigung der Opfer des §175 bzw. der Strafverfolgung wegen einvernehmlicher homosexueller Handlungen entlang der Kriterien des Europäischen Menschenrechtsgerichtshofes einzusetzen?

Für **CDU/CSU** stellt sich die Frage nach einer Aufhebung der Urteile nach § 175 oder einer Entschädigung der Verurteilten nicht.

Auch für die **SPD** ist es „aus staatspolitischen Erwägungen äußerst schwierig, Rechtsprechung der Bundesrepublik ex post als „Unrecht“, gar als „fortgeltendes NS-Unrecht“ einzustufen“, auch eine finanzielle Entschädigung hält sie für „nicht durchsetzbar“, will aber weiter nach Lösungen suchen.

Für die **FDP** entfalten die Verurteilungen nach 1945 wegen § 175 StGB „heute keine Rechtswirkungen mehr“, der Bundestag habe mit seiner Entschließung aus dem Jahr 2000 bereits einen Weg gesucht, „um den Opfern ihre Ehre wiederzugeben“. Die Frage nach der Entschädigung bleibt unbeantwortet.

Die Linke hat bereits einen Antrag auf Rehabilitierung und Entschädigung eingebracht und will „das Thema auch in den kommenden Bundestag einbringen“.

Auch **Bündnis 90/Die Grünen** haben einen entsprechenden Antrag im Bundestag eingebracht und fordern Rehabilitierung und Entschädigung für die Strafverfolgung nach § 175 StGB in der Bundesrepublik bis 1994 und die Strafverfolgung in der DDR bis 1989.

BET 2011

A series of stylized, orange-colored human figures are arranged in a horizontal line, holding hands. The figures are simplified, with no facial features, and are rendered in a slightly wavy, connected manner. They are positioned across the middle of the page, behind the main title and subtitle.

***LIEBE,
Menschsein und
Sexualität***

– sich verbünden gegen Homophobie

**Bundeselterntreffen
18. bis 20. März 2011
in Berlin**

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Begrüßung und Eröffnung

■ Begrüßung durch die BEFAH-Vorsitzende Gudrun Held	4
■ Grußwort der Bundesministerin für Familie, Senioren, Frauen und Jugend, Dr. Kristina Schröder	6
■ Grußwort des Regierenden Bürgermeisters von Berlin, Klaus Wowereit	7
■ Grußwort der Fraktionsvorsitzenden von Bündnis 90/ Die Grünen, Renate Künast	8
■ Grußwort Zukunftsforum Familie, Frau Nikola Schopp	9
■ Grußwort Lesben- und Schwulenverband in Deutschland (LSVD), Helmut Metzner	10
■ Grußwort Völklinger Kreis (VK), Eckhard Löhr	12

Referate

■ Erlebte Homophobie, Marcus Urban	13
■ Zur Erneuerung der Christlichen Sexualethik, Dr. Michael Brinkschröder	16
■ Sexualverhalten schwuler Männer, Axel J. Schmidt, MPH	20
■ Aktuelle Diskurse zu gleichgeschlechtlichen Lebensweisen, Dr. Dr. Stefan Nagel	24
■ Sexualerziehung in Kindergarten und Schule, Detlef Mücke	26
■ Schule ohne Homophobie-Schule der Vielfalt, Markus Chmielorz	30

Podiumsdiskussion

■ Thema: Wir brauchen „Homo-Kunde“ in Kindergarten und Schule	
Moderation: Kirstin Fussan, Senatsverwaltung für Bildung, Wissenschaft und Forschung, Berlin	
Gäste: 1) Markus Chmielorz, Schulprojekt NRW	
2) Sabine Fischer, BEFAH- Elterngruppe Hamburg, Mutter schulpflichtiger Kinder	
3) Dr. Jürgen Frank, Oberkirchenrat EKD	
4) Ralf Kletsch, Mitglied im Vorstand des Bundeselternrats	
5) Elisabeth Müller-Heck, Referentin für Gesundheitsfragen, Senatsverwaltung für Bildung, Wissenschaft und Forschung, Berlin	34
■ Dank der Teilnehmer/Innen an den Vorstand	38
■ Gedanken zur Podiumsdiskussion und Ausblick: Gudrun Held, Vorsitzende des BEFAH e.V.	39

Berichte aus den Elterngruppen

■ Elterngruppe Bremen	40
■ Elterngruppen Dortmund	41
■ Elterngruppe Dresden	42
■ Elterngruppe Freiburg	43
■ Elterngruppen Hamburg	44
■ Elterngruppen Hannover	45
■ Elterngruppe Ostwestfalen-Lippe	46
■ Elterngruppe Stuttgart	47

Treue Gäste – Neue Gäste

■ Gudrun Rögnvaldardóttir aus Island (FAS)	48
■ Beatrice Ott und Brigitte Schenker aus der Schweiz (fels)	49
■ Uta Marziano aus Italien	50

Anhang

■ Weitere Rückmeldungen	51
■ Fazit zum Bundeselterntreffen	54
■ Impressionen vom Bundeselterntreffen	55
■ Wiedergabe der Rede der Vorsitzenden Gudrun Held zur Verleihung des Bundesverdienstkreuzes an Ursula Schulze, Bremen	56

Kulturprogramm

■ Tatum Tatum Crack – Valter Rado und Tim von Kietzell	58
(Das Kulturprogramm wurde vom BMFSFJ nicht als förderfähig anerkannt und allein vom BEFAH e.V. finanziert)	

Begrüßung durch die Bundesvorsitzende des BEFAH e.V., Gudrun Held



Liebe Freundinnen und Freunde, sehr geehrte Damen und Herren,

haben eigentlich alle schon ihren Koffer gefunden? Also, wenn ich nach Berlin fahre, dann fällt mir immer Hildegard Knef mit ihrem Chanson ein: ich hab' noch einen Koffer in Berlin. Der Vorstand hat seinen Berlin-Koffer jedenfalls gefunden. Und wenn ich ihn jetzt öffne, dann sehe ich als Erstes Euch und Sie alle, die sich zum BET 2011 angemeldet haben.

So ausgebucht waren wir noch nie! Wir freuen uns, dass sich Menschen aus der Nähe und aus der Ferne auf den Weg hierher nach Berlin gemacht haben. Aus jedem Bundesland sind Menschen hier - aber auch aus dem Ausland: aus Island, Schottland, der Schweiz und Italien.

Herzlich Willkommen - wir freuen uns, dass Sie und Ihr alle da seid!

Manche sind zum ersten Mal bei einem Bundeseltern-treffen und weil das ja bekanntlich nie ganz einfach ist in eine große Gruppe zu kommen, bitte ich Sie, die Sie zum ersten Mal hier sind, eben aufzustehen, damit wir Sie wahrnehmen können und hoffentlich schnell auf Sie zugehen.

Und weiter in meinem Koffer befindet sich der sehn-süchtig erwartete **rote Flyer**. Und darauf steht: **BET 2011: „Liebe, Menschsein und Sexualität - sich verbün-den gegen Homophobie“**

Sexualität - da möchten ja manche gleich den Kofferdeckel wieder zuklappen. Darüber spricht man nicht! *Muss* man darüber sprechen? Sexualität und dann auch noch mit *Homo* davor! Ja die Diskussion darüber ging auch im Vorbereitungskreis hoch her. Doch nun sind wir gespannt, wie die Referenten und die Teilnehmerinnen und Teilnehmer der Podiumsdiskussion die verschiedenen Facetten unseres Themas beleuchten werden.

Und an dieser Stelle begrüße ich die Referenten und Referentinnen, soweit sie schon anwesend sind.

Also, der Kofferdeckel bleibt auf! Wir wollen genauer hinschauen. Wollen den Spuren nachgehen und herausfinden, wie es dazu kam, dass Sexualität nicht mit Liebe dafür mit Angst und Sünde gepaart und verbunden wurde, woraus dann Phobie und Homo-phobie erwachsen. Gleich zu Beginn wird uns Herr Urban berichten, wie sie sich anfühlt - die Homo-phobie, wenn sie erlebt werden muss. Danke, Herr Urban, dass Sie sich dazu bereit erklärt haben!

Und da finde ich in meinem Koffer noch einen Theo-logen und zwei Mediziner, die uns morgen Vormittag hoffentlich den Blick weiten für neue Einsichten und

Einstellungen. Damit wir von überholten Vorstel-lungen Abschied nehmen können und sie zurücklas-sen. Dann wird der Koffer auch leichter!

Mein Koffer ist noch nicht leer. Ich packe weiter aus: Hoffentlich nach dem Samstagmorgen eine **Sicht auf Sexualität** - auch auf **Homosexualität** - die Menschen beglückt und zu ihrer Lebenswonne bei-trägt. Die nicht von Angst geprägt ist sondern ihre Schöpferkraft und Lebenslust zeigt. Ja, und die muss dann an die nächsten Generationen weitergegeben werden. Wie und wo das in den verschiedenen Bildungs-einrichtungen geschieht, und wo die Schwierigkeiten liegen, werden wir am Samstagnachmittag erfahren.

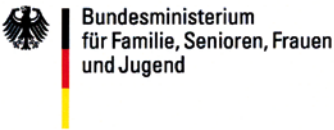
Und zum Schluss packe ich noch unsere Elternforde-rung und unseren Elternauftrag aus meinem Koffer. Im Kinderbuch sagt der kleine Bär zum kleinen Tiger: ich will alles und von allem das größte Stück! Das wollen wir Eltern auch! Das größte Stück! Nicht mehr nur kleine Brocken, die gutwillige Erzieherinnen und Erzieher den ihnen anvertrauten Kindern schon geben. Wir wollen kompetente Erzieherinnen und Erzieher, Lehrerinnen und Lehrer, für die es verbindlich ist, den nächsten Generationen eine Sicht auf Liebe und Sexualität zu vermitteln, die dem Glück der Menschen dient. Die schöpferische Lebenskraft von Liebe und Sexualität erschöpft sich nicht nur in einem oder vielen Kindern! Sie ist weiter und vielfältiger. Es gibt viele Spielarten der Liebe. Diese Elternforderungen sollen am Sonntag bei der Podiumsdiskussion verhandelt werden.



Grußwort der Bundesministerin für
Familie, Senioren, Frauen und Jugend,
Dr. Kristina Schröder



Dr. Kristina Schröder,
Bundesministerin für Familie, Senioren,
Frauen und Jugend
Foto: BMFSFJ, L. Chaperon



Grußwort
der Bundesministerin für Familie, Senioren, Frauen und Jugend,
Dr. Kristina Schröder,
zum Bundeselterntreffen
des Bundesverbandes der Eltern und Angehörigen von Homosexuellen e.V.
vom 18. bis 20.03.2011 in Berlin

„Liebe – Menschsein und Sexualität - sich verbünden gegen Homophobie“ lautet das Motto des Bundeselterntreffens 2011, für das ich gern die Schirmherrschaft übernommen habe. Sich verbünden gegen die irrationale Angst vor Schwulen und Lesben und vor allem gegen die daraus resultierende Feindseligkeit mancher Menschen – das ist auch mir ein Anliegen. Denn ich möchte mit meiner Politik eine Kultur der Vielfalt, Achtung und Toleranz in Deutschland fördern.

Vorurteile gegen Homosexuelle sind häufig auf mangelndes Wissen über Homosexualität und die Lebensweise Homosexueller zurückzuführen. Obwohl Politik und Gesellschaft in den vergangenen Jahren große Fortschritte im Kampf gegen die Diskriminierung von Schwulen und Lesben erzielt haben, ist leider zu beobachten, dass Homosexuelle immer noch mit Benachteiligungen und Diffamierungen im Alltag zu kämpfen haben. Besonders schmerzhaft erleben Eltern von schwulen und lesbischen Kindern diese Anfeindungen. Hier setzt in vorbildlicher Weise die Arbeit des Bundesverbandes an. In den im ganzen Bundesgebiet bestehenden Elterngruppen unterstützen Eltern sich gegenseitig und fördern gemeinsam Akzeptanz und Respekt für Homosexuelle in der Gesellschaft. Dazu trägt regelmäßig auch das Bundeselterntreffen bei.

Ich danke dem Bundesverband und allen Mitgliedern für die engagierte Arbeit und hoffe, dass dieses Engagement auch in Zukunft für mehr Toleranz in unserer Gesellschaft sorgt. Für das diesjährige Bundeselterntreffen wünsche ich Ihnen viel Erfolg und gute Gespräche!

Dr. Kristina Schröder

Grußwort des
Regierenden Bürgermeisters
von Berlin, Klaus Wowereit

Zum Bundeselterntreffen des Bundesverbandes der Eltern, Angehörigen und Freunde von Homosexuellen BEFAH e.V. heiße ich alle Teilnehmerinnen und Teilnehmer herzlich willkommen. Es freut mich sehr, dass Sie mit Ihrer Veranstaltung in diesem Jahr erneut zu uns in die deutsche Hauptstadt gekommen sind.

Berlin ist gewiss ein guter Ort für Ihr Treffen. In unserer Stadt hat sich in den vergangenen Jahrzehnten eine Menge bewegt: Berlin gilt heute als eine der Gay-Metropolen in Europa. Und auch als Hauptstadt repräsentieren wir ein Land, das in Sachen Emanzipation und rechtlicher Gleichstellung viele Fortschritte gemacht hat.

Dennoch gehören homophobes Denken und Handeln auch in Berlin leider nicht der Vergangenheit an. Zahlreiche Stereotype und Vorurteile über Lesben und Schwule sind in vielen Köpfen nach wie vor fest verankert. Um so mehr begrüße ich es, dass Sie sich als Eltern von Homosexuellen dafür stark machen, dass Ihre Kinder in einem weltoffenen und toleranten Umfeld leben können – ohne sich mit Vorurteilen, Ausgrenzungen oder gar gewalttätigen Übergriffen konfrontiert sehen zu müssen.

Fest steht: Um Diskriminierung, Ausgrenzung und Gewalt gegenüber Schwulen und Lesben erfolgreich entgegenzuwirken, bedarf es eines breiten gesellschaftlichen Engagements. Gerade Sie als Eltern, als Angehörige oder Freunde von Lesben und Schwulen können viel dazu beitragen, Vorbehalte abzubauen und für ein respektvolles Miteinander zu werben.

Auf die Notwendigkeit eines gemeinsamen Engagements verweist auch das Thema Ihres diesjährigen Bundeselterntreffens. Zugleich unterstreicht das Motto „Liebe, Menschsein und Sexualität – sich verbünden gegen Homophobie“ auch, dass der Kampf gegen Diskriminierung und für gleiche Bürgerrechte kein Nischenthema ist. Denn hierbei geht es um die Grundregeln unseres Zusammenlebens. Es geht um zentrale Werte wie Menschlichkeit, Toleranz und um die Freiheit, andere anders sein zu lassen.

In diesem Sinne wünsche ich Ihnen ein rundum erfolgreiches Bundeselterntreffen sowie allen auswärtigen Gästen natürlich auch einen angenehmen Aufenthalt in Berlin, der Ihnen noch lange positiv in Erinnerung bleibt. Zugleich danke ich dem BEFAH für sein wichtiges Engagement.

Klaus Wowereit
Regierender Bürgermeister von Berlin



Grußwort
von Renate Künast



Sehr geehrte Eltern und Mitglieder des BEFAH,

die Volksweisheit „lieben und geliebt zu werden ist die schönste Freud auf Erden“ gilt im heutigen Deutsch-land nicht für alle. Wenn ein Jugendlicher, eine Jugendliche die Liebe zum gleichen Geschlecht entdeckt, kann das mit großem Leid verbunden sein. Denn Schwule, Lesben und Transgender werden von manchen allein für die Tatsache, dass sie anders lieben als die Mehrheit, diskriminiert und ausgegrenzt.

Wir Grüne haben die Vision einer Gesellschaft ohne Diskriminierung, die anerkennt, welche Bereicherung Viel-falt bedeutet. Deswegen freue ich mich sehr über Ihre wichtige Initiative, die bald 15 Jahre besteht. Immer mehr Eltern schließen sich zusammen und engagieren sich für ihre schwulen und lesbischen Kinder, klären auf und bestärken Jugendliche darin, selbstbewusst ihren eigenen Weg zu gehen.

Lesben, Schwule und Transgender können heute in Deutschland so frei wie nie zuvor leben. Das ist ein großer Fortschritt. Dennoch sind homophobe Parolen im Fußballstadion und besonders auf dem Schulhof immer noch Alltag. Alarmierend ist, dass Suizidversuche bei homo–sexuellen Jugendlichen siebenmal häufiger auf-treten als bei heterosexuellen. Angesichts dieser Daten halten wir es für skandalös, dass die Bundesregierung hier „keinen Handlungsbedarf“ sieht.

Wir Grüne sagen Nein zu Ausgrenzung und Diskriminierung. Homophobie wollen wir keinen Raum geben. Deshalb haben wir Eckpunkte für einen Nationalen Aktionsplan gegen Homophobie in den Bundestag eingebracht. Dazu gehören: Prävention gegen antihomosexuelle Gewalt, breite gesellschaftliche Bündnisse für Akzeptanz und vor allem die selbstverständliche und vertiefte Integration des Themas Homosexualität in Schule und Jugendarbeit. Sowohl in Unterrichtsinhalten als auch im Schulalltag muss deutlich werden: Lesben, Schwule, Bisexuelle, trans- und intersexuelle Menschen sind Teil der gesellschaftlichen Vielfalt, sie sind gleichwertig und gleichberechtigt.

Mit Ihrer Tagung tragen Sie viel dazu bei, bestehende Vorurteile abzubauen und Feindlichkeiten gegen Schwule und Lesben zu überwinden. Wir haben noch viel Arbeit vor uns, im gemeinsamen Verbünden gegen Homophobie kommen wir unserer Vision schneller näher. Als Etappe dahin wünsche ich Ihnen ein erfolg-reiches und konstruktives Bundeselterntreffen in Berlin.

Mit herzlichen Grüßen
Renate Künast

Grußwort Nikola Schopp,
Zukunftsforum Familie (ZFF)



Sehr geehrte Damen und Herren,

wir freuen uns sehr, heute bei Ihnen zu sein und dieses Grußwort sprechen zu dürfen.

Seit 2006 ist der BEFAH Mitglied im ZFF. Das ZFF selbst gibt es seit 2002. Wir wurden damals auf Initiative der Arbeiterwohlfahrt gegründet und sind ein familienpolitischer Fach- und Lobbyverband, der sich auf bundespolitischer Ebene in die Familienpolitik einbringt. Unser Markenzeichen ist ein weiter und gleichzeitig sehr verbindlicher Familienbegriff, denn Familie ist für uns überall dort, wo Menschen dauerhaft füreinander Verantwortung übernehmen, Sorge tragen und Zuwendung schenken.

Der Begriff schließt also vor allem auch Regenbogenfamilien sowohl mit als auch ohne Kinder, aber auch deren Beziehungsgeflechte zu Verwandten, Angehörigen und Freunden ein. Für diese Vielfalt von Familie und deren Akzeptanz in der Gesellschaft machen wir uns auf politischer Ebene stark. Denn die noch immer vorherrschenden traditionellen Vorstellungen von Ehe, Familie und Sexualität in der Gesellschaft beeinflusst nicht nur die Lebensweise vieler Homosexueller, sondern auch deren Eltern, Freunde und Angehörige. In welchem Ausmaß das häufig geschieht und mit wie vielen Sorgen dies auch für die Angehörigen einher-geht, dass haben wir u.a. durch den Kontakt mit dem BEFAH näher kennengelernt.

Regenbogenfamilien sind, selbst wenn sie in einer eingetragenen Partnerschaft leben, nicht nur mit Vorurtei-len konfrontiert, sondern auch zahlreichen rechtlichen, finanziellen und damit sozialen Benachteiligung aus-gesetzt. Hierzu zählen zum Beispiel die Realisierung des Kinderwunsches oder die rechtliche und finanzielle Absicherung der Familie. Kinder mit zwei Müttern oder zwei Vätern entwickeln sich genauso prächtig wie Kinder, die in klassischen Familienformen leben. Als entscheidend für die Lebensqualität erweist sich die Beziehungsqualität in der Familie, die Sorge und Verantwortung, die geschenkt wird, nicht die sexuelle Orientierung der Eltern. Dies hat schon im Jahr 2009 die Studie des Instituts für Familienforschung in Bamberg zur Situation von Kindern in gleichgeschlechtlichen Lebenspartnerschaften eindrücklich dargestellt.

Positiv haben wir auch die aktuelle Bundesratsinitiative des Landes Berlin zur Gleichstellung eingetragener Lebenspartnerschaften mit der Ehe im Kindschaftsrecht aufgenommen. Wir fordern den Gesetzgeber deshalb ebenfalls dazu auf, im Sinne des Kindeswohls Regenbogenfamilien end-lich mit anderen Familienformen gleichzusetzen. Dies bedeutet für uns konkret, dass homosexuellen Paaren sowohl die Möglichkeit zur Fremdadoption wie zur Stiefkindadoption gegeben wird.

Darüber hinaus muss der freie Zugang zu reproduktionsmedizinischen Angeboten für Frauen unabhängig von ihrer sexuellen Orientierung und die volle rechtliche und steuerliche Gleichstellung von eingetragener Lebenspartnerschaft mit der Ehe endlich angegangen werden. Diese rechtliche Gleichstellung ist längst überfällig, denn sie trägt aus unserer Sicht auch einen wesentlichen Teil dazu bei, traditionelle gesellschaftliche Strukturen aufzubrechen und Akzeptanz für die vielfältigen Familienformen herzustellen.

Täglich erlebte Diskriminierung und Ausgrenzung erschöpft. Darum brauchen homosexuelle Menschen, deren Angehörige und Freunde Akzeptanz, um Familie leben zu können. Wenn ich an meine kleine Tochter zu Hause denke, dann habe ich einen ganz starken Wunsch, den Wunsch, dass sie eine glückliche und zufriedene junge Frau wird. Dass ihre Träume in Erfüllung gehen und dass sie für das, was sie ist und liebt weder diskriminiert noch ausgegrenzt wird. Dass dies einmal so kommen wird, davon bin ich überzeugt. Und ich bin mir sicher, dass der BEFAH durch seine Arbeit dazu in großem Maße beitragen wird.

Wir freuen uns sehr, dass wir seit 2006 in die Arbeit der BEFAH eingebunden sind. Ich wünsche Ihnen nun eine anregende Tagung mit hilfreichen Vorträgen und fruchtbaren Diskussionen.

Vielen Dank.

Grußwort Helmut Metzner, Lesben- und Schwulenverband in Deutschland (LSVD)



Liebe Frau Bundesvorsitzende Held, sehr geehrte Damen und Herren,

ich habe mich so auf diese Veranstaltung gefreut, dass ich wegen eines Fehlers in meinem Kalender schon vor zwei Wochen da war. Weil ich aber bei der Ärztagung nichts verstanden habe, bin ich heute wieder gekommen.

Ich freue mich die Grüße des Bundesverbandes der Schwulen und Lesben in Deutschland (LSVD) übermitteln zu können. Ich danke Ihnen für die Einladung zum Bundeselterntreffen.

Schwule und Lesben profitieren von Ihrer Arbeit. Da ist es ganz normal, dass der LSVD mich hier vorbeischickt, um auch einmal Danke schön zu sagen. Ich danke Ihnen für Ihre Solidarität und versichere Sie der Sympathie des LSVD.

Wir brauchen einander. Schwule und Lesben sind überall, aber sie sind nicht in der Mehrheit. Sie werden wohl auch eine Minderheit bleiben. Akzeptanz für das Anderssein braucht eine positive Grundstimmung in der Mehrheitsgesellschaft.

Heute sind die Worte schwul und lesbisch in weiten Teilen der Gesellschaft keine Schimpfwörter mehr. Sie beschreiben eine Realität, die ich als homosexueller Mensch als normal, als Teil meines täglichen Lebens empfinde. Zu den großen Fortschritten unserer Zeit gehört eine zunehmende Akzeptanz für die Vielfalt.

Der Christopher-Street-Day in Berlin fordert in diesem Jahr: Fairplay für Vielfalt. Darum geht es. Nicht nur im Sport, sondern weit darüber hinaus.

Um den fairen Umgang mit demjenigen, der anders ist als ich selbst. Auch wenn ich es nicht immer nachvollziehen kann. Die Welt ist bunt. Der LSVD vertritt deshalb nicht nur die Belange von Lesben und Schwulen, sondern engagiert sich auch für die Gleichstellung von Transgendern, Bi- und Transsexuellen. Wir leben die Devise: Erlaubt ist, was gefällt und niemandem schadet. Niemand muss sich für seine Liebe entschuldigen. Niemand muss sich für die Liebe seiner Kinder, seiner Freunde, seiner Verwandten entschuldigen oder auch nur rechtfertigen. Liebe verdient Anerkennung und Respekt.

Wenn heute der Wertewandel beklagt wird, sollten wir immer fragen, welche Werte gemeint sind. Gebote und Haltungen, die auf die Ausgrenzung einzelner Menschen zielen, müssen sich wandeln. Diskriminierung kann kein Wert sein. Im Gegenteil, sie bedeutet Entwertung des Menschen.

Andere, echte Werte bleiben zeitlos aktuell. Die Achtung vor der Würde des Menschen und seiner Freiheit. Die Verantwortung für den Erhalt dieser Freiheit. Und das aktive Eintreten für ein gesellschaftliches Klima, das dem „Leben und Leben lassen“ Raum verschafft.

In der Tat es wurde vieles erreicht: In diesem Jahr wird das Lebenspartnerschaftsgesetz 10 Jahre alt. Es hat Menschen, die gegenseitig Verantwortung für einander übernehmen wollen, einen gesetzlichen Rahmen und ein Stück mehr Sicherheit gegeben. Noch immer aber gehen damit mehr Pflichten als Rechte und schon gar nicht die gleichen Rechte einher. Die Bundesregierung hat versprochen, die steuerlichen Ungleichbehandlungen zu beseitigen. Wir werden sehen, wie belastbar diese Ankündigung im Koalitionsvertrag ist. Der LSVD jedenfalls wird die Bundesregierung gerne daran erinnern, ihre Selbstverpflichtung einzuhalten.

Nicht nur deshalb wird der LSVD den Einsatz für die Ergänzung des Grundgesetzartikels 3 fortsetzen. Hier hat sich die Zusammenarbeit mit BEFAH bewährt. Unsere Verfassung muss endlich auch Lesben, Schwulen, Transgendern und intersexuellen Menschen gleiche Rechte garantieren. Auf Europäischer Ebene ist das schon Standard. Die EU-Grundrechtecharta enthält bereits ein Verbot der Benachteiligung aufgrund der sexuellen Ausrichtung. Sie ist vom Bundestag und vom Bundesrat mit großer Mehrheit gebilligt worden. Warum soll dies im deutschen Grundgesetz nicht möglich sein?

Die Verfassungswirklichkeit aber wird von den Menschen, von uns allen geprägt. Veränderung beginnt beim Einzelnen. Der Bewusstseinswandel lebt davon, dass jemand aufsteht und Nein sagt, wenn Menschen beschimpft und verspottet oder sogar tätlich angegriffen werden.

Deshalb ist Mut gefragt. Wir erleben in Nordafrika, welche Energie, welchen Mut der Wunsch nach Freiheit auslösen kann. Wir sehen dort auch, welches Glücksgefühl daraus erwächst, wenn sie die Freiheit errungen scheint. Menschen wachsen über sich hinaus. Sie brechen mit dem Tradierten und gehen neue Wege, auch wenn sie unbekannt erscheinen. Die Verheißung einer Welt, in der Freiheit statt Angst herrscht, scheint sie zu locken. Sie ist verlockend. Das kann uns ermutigen.

Wie einfach ist es doch in unserer Republik Nein zu sagen, aufzustehen, Protest anzumelden. Wir wissen das Recht auf unserer Seite, auch wenn sich das noch nicht in alle Teile der Republik herumgesprochen hat. An den Stammtischen wird solange dummes Zeug geredet, bis jemand widerspricht und Klarheit schafft. Dazu möchte ich Sie ermuntern.

Lassen wir uns nicht täuschen. Berlin ist nicht Berchtesgaden, Köln ist nicht Chemnitz. Was in Berlin-Schöneberg akzeptiert scheint, kann in Berlin-Lichtenberg schon Probleme bereiten. Es gibt also noch viel zu tun.

Wir Homosexuelle, die Bi- und Transsexuellen, die Transgender brauchen die Unterstützung der Heterosexuellen. Derer, die nur mittelbar betroffen sind. Unsere Arbeit ist kein Selbstzweck, sie dient einer Atmosphäre der Vielfalt. Der eine oder mag bereits zufrieden mit dem Erreichten sein. Der Blick über die Grenzen des Landes hinaus zeigt, es gibt noch viel Arbeit.

Die Arbeit der Hirschfeld-Eddy-Stiftung macht das immer noch deutlich: In vielen Ländern der Erde ist Homophobie an der Tagesordnung und staatliche Politik, in Uganda und Nigeria, aber auch in Europa, z.B. in Russland oder Ungarn. Der Einsatz für die Bürger- und Menschenrechte kann an Grenzen nicht halt machen. Solidarität kennt keine Grenzen. Zusammenhalt, das zeigt sich gerade in Japan, kann helfen, Krisen zu bestehen.

Sicher wir dürfen den Einzelnen nicht überfordern. Kein Mensch ist Atlas, der die ganze Last der Welt auf sich nehmen könnte. Veränderungen beginnen auch im Kleinen. Für viele Eltern die unvorbereitet darauf stoßen oder gestoßen werden, dass ihre Tochter eine Frau liebt oder ihr Sohn einen Mann bricht eine Welt zusammen. Vorwürfe an sich selbst, an andere, an das Kind sind vielfach der Ergebnis. Wir, sie wissen, dass dazu kein Anlass besteht.

Hier können Sie, müssen wir für Vertrauen werben. Geborgenheit und Sicherheit bei Familien und Angehörigen bei Freunden sind für Menschen im Coming-Out existenziell wichtig. Selbstbewusstsein, Liebe und Zuwendung machen stark. Aggressivität und Ablehnung resultiert vielfach aus dem Gefühl der Schwäche, der Überforderung, der Angst oder auch nur aus der Unwissenheit.

Wir vom LSVD danken Ihnen für die Zusammenarbeit und Unterstützung. Wir vom LSVD freuen uns, wenn wir beim bevorstehenden Verbandstag am 2. und 3. April in Köln auch Gäste der BEFAH begrüßen dürfen.

Ich wünsche für Ihre Arbeit und die Tagung: Erfolg und Energie.
Für die Abendveranstaltung: Leidenschaft und Lebensfreude.
Und über das Ende der Tagung hinaus: Gesundheit und Glück.

Grußwort Eckhard Löhr, Völklinger Kreis (VK)



Sehr geehrte Damen und Herren, liebe Eltern, Freunde und Angehörige,

es ist mir eine ganz besondere Freude, nach Hamburg nun ein zweites Mal an einem Bundeselterntreffen teilnehmen und den Völklinger Kreis e.V. repräsentieren zu dürfen.

Ich darf Ihnen die Grüße unseres Bundesvorstands und insbesondere auch der Regionalgruppe Hannover überbringen.

Über unseren Verband, dem Bundesverband Schwuler Führungskräfte, werde ich Ihnen ja nicht mehr viel erzählen müssen. Als Berufsverband sind unsere Ziele etwas speziell ausgerichtet als Ihre, aber dadurch sind sie ja in Ihren mit enthalten. Die ca. 700 Mitglieder unseres Verbandes organisieren sich in 20 Regional- und 14 Fachgruppen.

Seit einigen Jahren besteht ja ein guter Kontakt zwischen der Elterngruppe Hannover und uns – wie wohl auch in manchen anderen Städten. Der Austausch ist, so sehen wir das zumindest, für beide Seiten sehr interessant und manche neue Aspekte in dem Verständnis für bestimmte Sichtweisen kommen zutage.

Schon länger treffen wir uns auch auf den Kirchentagen, um dort Flagge zu zeigen – „und das ist auch gut so“ – wie der Regierende Bürgermeister Berlins bei seinem öffentlichen Coming Out sagte. Ich freue mich schon auf Dresden!

Vom 14.-16.10.2011 feiert der VK seine Mitgliederversammlung zum 20-jährigen Bestehen des Verbandes – wo könnte es besser sein als – in Hannover!

Wir freuen uns, dass im Rahmen dieses Jubiläumswochenendes auch die Ergebnisse der aktuell stattfindenden dritten Umfrage des VK unter den 500 größten deutschen Unternehmen zum Thema „Diversity“ auf einer Pressekonferenz präsentiert werden.

Wir planen schon ganz eifrig, haben nur leider nicht die Förderungen aus der öffentlichen Hand, wie Sie. Ganz im Gegenteil sogar: die Stadt Hannover zeigt sich hier trotz Runder Tische usw. sehr unkooperativ.

Ganz bestimmt werden wir aber auch eine Abordnung der BEFAH zu einem der Events einladen.

Sie haben hier an diesem Wochenende ein wirklich hochkarätiges Programm für das BET auf die Beine gestellt. Das war ganz sicher im Vorfeld mit viel Mühe und Arbeit verbunden. Zu dem Ergebnis kann man nur gratulieren. Ihrer Vorsitzenden, Frau Held, habe ich ja schon im Vorfeld, sozusagen im Ortsgespräch, meine Hochachtung ausgesprochen.

Und eine bessere Würdigung Ihrer aller meist jahrelangen Arbeit, als die Verleihung des Bundesverdienstkreuzes an Frau Schulze in Bremen, konnten Sie ja im Vorfeld dieses BET gar nicht erhalten.

Wie schön wäre es, wenn unsere beiden Verbände irgendwann einmal sinnlos werden würden, weil es keine Diskriminierung von Schwulen und Lesben mehr gibt. Aber das ist aus heutiger Sicht wohl als Utopie zu bezeichnen. Bleiben Sie daher bitte so aktiv, unsere gemeinsamen Interessen durchzusetzen!

So wünsche ich uns eine interessante und schöne Zeit zusammen - Danke, dass ich dabei sein darf.

Eckhard Löhr
Völklinger Kreis e.V.
Regionalgruppe Hannover

Marcus Urban: Erlebte Homophobie

Biografisches

Erster Referent des Bundeselterntreffens 2011 war Marcus Urban, deutscher Amateur- Fußballspieler und Buchautor. Marcus Urban wuchs in Thüringen auf. Nach zahlreichen Lehrgängen und Tests wechselte er mit 13 Jahren auf das Sportinternat nach Erfurt. Er stand kurz davor, in den bezahlten Fußball zu gehen. Der Druck, sich als Homosexueller in der Fußballwelt verstecken zu müssen, wurde zu groß, und so beendete er seine Profikarriere, bevor sie überhaupt richtig beginnen konnte. Urban ist gegenwärtig Kommunikationsberater und hauptsächlich in Hamburg tätig.

Coming Out

Marcus Urban bedankte sich zunächst für die Einladung des BEFAH e.V. und erinnerte in diesem Zusammenhang an sein Erstaunen, als er erfuhr, dass es überhaupt einen Verband der Eltern, Freunde und Angehörigen von Homosexuellen gibt. Er leitete an dieser Stelle direkt zum Profifußball über. Ein solcher Verband sei in diesem Bereich immer noch undenkbar, nicht nur, weil es bisher immer noch keinen geouteten Bundesligaspieler geben würde. Urban hat sich zuerst bei seiner Mutter geoutet, ihre Reaktion sei eher „locker“ gewesen, da wohl gewisse Vorahnungen vorhanden waren. Sein Freundeskreis sei nach dem Coming Out an seinem Werdegang als schwuler Mann weiterhin interessiert gewesen. Urban betonte, er habe wie viele andere Kinder und Jugendliche mit ihm Homosexualität zuerst als etwas grundsätzlich Negatives begriffen. Schon zu einem frühen Zeitpunkt steht „Homosexualität“ als unsichtbares Merkmal, das es zunächst zu bekämpfen gilt, im Profisport dann möglichst dauerhaft. So spielt der Titel seines Buches „Versteckspieler“ auf Urbans Internatszeit an. Stets habe er sich verpflichtet gefühlt, Gestik und Mimik vor den anderen Jugendlichen zu kontrollieren, um herausfinden zu können: „haben die etwas gegen mich?“ Urbans Fazit als Jugendlicher stand fest: Profifußball und Coming Out vertragen sich nicht, „Ich bin Fußballer, also kann ich gar nicht schwul sein“. Die Qual der Wahl lautete also: mache ich Karriere oder kann ich leben? Urban hat sich für Ersteres entschieden und sei damit im Rückblick von seinem sozialen Umfeld wohl stets als „komischer Kauz“ betrachtet worden. Dies sei vor allem auf sein Verhalten auf dem Fußballplatz zurückzuführen, wo er sich häufig aggressiv, ruppig, fast schon unnahbar gegeben habe. Andere Mitspieler seien von ihm gar als „Schwule Sau“ beschimpft worden. Hilfe von außen sei bei einem möglichen Coming Out kaum zu erwarten gewesen. Wer als schwuler Mann Fußball spielte und aufsteigen wollte, musste „eben da durch“.

Öffentlichkeit und Medienpräsenz

Als Fußballspieler musste Marcus Urban ein zweites Coming Out in der Gay Szene durchleben. Hier herrschte das gesamtgesellschaftlich übliche Stereotyp vor: „Schwule können doch gar kein Fußball spielen.“ Durch das Kennenlernen anderer schwuler Fußballer vor allem in Italien (Urban lebte zeitweise dort) wurde die Fußball- Weltmeisterschaft 2006 in Deutschland für ihn zu einem Befreiungsschlag. Er begann mit der Arbeit an seinem Buch „Versteckspieler“ und wurde mit dessen Hilfe als Experte zur Problematik „Homophobie im Profisport“ in den Medien präsent. Hierzu gehörte auch die Teilnahme an Akzeptanzkampagnen z.B. des Deutschen Fußballbundes (DFB). Im April wird Urban an einer Anhörung im Deutschen Bundestag zum selben Problemfeld teilnehmen.

Diversity

Urban vermisst im Profisport den Gedanken von „Diversity“. Dieser habe sich bisher fast ausschließlich in der Wirtschaft etabliert, was zu begrüßen sei, da sich Antidiskriminierungsarbeit als wirtschaftlich erwiesen habe („Diskriminierung kostet Geld“). Der Profisport müsse erkennen, dass soziale Vielfalt konstruktiv genutzt werden kann. Urban wünscht sich für den Profisport ein „Diversity Management“- Konzept, wie es in einigen Unternehmen in Form von eigenen Abteilungen bereits umgesetzt wird. „Diversity Management“ toleriere nicht nur die individuelle Verschiedenheit (engl.: diversity) der Mitarbeiter, sondern hebe diese im Sinne einer positiven Wertschätzung besonders hervor. Der Profifußball biete aber derzeit einen diametral entgegengesetzten Entwurf zu Verschiedenheit an: das einfältige Bild des Fußballers als „modernem Krieger“, der sich zuerst durch seine Dominanz und Unbesiegbarkeit auszeichnet. Schwulsein werde hierbei zur „Schwäche“, die es zu verdrängen gilt. Auffällige Parallelen zu solch archaischen Bildern seien vor allem bei der katholischen Kirche zu erkennen, da diese in den offiziellen Stellungnahmen zum Phänomen der Homosexualität und gleichgeschlechtlicher Lebensweise schwulen Männern stets ein defizitäres Selbstwertgefühl und die dadurch bedingte fehlende Eignung z.B. zum Priesteramt unterstellt. Daher wundere es Urban nicht, wenn er aus katholischen Kreisen, sogar aus dem Vatikan selbst um Rat in Fragen des Coming Out und der Diskriminierung im Berufsleben kontaktiert werde. Profisport und katholische Kirche seien Systeme, die sich in ihren Machtstrukturen ähneln, wo „Diversity“ aber nicht vorkommt. Die Aufrechterhaltung von Stereotypen zwecks Sicherung



Abschied nehmen von traditionellen Sexualvorstellungen in Kirche und Gesellschaft – Hinwendung zu veränderten Sexualvorstellungen

der Macht von Gremien und Einzelpersonen sei bei beiden Systemen stärker gewichtet als der immense finanzielle Schaden, den Diskriminierung anrichte.

Abschluss und Nachfragen

Aus dem Publikum kam zuerst die Frage, was der DFB konkret vorhabe, Homophobie im Fußball zu bekämpfen. Marcus Urban benannte hierzu zwei Schwerpunkte:

- Bildung einer „Nachhaltigkeitskommission“ mit dem Ziel der Entwicklung von Nachhaltigkeitsprogrammen für die einzelnen Vereine
- Ergänzung der Vereinsregeln um das Merkmal „sexuelle Orientierung“ als Nichtdiskriminierungsgrund

Urban räumte künftig konkreter zu benennenden Maßnahmen gute Chancen ein, da die Spieler nicht mehr so seien wie vor 50 Jahren. Zur Bekämpfung von Diskriminierung aufgrund der verschiedensten Merkmale verhielten sie sich heute positiver. Ein Vater äußerte die Sorge, seinem Sohn das Coming Out zu empfehlen. Urban gab diese Frage an Wolfgang Köhn weiter, der sie sehr ausführlich beantwortete. Der erste Schritt vor dem Bekenntnis zur eigenen Homosexualität müsse die Sicherheit des Verstanden- Werdens im Elternhaus sein. Dann sollte idealerweise die Vorbereitung des Kindes durch die Eltern erfolgen, was ihm als geoutetem Schwulen im Leben möglicherweise an Vorurteilen entgegengebracht werden könnte. Für den, der schwul empfindet, sei das Coming Out eine zweite Geburt. Da könne man als Elternteil nicht einfach sagen: „Okay, dann oute dich mal“.

Urban wurde erneut mit der Frage konfrontiert, warum er sich nicht gleich zu Beginn seiner Karriere geoutet habe. Er verwies hierbei auf seine damalige Befürchtung, einem ständigen Spießrutenlauf ausgesetzt zu sein. Günter Stümpel (Hamburg) wandte an dieser Stelle ein, sein Sohn sei Sportjournalist und stets offen mit seiner sexuellen Orientierung umgegangen. Die meisten Schwierigkeiten habe es bei der Betreuung einer Fünftligamannschaft gegeben, aber nicht etwa weil dort massiv Diskriminierung aufgetreten sei, sondern weil Spieler und Schiedsrichter zu ihm kamen und zahlreiche Fragen zu seinem Lebensweg und dem richtigen Umgang mit offen schwul lebenden Sportlern hatten.

Aufklärung über Homosexualität und gleichgeschlechtliche Lebensweisen habe es in der DDR nicht gegeben, zumindest nicht in der „Erfurter Provinz“, in der Marcus Urban aufgewachsen ist. Auf die Frage einer Mutter, warum es dann in den späten 1980er Filme wie „Coming Out“ gegeben habe, antworteten

einige Eltern mit dem Zwischenruf „Berlin!“, was auf die großstädtische Anonymität und die speziell im damaligen Ostteil Berlins existierenden „Schoppenstuben“ als bekannter wie geduldeter Treffpunkt für schwule Männer bezogen war.

Weiterführende Links

Homepage von Marcus Urban:

www.marcus-urban-soul design.com

Berliner Bündnis gegen Homophobie:

<http://www.buendnis.lsvd.de/>

Nach einem reichhaltigen Frühstück im Hotel warteten die Tagungsgäste gespannt auf den ersten von insgesamt 5 Referenten an diesem BET- Samstag. Neben dem Referenten Dr. Michael Brinkschröder waren im Zuhörerraum auch drei Ordensschwestern des Hospizvereins TAUWERK e.V. anwesend. Dieser Verein, der sich in Berlin-Pankow aus der Initiative franziskanischer Schwestern und Brüder entwickelt hat, verfolgt in seiner Arbeit das Ziel, schwer kranke und sterbende Menschen mit AIDS im Sinne der Hospizidee zu unterstützen und zu begleiten. Vor allem Schwester Juvenalis und Schwester Hannelore sind in Berlin auch durch ihre Medienpräsenz sehr bekannt, da sie in einer Nonnen-WG in Pankow leben und ihre Altbau-Wohnung mit Schwester Bernhildis, die als Köchin in einer Suppenküche für Obdachlose arbeitet, teilen. Die Anwesenheit der Schwestern als Teil der katholischen Kirche wurde von den Zuhörern mit freundlicher Zustimmung zur Kenntnis genommen.

Dr. Michael Brinkschröder: „Wer zu seinem Bruder sagt: ‚Schwuchtel‘. Zur Erneuerung der christlichen Sexualethik.“



Biografisches
Dr. Michael Brinkschröder, Jahrgang 1967, ist katholischer Theologe und Soziologe. Er arbeitet als Religionslehrer an einer Berufsschule in München. Langjähriger Herausgeber und Autor der Zeitschrift „Werkstatt Schwule Theologie“. Seine Dissertation hat den Titel „Sodom als Symptom. Gleichgeschlechtliche Sexualität im christlichen Imaginären - eine religionsgeschichtliche Anamnese“ (Berlin / New York 2006). Zusammen mit Wolfgang Schürger und Christian J. Herz Herausgeber des Bandes „Schwule Theologie. Identität - Spiritualität- Kontexte“ (Stuttgart2007). Seine Forschungs- und Arbeitsschwerpunkte liegen im Bereich Schwule Befreiungstheologie und Queer Theologie, die Bibel queer lesen sowie Schwule und Lesben in der katholischen Kirche Europas.

Die katholische Situation
Brinkschröder betrachtete zunächst seine Zuhörer und äußerte die Vermutung, dass auch unter den anwesenden Eltern, Freunden und Angehörigen von Homosexuellen der gesamtgesellschaftlich übliche Querschnitt religiöser Einstellungen vorhanden sei: von evangelisch über katholisch bis hin zu atheistisch, „hadernd“ oder „kirchlich engagiert“. Dies wurde von den Zuhörern mit einem freundlichen Schmunzeln kommentiert. Als nächstes grenzte der Referent seinen Vortrag dahingehend ein, andere Kirchen und Religionsgemeinschaften weitgehend aus seinem Vortrag auszuschließen, da er als katholischer Theologe spricht.
Die katholische Sexualmoral stecke seit der Veröffentlichung der Enzyklika „Humanae Vitae“ 1968 durch Papst Paul VI. in einer festgefahrenen Situation. Auf der von „Humanae Vitae“ vorgegebenen Linie bewegten sich bis heute auch die lehramtlichen Erklärungen, die näher auf das Phänomen der Homosexualität eingehen: Persona Humana, die „Erklärung zu einigen Fragen der Sexualethik“ von 1975 und die „Erklärung über die Seelsorge an Homosexuellen“ von 1986. Gleichgeschlechtliche Handlungen werden darin als eine objektive Sünde bewertet und die homosexuelle Neigung als „in sich sittlich ungeordnet“. Auch abweichende Äußerungen zur Frage der Homosexualität hätten Kontrollen und repressive Maßnahmen nach sich gezogen. Aufgrund der starken Kontrolle des akademischen Feldes der katholischen Moralthologie müsse man die 90er und die 00er Jahre als zwei verlorene Jahrzehnte betrachten. Die grundlegenden Paradigmenwechsel des Faches, z.B. die durch Franz-Josef Böckle vorange-

triebene Kritik des katholischen Naturrechtsdenkens, seien so erfolgt, dass ihre Konsequenzen für die Frage der Homosexualität nicht mitdiskutiert oder höchstens in Fußnoten versteckt angedeutet wurden. Unterdessen habe Joseph Ratzinger als Präfekt der Glaubenskongregation und als Papst die Weichen der offiziellen kirchlichen Lehre zur Homosexualität immer weiter in die entgegengesetzte Richtung verstellt: Homosexuelle dürfen demnach nicht in erzieherischen Einrichtungen tätig werden (1992) und sie dürfen nicht zu Priestern geweiht werden, wenn sie sich nicht mindestens drei Jahre von der „gay culture“ ferngehalten haben (2005). Eine großangelegte Kampagne wurde von Ratzinger gegen die rechtliche Anerkennung von gleichgeschlechtlichen Partnerschaften angezettelt. Ausgangspunkt dazu sei ein Schreiben der Glaubenskongregation von 2003. Die Kampagne wurde flankiert von Ermahnungen an katholische Politiker, gegen entsprechende Gesetzesinitiativen Widerstand zu leisten. Seit dem Pontifikat von Benedikt XVI. vergehe kaum eine Woche, in der er die Homosexualität nicht auf die eine oder andere Weise öffentlich verurteile. Kirchliche Mitarbeiter/-innen und Religionslehrer/-innen, die sich „verpartnern“ lassen, werden aus dem Dienst entlassen. Gleichzeitig fände sich auch in Deutschland selten ein Bischof, der die offizielle Lehre der Kirche zur Homosexualität in einer öffentlichen Diskussion vertritt. Dadurch entzögen sich die Bischöfe einer kritischen Auseinandersetzung. Umso schockierender habe deshalb das Statement des Essener Bischofs Franz-Josef Overbeck in der Talkshow „Anne Will“ gewirkt, dass Homosexualität Sünde ist. Die Aussage stellt laut Brinkschröder in Wirklichkeit eine von Overbeck offenbar gewünschte Verschärfung der katholischen Sexualmoral dar. Die Kirche lehre laut ihrem eigenen Katechismus nicht, dass homosexuelle Personen Sünder sind, sondern dass homosexuelle Handlungen als Sünde zu betrachten sind. Seit dem Jahr 2010 habe sich die Situation der katholischen Kirche in Deutschland noch einmal grundlegend verändert. Durch die Aufdeckung der zahlreichen Fälle sexuellen Missbrauchs von Internatsschülern, Messdienern und anderen Kindern und Jugendlichen aus den Gemeinden, durch die offengelegten Akte der Vertuschung, des Schutzes der Täter und der Einschüchterung der Opfer stehe die Sexualmoral der Kirche als ganze auf dem Prüfstand. Die üblichen Versuche, Formen der Pädosexualität und der sexuellen Gewalt ausschließlich den schwulen Priestern in die Schuhe zu schieben, würden

jedoch dieses Mal aus den Reihen des Vatikans selbst zurückgewiesen. „Lichtblicke“ sieht Brinkschröder derzeit lediglich bei der internationalen katholischen Kirchenvolksbewegung „Wir sind Kirche“, welche sich das Thema Homosexualität „nach einigen Jahren des Zögerns“ mittlerweile zu eigen gemacht hat. Positiv zu verzeichnen sei ebenso, dass einzelne deutschsprachige Diözesen wie z. B. Freiburg und Osnabrück offiziell eine Homosexuellenseelsorge eingerichtet haben. Doch der Wechsel von einem Bischof zu seinem Nachfolger könne das Erreichte in kürzester Zeit wieder vernichten. Der Vorsitzende der katholischen Deutschen Bischofskonferenz, Robert Zollitsch, habe als Reaktion auf die Missbrauchskrise angekündigt, dass die Bischöfe demnächst einen „strukturierten Dialog“ mit der Gesellschaft beginnen wollen. Als die DBK jedoch bei ihrer Frühjahrstagung 2011 das genaue Konzept für diesen Dialog bekannt gab, habe Bischof Overbeck erklärt, dass so genannte „lehramtlich geklärte Themen“, also das Priestertum der Frau, die Priesterweihe erprobter, verheirateter Männer und natürlich die Frage der Homosexualität nicht auf der Tagesordnung stünden.

Kirchliche Buße für „Sodomiter“ – eine Zeitreise
Brinkschröder hob hervor, dass die katholische Sexualmoral ohne eine „Sexualethik“ ist. Bei dieser geht es darum, die Menschen darauf vorzubereiten, über ihre sexuellen Handlungen eigenständig zu reflektieren und eigenverantwortlich zu entscheiden. Gleichgeschlechtliche Sexualhandlungen sind in der katholischen Kirche verboten und werden als Sünde eingestuft. Der vorgeschriebene Umgang mit dieser Sünde ist der klassische Dreischritt aus Reue, Bekenntnis und Buße, die er historisch in mehrere Stufen einteilte:
- Ausgangspunkt der kirchlichen Morallehre über gleichgeschlechtliche Handlungen sind die Verbote mann-männlichen Beischlafs im Alten Testament (3. Buch Mose Kap.18, V.22; Kap.20,V.13), eine gleichgeschlechtliche Deutung der Sünde Sodoms (1. Mose Kap.19) und die moralische und vorweggenommene Verurteilung des Geschlechtsverkehrs zwischen Männern beim Jüngsten Gericht (Römerbrief Kap. 1 Vers27; 1. Korintherbrief kap. 6,Vers9f.; 1. Timotheusbrief Kap. 1, Vers10).
- Anhand der frühmittelalterlichen Bußbücher, die – aus Irland und England kommend – vom 5.–11. Jh. auf dem europäischen Festland in Gebrauch waren, wurde der Geschlechtsverkehr zwischen Männern und auch der zwischen Frauen mit einer Buße zwischen

3 und 10 Jahren Fasten belegt. Fasten bedeutete hier den Verzicht auf Fleisch an 3 Tagen in der Woche sowie in der Fasten- und Adventszeit.
- In der Zeit der karolingischen Reform, also im 8./9. Jh., verlangten mehrere Stimmen die Anhebung der Buße auf 20 Jahre, verbunden mit einer entsprechenden Zeit der Exkommunikation.
- Die nächste Stufe begann mit dem Begründer des Kirchenrechts, Gratian, der im 12. Jh. die Sodomie zur schlimmsten aller Sünden erklärte und sie auf eine Stufe mit Mord stellte. Diese so genannte „Graduslehre“ Gratians wurde für das Kirchenrecht maßgeblich. Freilich seien die Strafen für Angehörige des Klerus immer deutlich milder gewesen als die für Laien, die den weltlichen Gerichten ausgeliefert wurden.
- Ab der Mitte des 13. Jh. setzte dann, beginnend in den oberitalienischen Städten, zum Teil auf päpstlichen Druck hin aber auch freiwillig, eine Rechtsentwicklung ein, die sodomitische Akte mit der Todesstrafe ahndete. In der Regel wurde die Verbrennung angeordnet.
- Erst das Zeitalter der Aufklärung wandte sich von dieser aus apokalyptischen Ängsten und der biblischen Offenbarung begründeten Strafe ab und suchte nach einem rationalen Strafsystem. Da die Sodomie niemandem einen Schaden zufügte, fanden die fortschrittlichen Juristen des 18. Jh. ihre Bestrafung unbegründet. Eine entscheidende Rolle bei der Abschaffung der Todesstrafe hat jedoch die Pariser Polizei gespielt. Sie schuf ein effektives Netz von Spitzeln und sammelte ihr Wissen in einer systematisch gepflegten Kartei. Die Polizei wollte demonstrieren, dass sie dieses „Sittlichkeitsproblem“ besser beherrschen kann als die Gerichte, die nur Kapitalverbrechen ahndeten. Eine Entscheidung der Nationalversammlung schaffte schließlich 1791 im Zuge der französischen Revolution die Strafbarkeit sodomitischer Handlungen gänzlich ab. Preußens aufgeklärter Monarch, Friedrich II., beendete die Todesstrafe ebenfalls, ersetzte sie jedoch durch Kerkerhaft. Diese Entscheidung habe die Gesetze auf deutschem Boden bis zur endgültigen Aufhebung des § 175 im Jahr 1994 geprägt. Zur Begründung dafür wurde von Politikern und Richtern immer wieder auf christliche Sittlichkeitsvorstellungen verwiesen.
Sexuelle Orientierung und der Kern der Person
Laut Brinkschröder sprechen mittelalterliche Texte zwar des Öfteren davon, dass diese Handlungen sich bei manchen Sodomitern zu einem „Habitus“,

einer „sündigen Gewohnheit“, verfestigt haben, aber sie gelangen nicht zu der modernen Vorstellung einer „sexuellen Orientierung“. Sie verknüpfen die homosexuelle Handlung lediglich mit einer innerpsychischen „Neigung zum Bösen“, die sich gegen die Selbstbeherrschung des Willens durchsetzt, wenn es zu dieser Sünde kommt. Um **1900** herum bildete sich dann aber eine neue Selbst- und Fremdbeschreibung heraus. Männer und später auch Frauen erzählten von ihrem Leben so, dass die Anziehung durch Personen des gleichen Geschlechts ein konstante, das ganze Leben prägende Element ihrer Persönlichkeit war. In der Phase bis zum I. Weltkrieg wurde die sexuelle Orientierung immer deutlicher als eine eigenständige Dimension der Persönlichkeit erkennbar. Durch den Willen oder durch reparative Therapien kann die sexuelle Orientierung nicht mehr dauerhaft revidiert werden. Die sexuelle Orientierung gehört, so das Fazit dieser Entwicklung, zum Kernbereich der Persönlichkeit. Aus diesem Grund werden homosexuelle Handlungen von Schwulen und Lesben nicht als etwas „Widernatürliches“, sondern als etwas zutiefst Natürliches, der eigenen Persönlichkeit Entsprechendes empfunden. Diesen Wandel im Menschenbild habe die katholische Lehre bis heute nicht oder nur sehr zögerlich nachvollzogen. Sichtbar wird das vor allem daran, dass lehramtliche Texte immer noch vielfach von „homosexuellen Neigungen“ sprechen. An Priester und an Menschen mit homosexuellen Neigungen stellt sie die gleiche Anforderung des sexuell enthaltenen Lebens. Auf der einen Seite wird der Zölibat als eine große religiöse Leistung betrachtet, auf der anderen Seite als Rettung vor dem Sturz in den Abgrund der Sünde. Das eine ist freiwillig, das andere gewissermaßen notwendig. Trotzdem halte die Kirche hier für beide Gruppen ein übereinstimmendes Muster der Lebensführung bereit, das zur Verwechslung einlädt. Obwohl es ihr für eine moralische Beurteilung auf die homosexuellen Handlungen ankommt, hat die Kirche in ihrer Ehegerichtsbarkeit inzwischen anerkannt, dass die homosexuelle Neigung ein Ehehindernis darstellt und die Annullierung einer Ehe rechtfertigt. Damit akzeptiere sie aber logischerweise, dass es so etwas wie eine dauerhafte sexuelle Orientierung gibt.

Freiheit, Menschenwürde und sexuelle Orientierung

Die katholische Kirche verlangt von Menschen mit einer homosexuellen Orientierung, dass sie um der von Gott geschaffenen Ordnung der Natur willen darauf verzichten, ihre sexuelle Orientierung praktisch auszuleben. Homosexuelle Menschen sind zur

Keuschheit berufen, wie der Katechismus sagt. Sie sollen also ihre Triebstruktur bekämpfen und eine Entscheidung gegen die Impulse ihres Leibes treffen. Diese Grundentscheidung folgt einem Gottesbild, bei dem Gott eine Spaltung zwischen Körper und Seele (Platon) bzw. Fleisch und Geist (Paulus) verlangt. Selbstverständlich sei es möglich, dass gläubige Menschen ihre Identität auf der Grundlage einer solchen, frei getroffenen Wertentscheidung definieren. Doch die negativen Folgen einer solchen Entscheidung lägen auf der Hand. Da eine hundertprozentige Unterdrückung oder „Sublimierung“ der Sexualität nicht möglich ist, komme es notwendigerweise immer wieder zu „Sünden“, und sei es nur in der Phantasie. Daraus entspringen Schuldgefühle, von denen man sich durch die Beichte entlasten muss. Auf diese Weise wächst eine pathologische Abhängigkeit vom kirchlichen Heilsangebot. Zugleich laufen diese Personen Gefahr, ihre homosexuelle Orientierung zu verleugnen und die empfundenen Versuchungen und Gefährdungen auf andere zu projizieren, indem sie z.B. Schwule und Lesben dämonisieren oder eine Verführungstheorie entwickeln, wie sie in den 50er Jahren weit verbreitet war. Die Alternative zu diesem katholischen „Teufelskreis“ liegt in der Akzeptanz der homosexuellen Orientierung, verbunden mit der Entscheidung für ein Leben im Einklang mit den Bedürfnissen des eigenen Leibes und für die Möglichkeit erfüllender und glücklicher Liebesbeziehungen.

Menschenwürde und die Botschaft Jesu

Wichtig für die innerkirchliche Debatte ist laut Brinkschröder ein Verständnis, das die Menschenwürde als „verkörperte Selbstachtung“ auffasst. Als Mitglieder der menschlichen Spezies hat jeder Mensch einen Anspruch darauf als ebenbürtig behandelt zu werden. Damit jeder Mensch Selbstachtung entwickeln und sich als ein solches ebenbürtiges Mitglied der Menschheit aus Fleisch und Blut ansehen kann, habe die Gesellschaft die Aufgabe, für jede und jeden einen Schutzraum zu gewährleisten. Dies bedeute zum einen, dass die Befriedigung der Grundbedürfnisse sichergestellt, zum anderen, dass der Mensch durch gesellschaftliche Institutionen vor Demütigungen und Diskriminierungen geschützt werden muss. Demütigungen können die Entfaltung und Ausbildung seiner Selbstachtung angreifen und sogar zerstören.

Brinkschröder erläuterte anhand der Bergpredigt, dass Jesus in **Mt. 5,22** eine solche Forderung erhebt. Der Referent registrierte die erstaunten Blicke aus dem Zuhörerraum und merkte heiter an, dass die Zuhörer natürlich von diesem Vers aus der Bibel noch

nichts gehört haben, da er erstens textkritisch und zweitens philologisch umstritten sei. Dem grundlegenden Gesetz: „Du sollst nicht morden!“ gibt Jesus eine Deutung, die auch den Schutz vor Schimpfwörtern und verbalen Demütigungen umfasst:

„21 Ihr habt gehört, dass zu den Alten gesagt worden ist: ‚Du sollst nicht morden!‘ Wer aber jemanden mordet, wird vor Gericht gestellt werden. 22 Ich aber sage euch: Jeder, der seinem Bruder auch nur zürnt, wird vor Gericht gestellt werden; wer aber zu seinem Bruder sagt: ‚Schwuchtel!‘, wird vor den Hohen Rat (=Synedion) gestellt werden; wer aber zu ihm sagt: ‚(Samen-)Schleuder!‘, wird in die Hölle des Feuers übergeben werden.“

Bei der Textkritik geht es um die Frage, anhand der erhaltenen Manuskripte zu definieren, welchen Wortlaut der Urtext der Bibel hatte und zu rekonstruieren, wie die Abweichungen davon zu erklären sind. Bei der Philologie geht es in diesem Fall um die Fragen, aus welcher Sprache ein Wort stammt, welche grammatische Form es hat und wie es zu übersetzen ist. In **Mt 5,22** geht es zunächst darum, ob das erste Schimpfwort „raka“ oder „racha“ heißt. Raka bedeutet so viel wie „hohl, leer“ und wird meist mit Hohlkopf oder Dummkopf übersetzt: „Wer zu seinem Bruder sagt: Du Dummkopf, wird vor den Hohen Rat gestellt werden“. Das aramäische Wort „racha“ dagegen kommt von „weich“ und hat eine weibliche Endung. Es bedeutet daher so viel wie Weichling oder, um die Schärfe der Beleidigung und die Verweiblichung deutlich zu machen, „Schwuchtel“. **„Wer zu seinem Bruder sagt: ‚Schwuchtel‘**, wird vor den Hohen Rat gestellt werden.“ Die Lesart „racha“, also Schwuchtel, sei im sogenannten „westlichen Texttyp“ bezeugt. Sie stehe in drei griechischen Codices aus dem 4. und 5. Jahrhundert, und fast alle alten lateinischen Übersetzungen bringen das hebräische oder aramäische Wort „racha“. Das zweite Wort „more“ stellt den Ausleger vor die Frage, ob das ein griechisches Schimpfwort ist. Dann würde es parallel zu „raka“ ebenfalls „Dummkopf“ oder „Idiot“ bedeuten. Das hebräische „more“ wiederum kann zwei Bedeutungen haben. Entweder ist es ein „Rebell“, der sich störrisch gegen den Willen der Eltern verhält oder der die Existenz Gottes leugnet. Dieser Rebell soll aus der Familie oder der Synagoge ausgeschlossen werden. Oder „more“ ist das Partizip Aktiv Hiphil des Verbs yarah, das „schleudern, (Bogen) schießen oder (Steine) werfen“ bedeutet. Als Gegenstück zu „racha“ könnte das wiederum eine sexuelle Bedeutung haben so wie das Wort „ejaku-

lieren“, das ja auch „auswerfen“ bedeutet. Heraus komme dann ein Paar von Beschimpfungen, das sich wie die Kombination aus „malakoi“ und „arsenokoitai“, „Weichlinge und Männerbeschläfer“, von der Paulus in 1 Kor 6,10 spricht, auf die beiden Rollen beim Analverkehr zwischen Männern bezieht. Doch im Gegensatz zu Paulus, der ihnen ankündigt, vom Reich Gottes ausgeschlossen zu werden, vertritt Jesus die Position, dass diejenigen, die sie beleidigen und angreifen, im Feuer der Hölle schmoren werden. Der Referent betonte, er empfinde das Wort „Schwuchtel“ als das erniedrigendste Schimpfwort, das es in der deutschen Sprache gibt, um Schwule zu demütigen oder um jemanden als schwul zu beleidigen, der es vielleicht gar nicht ist. In dieser Beleidigung stecke eine große Portion Hass und Aggression. Jesus mache mit seiner Auslegung des Gebots „Du sollst nicht morden“ deutlich, dass der Affekt des Zorns und die verbale Attacke mit Mord durchaus in einem Zusammenhang stehen. Wer Mitmenschen auf solche Weise entwürdigt, schafft die Voraussetzung dafür, dass sie auch zum Spielball für physische Angriffe werden können. Sozialwissenschaftliche Forschungen zeigten, dass die Skala der Diskriminierung bei der Verachtung beginnt, die sich in Beleidigungen äußert, und in extremen Fällen bei körperlichen Attacken, Verletzungen oder sogar Mord endet. Wer also das Gebot „Du sollst nicht morden“ in seiner ganzen Tiefe befolgen wolle, dürfe auch niemanden diskriminieren. Auch hier liegt ein Ansatzpunkt für eine erneuerte kirchliche Sexualethik.

Nachfragen und Diskussion

Aus den Reihen der Teilnehmer kam zuerst die Nachfrage, wie man konkret vorgeht, damit bei der katholischen Kirche etwas in Bewegung geraten kann. Dialogpartner müssten schon die Bischöfe und letztlich auch der Papst als Kirchenoberhaupt sein. Brinkschröder wies leicht warnend darauf hin, dass Eltern, Freunde und Angehörige sich bei möglichen künftigen Dialogen mit der Amtskirche auf theologische Denkweisen einstellen sollten. Schrift und Tradition seien bei der Kirche höher gewichtet als z.B. die persönliche Begegnung mit Eltern homosexueller Kinder. Hinsichtlich eines möglichen Kirchenaustritts aufgrund der offenen Diskriminierung homosexuell liebender Menschen in der katholischen Sexualmoral gestand der Referent, dass die Verlockung, diesen Schritt zu tun, auch für ihn schon groß gewesen sei. Man dürfe aber eine Organisation mit über einer Million Mitgliedern weltweit, unter denen auch nicht wenige Schwule und Lesben seien, nicht im Stich

lassen, auch wenn sie in Fragen der Sexualmoral 40 Jahre hinter der evangelischen Kirche herhinkt. Renate Löhr regte an, besser ein gesamtgesellschaftliches Bewusstsein zu schaffen, bei dem Diskriminierung homosexuell liebender Menschen geächtet und bekämpft werden müsse, unabhängig davon, was eine Institution in 2000 Jahren in dieser Frage verkehrt gemacht habe. Brinkschröder hält dies für schwierig, da in der katholischen Kirche neben einer größeren Hierarchisierung und Zentralisierung im Vergleich zu anderen Kirchen und Religionen vor allem der Aspekt des „Gehorsams“ eine große Rolle spielt. „Erinnern sie sich: die Gründung der evangelischen Kirche begann mit einem Akt des Ungehorsams.“ Gläubige Katholiken zeigten hier tendenziell eine größere Bereitschaft, sich Dinge „von oben vorsetzen zu lassen“. Trotz steigender Austrittszahlen sei der gesellschaftliche Einfluss der katholischen Kirche immer noch groß, da müssten solche Details in kommenden Auseinandersetzungen beachtet werden. Trotz dieses „Gehorsams“ befürworten nach eigener Einschätzung des Referenten gut 95% der Laien die Gleichberechtigung von Homosexuellen. Es fehle im System katholische Kirche aber der Gedanke der Nachhaltigkeit, damit aus Forderungen auch Veränderungen werden könnten

Weiterführende Links

Hospizdienst Tauwerk e.V.: <http://www.hospiztauwerk.de>

Werkstatt schwule Theologie: <http://www.westh.de>

Axel J. Schmidt, MD MPH: Sexualverhalten Schwuler Männer



Biografisches

Axel J. Schmidt ist Arzt und Epidemiologe und arbeitet aktuell als Koordinator des Europäischen MSM Internet Surveys (EMIS) am Robert Koch Institut in Berlin. Klinische Erfahrungen erwarb er von 2001 bis 2004 in den Bereichen Infektiologie (HIV, Hepatitis, und andere sexuell übertragbare Infektionen) sowie Allgemein- und Proktochirurgie. Master of Public Health 2005. Seit 2001 Multiplikatorenschulung und Erwachsenenbildung für die Deutsche AIDS-Hilfe („Medizinische Rundreise). Seit 2006 führte er gemeinsam mit dem Epidemiologen Ulrich Marcus am Robert-Koch-Institut und dem Soziologen Michael Bochow am Wissenschaftszentrum Berlin für Sozialforschung sozial- und infektionsepidemiologische sowie sozialwissenschaftliche Studien zum Sexualverhalten und Präventionsbedarf bei schwulen und bisexuellen Männern durch.

„Wer spielt den Mann und wer die Frau?“

Mit dieser etwas provokanten Überschrift eröffnete Axel J. Schmidt seinen Vortrag aus ermittelten Daten zur männlichen Homosexualität in sozialwissenschaftlicher und epidemiologischer Perspektive.

In Anlehnung an einen Vortrag des Soziologen Michael Bochow (1), mit dem Schmidt in den letzten Jahren eng zusammengearbeitet hatte, gliederte sich der Vortrag entlang dreier Fragen, die heterosexuelle Menschen typischerweise einfielen, wenn sie über homosexuelle Menschen nachdenken.

- 1) Wie entsteht das denn?
- 2) Wie viele gibt's denn davon?
- 3) Wer spielt den Mann, wer die Frau?

Seit Mitte der 1980er Jahre trete zudem eine weitere Frage in den Vordergrund, die allerdings etwas verhaltener gestellt werde:

- 4) Sind die nicht alle HIV-infiziert?

Dominierende Annahmen zur Genese von Homosexualität in Europa („Wie entsteht das denn?“)

Die Frage nach der Genese von Homosexualität habe bis in die späten 70er Jahre des 20. Jahrhunderts vor allem die Frage impliziert, wie eine als Fehlentwicklung wahrgenommene Homosexualität in eine „gesunde“ Heterosexualität überführt werden könne. Anfang des 19. Jahrhunderts – der Begriff „Homosexualität“ existierte noch nicht – dominierte eine christliche Sichtweise, nach der gleichgeschlechtliche Sexualität (Sodomie) sündhaft sei. „Sünder

mussten im christlichen Europa bestraft werden, und die Strafen waren drakonisch. Frankreichs laizistischer Code Civil machte hier eine rühmliche Ausnahme“ (1). In der zweiten Hälfte des 19. Jahrhunderts habe sich ein medizinisch-psychiatrischer Blickwinkel durchgesetzt; gleichgeschlechtliche Sexualkontakte wurden als Ausdruck einer biologisch-krankhaften Entwicklung angesehen, Schlüsselbegriffe dieser Epoche seien „Entartung“ oder „Degeneration“. Sigmund Freud habe mit dem Paradigma der angeborenen Degeneration gebrochen und das Konzept einer bisexuellen Disposition des Menschen entwickelt, jedoch ohne in einer homosexuellen Entwicklung eine gleichwertige Alternative zu einer heterosexuellen Entwicklung zu sehen. Der Sexualwissenschaftler Magnus Hirschfeld sei wiederum, um eine Gleichwertigkeit begründen zu können, davon ausgegangen, Homosexualität sei angeboren („Drittes Geschlecht“). Im letzten Drittel des 20. Jahrhunderts habe in den westlichen Gesellschaften eine zunehmende Liberalisierung stattgefunden – der Sexualität im Allgemeinen und der Homosexualität im Besonderen.

Hinsichtlich unterschiedlicher zeitgenössischer Annahmen zur Genese von Homosexualität verwies Schmidt exemplarisch auf die Psychoanalytiker Reimut Reiche und Eva S. Poluda. Reiche vertrete die Hypothese einer frühzeitigen Festlegung der Homosexualität in den ersten Lebensjahren: [Es gibt viele] „gehemmte Männer, die Jahrzehnte ihres erwachsenen Lebens damit verbringen, nicht homosexuell zu werden. Oft geschieht es, dass sie sich im fünften oder sechsten Jahrzehnt ihres Lebens eingestehen, manchmal erst mit psychoanalytischer Hilfe, dass sie homosexuell sind – und dann machen sie, wenn ihre Lebenskraft dafür noch ausreicht, eine dramatische Erkenntnisreise rückwärts durch ihr Leben und stellen fest, dass sie immer schon homosexuell gewesen sind.“ Poluda hingegen gehe bei der Polarität „homosexuell-heterosexuell“ weniger von einem Entweder-Oder aus als von einem individuellen „Mehr oder Weniger innerhalb eines polarisierten Kontinuums humaner Potentialitäten.“ Demnach sei Wahl des Liebesobjekts nach dem gleichen oder dem anderen Geschlecht kein trennscharfes Kriterium, um hinreichend homogene bzw. konsistente oder charakterliche Gruppen voneinander zu unterscheiden.

Als Gedankenspiel dazu konfrontierte Schmidt die vorwiegend heterosexuellen Zuhörer und Zuhörerinnen mit der Bitte, sich die Frage zu stellen, ob sie sexuell eher Brad Pitt mit einer Vagina oder Angelina

Jolie mit einem Penis bevorzugten ...

Zum Anteil homosexueller Menschen in der erwachsenen Bevölkerung „Wie viele gibt's denn davon?“

„Kaum eine Zahl wurde so irreführend von Generationen von Schwulengruppen in der Öffentlichkeit geschwenkt wie der Anteil von 10 % Homosexuellen, die Kinsey angeblich in den 40er Jahren in den USA ermittelt hatte“ (1).

Noch bis in die 1960er Jahre, so Schmidt, seien in Deutschland und vielen anderen westeuropäischen Ländern Männer wegen gleichgeschlechtlicher Sexualkontakte inhaftiert worden. Daraus ergäben sich bis heute Schwierigkeiten, sozial eher unerwünschtes Verhalten abzufragen.

Weiterhin verwies er auf die unterschiedlichen Definitionen von Homosexualität. Dabei unterschied er drei verschiedene Dimensionen sexueller Orientierung und der damit einhergehenden Schwierigkeit, den Anteil homosexueller Menschen in der Bevölkerung zu bestimmen:

- Sexuelle Identität (Selbstbezeichnungen wie etwa „schwul“ oder „lesbisch“ seien in hohem Ausmaß zeitlich-kulturellen Einflüssen unterworfen)
- Sexuelles Begehren (Wie bei der sexuellen Identität werde hier nicht zwischen gelebt und nicht gelebter Sexualität unterschieden)
- Sexuelles Verhalten (unterschiedliche zeitliche Bezugsrahmen: Gleichgeschlechtliche Sexualkontakte z.B. jemals, in den letzten 5 Jahren, oder in den letzten 12 Monaten)

Schmidt betonte, dass in Deutschland die meisten Forschungsprojekte zu „schwulen Männern“ erst durch das Auftreten von HIV in den 1980er Jahren zustande gekommen und somit in erster Linie in der Epidemiologie zu verorten seien. Daher gebe es auch deutlich weniger Forschung zu lesbischen Frauen.

Epidemiologische Forschung interessiere sich in erster Linie für sexuelles Verhalten, weshalb in der Epidemiologie weniger von „homosexuellen Männern“ gesprochen werde, sondern vielmehr von „Männern, die Sex mit Männern haben“ (MSM). Mit verschiedenen Folien zeigte Schmidt die Ergebnisse repräsentativer Befragungen der Allgemeinbevölke-

rung verschiedener Länder. In Deutschland, England, Frankreich, Finnland, Spanien, aber auch in Australien, den USA oder Brasilien lag der Anteil der Männer, die jemals in ihrem Leben sexuelle Kontakte mit Männern hatten, in der Regel unter 5 %. Ein Großteil dieser Kontakte sei jedoch eher sporadisch und finde vor dem zwanzigsten Lebensjahr statt. Werden für gleichgeschlechtliche Kontakte nur die letzten 12 Monate oder die letzten 5 Jahre betrachtet, lag der Anteil der MSM in den unterschiedlichen Studien bei 2-3 %. Für Frauen, die Sex mit Frauen haben, war dieser Anteil etwas niedriger.

Beim Abschätzen regionaler Häufungen in Deutschland seien Konzentrationseffekte zu berücksichtigen, da insbesondere als schwul identifizierte Männer zwischen dem 20sten und 30sten Lebensjahr in bestimmte Metropolen (vor allem Berlin, Hamburg, Köln, Frankfurt, München) abwanderten.

Homosexualität und heterozentristische Zuschreibungen zu Geschlechterrollen

„Wer spielt den Mann und wer die Frau?“

Zur Lebenssituation schwuler Männer in Deutschland stellte Schmidt vorläufige Ergebnisse aus der bis dato größten Befragung schwuler und bisexueller Männer in Europa vor (European MSM Internet Survey 2010), von denen hier einige wiedergegeben werden (2):

- Drei Viertel der knapp 55.000 befragten Männer bezeichneten sich selbst als schwul oder homosexuell und 17 % als bisexuell. Der Rest verstand sich als heterosexuell oder lehnte jeden Begriff für eine sexuelle Identität ab.
- 11 % gaben an, dass niemand, und 16 %, dass nur wenige Menschen in ihrem Umfeld von ihrer Homosexualität wüssten. Dies zeige eindrücklich, dass auch in Deutschland im Jahre 2010 Sex zwischen Männern von einem bedeutenden Anteil verheimlicht wird; vor allem in kleineren Städten und auf dem Lande, bei Männern unter 20 oder über 60 Jahren.
- Über homophobe verbale Attacken berichtete ein Drittel der Befragten, und zwei Drittel der unter 20jährigen MSM, in dieser Altersgruppe hätten auch 7 % bereits Erfahrungen mit physischer, antischwuler Gewalt machen müssen. Im europäischen Vergleich liege Deutschland hier eher im Mittelfeld.

Schmidt zeigte auch auf, dass die Mehrheit der

befragten Männer keine typischen „Szeneorte“ schwuler Männer frequentiert habe: Zwei Drittel könnten als „zeneferne“ bezeichnet werden; die übrigen hätten vorwiegend „Orte schwuler Geselligkeit“ aufgesucht. Nur 14 % hätten Orte für schnellen Sex unter Männern (Saunen, Darkrooms etc.) besucht.

Safere Zeiten: Die Schwulen und das HIV
Schmidt zeigte Schätzungen für die Häufigkeit (diagnostizierter) HIV-Infektionen bei MSM in den deutschen Bundesländern sowie in ausgewählten Großstädten. Diese seien je nach Bundesland recht unterschiedlich; in den alten Bundesländern um die 5 %, in den neuen Bundesländern um die 3 %. In den Städten Berlin, Hamburg, Bremen, Frankfurt, München, Köln um die 10 %.

Schmidt betonte, HIV werde zwischen Männern nur dann sexuell übertragen, wenn einer von beiden mit HIV infiziert ist und beide miteinander ungeschützten Analverkehr hätten; dies mute zwar trivial an, in der Allgemeinbevölkerung werde jedoch häufig davon ausgegangen, dass jede sexuelle Praktik und vor allem jeder ungeschützte Sexualkontakt riskant sei. Auch werde das Risiko einer Ansteckung mit HIV pro (anal-)sexuellem Akt in der Regel weit überschätzt, betrage jedoch nur etwa 1:100. Der Gebrauch von Kondomen senke dieses Risiko um ca. 90 %, das heißt auf etwa 1:1000.

Was brauchen schwule Männer, um sich besser schützen zu können?
In Anbetracht der zwischen 2001 und 2008 zunehmenden HIV-Neudiagnosen bei MSM und entgegen der häufig in den Medien verbreiteten Ansicht, bei schwulen Männern breite sich eine zunehmende „Sorglosigkeit“ aus, bemerkte Schmidt, dass die empirischen Daten ein anhaltend hohes Schutzverhalten bei schwulen Männer in Deutschland zeigen. Die meisten schwulen Männer nehmen Kondome bei den meisten infektionsrelevanten Kontakten (Analverkehr), zumindest außerhalb fester Partnerschaften. Allerdings sei zu beobachten, dass Analverkehr immer häufiger praktiziert werde.

Zuletzt verwies Schmidt auf die aktuelle Präventionskampagne der Deutschen AIDS-Hilfe (www.iwwit.de), welche darauf abziele, schwule und bisexuelle Männer darin zu bestärken, „ihre Gesundheitsinteressen eigenmächtig, selbstverantwortlich und selbstbewusst“ (Dirk Sander, Dt. AIDS-Hilfe) zu vertreten und zu gestalten. Statt subtil mit dem Vorwurf der Fahrlässigkeit zu arbeiten, sei es wichtig, die hohe

Schutzmotivation der meisten schwulen Männer anzuerkennen. Die Kampagne habe außerdem aktuelle Trends im Verhalten schwuler Männer aufgegriffen und sinnvoll integriert, etwa indem mit echten Rollenmodellen für schwule Männer in unterschiedlichen Lebenssituationen gearbeitet werde.

Im Anschluss an das Referat ging Schmidt ausführlich auf Fragen aus dem Publikum ein. Diese betrafen in erster Linie die Schätzungen zur Häufigkeit von HIV sowie des Anteils schwuler Männer an der Gesamtbevölkerung.

(Beitrag erstellt von Gerhard Schmidt mit Unterstützung durch den Referenten)

(1) Michael Bochow: Sozial- und sexualwissenschaftliche Erkenntnisse zur Homosexualität. In: Gleichgeschlechtliche Lebensgemeinschaften in sozialethischer und rechtlicher Perspektive, epd-dokumentation, 23-24/2001:42-50; epd: evangelischer Pressedienst

(2) <http://www.emis-project.eu>

Zum Weiterlesen:
Ausgewählte öffentlich zugängliche Publikationen von Axel J Schmidt:

- Schwule Männer und HIV/AIDS: Lebensstile, Szene, Sex 2007. AIDS Forum DAH Bd 55. Berlin: AIDS Forum Deutsche AIDS Hilfe: <http://www.aidshilfe.de/de/shop/forumsband-schwule-maenner-und-hiv-aids-2007-band-55>
- Self-reported history of sexually transmissible infections (STIs) and STI-related utilization of the German health care system by men who have sex with men: data from a large convenience sample BMC Infectious Diseases 2011, 11:132. <http://www.biomedcentral.com/1471-2334/11/132>
- Trouble with Bleeding: Risk Factors for Acute Hepatitis C among HIV-Positive Gay Men from Germany—A Case-Control Study: <http://edoc.rki.de/oa/articles/rec3Bq2y0a5X2/PDF/24AGwdYeiHBpo.pdf>
- Trends in Risk Taking and Risk Reduction Among German MSM. Results of Follow-Up Surveys „Gay Men and AIDS“ 1991-2007. WZB Discussion Paper. Berlin: WZB. <http://bibliothek.wzb.eu/pdf/2009/i09-303.pdf>
- ‚Das schnelle Date‘. Internetgestützte Sexualkontakte und HIV-Infektionsrisiko - Ergebnisse einer 2006 durchgeführten Internetbefragung. WZB Discussion Paper. Berlin: WZB. <http://bibliothek.wzb.eu/pdf/2009/i09-301.pdf>
- Estimating the regional distribution of men who have sex with men (MSM) based on Internet surveys: <http://edoc.rki.de/oa/articles/recHoHdLJgvLE/PDF/2999593sfx2k.pdf>
- The denominator problem: Estimating MSM-specific incidence of sexually transmitted infections and prevalence of HIV using population sizes of MSM derived from Internet surveys: <http://edoc.rki.de/oa/articles/recHoHdLJgvLE/PDF/26LqInUovIeTE.pdf>

Dr. Dr. Stefan Nagel: Aktuelle Diskurse zu gleichgeschlechtlichen Lebensweisen, Problemen des Naturbegriffs und zum Stand der medizinisch-psychologischen Forschung



Biografisches
Dr. med. Dr. phil. Stefan Nagel ist seit 1993 Facharzt für Psychotherapeutische Medizin und Psychoanalytiker. Nach langjähriger Niederlassung in Düsseldorf ist er jetzt als leitender Oberarzt in der HELIOS Klinik Schwedenstein, einer Fachklinik für psychosomatische Medizin, in Pulsnitz bei Dresden tätig. Nach dem Studium der Medizin mit medizinischem Staatsexamen 1983 sowie Promotion zum Dr. med. erfolgte 1986 auch die Promotion zum Dr. phil. in Germanistik und Philosophie. Neben einer regen Vortragstätigkeit in diesen Fächern liegen spezielle Schwerpunkte seiner Arbeit als Mediziner in der Sexualtherapie und der psychotherapeutischen Betreuung von HIV-Patienten.

Fragerunde
Aufgrund der bereits fortgeschrittenen Zeit bot Nagel an, keinen geschlossenen Vortrag zu halten, sondern Fragen aus dem Publikum zu beantworten und dabei einige seiner Thesen in die Antworten einzuarbeiten. Dieses Vorgehen wurde von Seiten der Zuhörer begrüßt.

Gibt es eine genetische Veranlagung zur Homosexualität?
Nagel verneinte diese Frage. Trotz zahlreicher Untersuchungen sei ein bestimmtes Gen oder ein bestimmtes genetisches Merkmal, das die Ausprägung einer homosexuellen Neigung steuere, bisher nicht gefunden worden, auch wenn eine entsprechende Nachricht eine Zeit lang durch die Presse gegeistert sei. Dispositionelle Merkmale seien aber auch nicht vollständig auszuschließen (nicht zuletzt im Hinblick auf familiäre Häufungen). Unklar sei zudem weiterhin die Rolle familiärer Strukturen und Muster (z. B. starke Mutter, schwacher Vater), die einerseits mit einer gewissen Regelmäßigkeit gefunden würden (und ebenfalls für familiäre Häufungen verantwortlich sein könnten), andererseits aber auch nicht bei allen Geschwistern denselben Effekt hätten, also zumindest nicht allein ausschlaggebend sein könnten. Hormonelle oder stress bedingte Einflüsse während der Schwangerschaft würden ebenfalls diskutiert, insbesondere in ihrem Einfluss auf das embryonale und fötale Gehirn und seine jeweils ‚männliche‘ oder ‚weibliche‘ Ausformung. Im Grunde bliebe aber zu konstatieren, dass ungeachtet vieler kursierender Theorien wissenschaftlich weder die Entstehung von Homosexualität noch die von Heterosexualität oder

überhaupt die Genese sexueller Präferenzen sowohl im Hinblick auf die Objektwahl wie im Hinblick auf bestimmte Praktiken tatsächlich geklärt sei. Prinzipiell seien solche Überlegungen natürlich interessant, allerdings liege in ihnen auch ein erhebliches Risiko, denn oft würden entsprechende Fragen unter dem Deckmantel der Wissenschaftlichkeit gestellt, um über die Klärung der Verursachung von Homosexualität Mittel und Wege zu ihrer Vermeidung und Beseitigung zu finden (z. B. in Rahmen von Präimplantationsdiagnostik oder ‚umpolenden‘ Psychotherapien). Der Verdacht dazu bestehe vor allem dann, wenn die naheliegende Frage nach der Entstehung von Heterosexualität eben gerade nicht gestellt, sondern diese als selbstverständlich oder ‚normal‘ vorausgesetzt werde. Neben solch unterschwellig stattfindender Diskriminierung von Homosexualität bestehe aber zugleich auch die Gefahr einer falschen Form von Legitimierung von Homosexualität, indem man bemüht sei, sie zu einem biologisch-‚natürlichen‘ und damit wiederum ‚normalen‘ Phänomen zu erklären. Diese Überlegungen leiteten zur zweiten Frage über:

Wie kann man dem Argument der „Widernatürlichkeit“ der Homosexualität begegnen?
Nagel erläuterte, dass man diesem Phänomen eben nicht sinnvoll durch die zahlreichen Versuche begegnen könne, die Natürlichkeit und damit ‚Richtigkeit‘ von Homosexualität beweisen zu wollen. Denn alle diese Überlegungen hingen mit einem grundsätzlichen Denkfehler zusammen. Sie seien ein Verstoß gegen das sogenannte ‚Humesche Gesetz‘, das schon seit dem 18. Jahrhundert bekannt sei. Es besage, dass aus einer empirischen Beobachtung (‚Sein‘), sei es in den Natur- oder Sozialwissenschaften, keine handlungsleitende Norm (‚Sollen‘) abgeleitet werden könne. Es sei daher weder wissenschaftlich noch ethisch legitim, aus einer Deskription eine Präskription zu machen. Es handle sich vielmehr um einen logischen Fehlschluss, in der Philosophie auch „naturalistischer Fehlschluss“ genannt, vom Sein aufs Sollen zu folgern. [Vgl. David HUME (1711-1776): A Treatise of Human Nature (1739-1740), Buch III (Of Morals), Teil 1, Kapitel 1!]. Bezogen auf die Homosexualität werde dabei regelmäßig von der Tatsache, dass Sexualität in der Natur weitgehend an die Fortpflanzungsfunktion gebunden scheint, auf Widernatürlichkeit geschlossen, da Homosexualität

unmöglich zur Fortpflanzung führen und daher ‚von der Natur nicht gewollt‘ sein könne. Allerdings sei es unsinnig, so Nagel, der Natur Absichten zu unterstellen und damit aus dem Beobachtbaren eine normative Regel abzuleiten, da die Natur im Rahmen eines naturwissenschaftlichen Verständnisses kein Subjekt mit willentlichen Intentionen sei. Es sei im Wortsinne unsinnig zu sagen, die Natur ‚wolle‘ die Fortpflanzung und wolle diese über Sexualität realisieren, zumal es eine Reihe weiterer natürlicher Fortpflanzungsmodi (z. B. mittels Teilung) gebe. Außerdem gebe es bei höheren Säugetieren und intelligenten Papageien- und Rabenvögeln häufig Sexualität ohne Fortpflanzungsmöglichkeit (bei Menschen z. B. während der unfruchtbaren Tage der Frau). Daraus nun wiederum schließen zu wollen, dass das häufigere Auftreten von Homosexualität bei eben diesen Tierarten die Richtigkeit und Natürlichkeit von Homosexualität beweise, sei allerdings derselbe Denkfehler, denn dadurch werde aus dem bloßen Vorkommen (empirischen Phänomen) ebenfalls eine Wertung und Norm (‚richtig‘, ‚in Ordnung‘) abgeleitet. Das gehe aber nicht, denn sonst müssten z. B. Männer, die eine Frau heirateten, welche ihrerseits bereits mit einem Vorgänger Nachkommen habe, diese Kinder töten dürfen oder sogar töten müssen, da so etwas z. B. bei Löwen ein ganz ‚natürliches‘ Verhalten darstelle. So werde rasch deutlich, dass aus biologischen Tatbeständen weder etwas entgegen noch zugunsten der Homosexualität abzuleiten sei. Das Argument von der Widernatürlichkeit der Homosexualität sei unter diesen Umständen allerdings auf jeden Fall ethischer, logischer und naturwissenschaftlicher Unsinn.

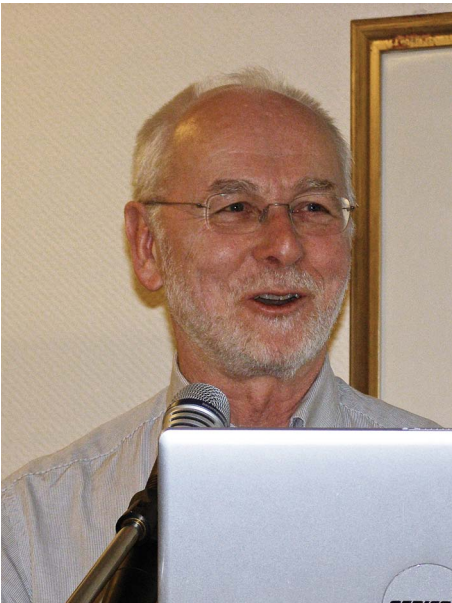
Wie kann mit der kirchlichen Haltung zur Homosexualität umgegangen werden?
Anders als in den Naturwissenschaften, so erläuterte Nagel, werde im kirchlichen Umgang mit der Homosexualität ein intentionales Subjekt hinter der Natur vorausgesetzt, nämlich Gott als Schöpfer der Natur, der mit seiner Schöpfung Absichten verbinde. Hier werde die Verknüpfung von Fortpflanzung und Sexualität als Wille Gottes verstanden und erhielte damit eine normative Funktion, die zudem mit bestimmten Bibelziten begründet werde. Diese Haltung sei viel schwerer zu widerlegen (einer der Vorredner von Nagel, Herr Brinkschröder, hatte dies bereits versucht und die entsprechenden theologischen Thesen

kontrovers diskutiert), da über den Willen Gottes fast endlos gestritten werden könne. Doch auch hier bezweifelte Nagel, ob es Sinn mache, immer wieder Selbstlegitimierungsstrategien von Homosexuellen und ihren Freunden bzw. Angehörigen im Sinne einer veränderten Bibelauslegung zu erproben. Es mache keinen Sinn, um die Kirche von der Diskriminierung Homosexueller abzubringen, nachzuweisen, dass diese doch gottgefällig seien. Dies ähnele den Versuchen in der Naturwissenschaft, Homosexualität zu einem ‚natürlichen‘ Phänomen zu erklären und damit vermeintlich akzeptabler zu machen. Diese jeweils systemimmanenten Versuche hätten den Nachteil, dass die verdeckt oder offen angewendeten Maßstäbe des jeweiligen Systems damit immer schon implizit akzeptiert seien. Hier sei offener Widerstand gegen die entsprechenden normativen Vorgaben bestimmter Institutionen, insbesondere der Kirche(n), und eine grundsätzliche Ablehnung von deren Normen womöglich sinnvoller. Es gab an dieser Stelle einen Einwand von Schwester Juvenalis, die sich eine solche pauschale Aussage eher verbat und einen individuell orientierten Respekt für ihre persönliche Haltung anmahnte. Nagel versuchte, dies zu würdigen, und betonte ausdrücklich seine Wertschätzung des Einsatzes von kirchlichen Laien und Amtsträgern, z. B. in der HIV-Arbeit, weltweit. Zugleich bestand er aber auf der grundsätzlichen und damit pauschalen Kritik an einer Institution, die selbst pauschal urteile, wenn sie die Homosexuellen als sündhaft und sittlich ungeordnet Handelnde verdamme. Hier gehe es schließlich um existentielle Fragen der Betroffenen. Nicht zuletzt angesichts der Tatsache, dass Homosexuelle in vielen Ländern weiterhin von drakonischen Strafen bis hin zur Todesstrafe bedroht seien, stelle die Haltung der katholischen Kirche, die dies ohne Gegenrede dulde bzw. durch ihre eigenen Thesen sogar fördere, ein gravierendes Problem dar, das sie sich als Institution durchaus vorhalten lassen müsse. Auch die schweren inneren Konflikte, die die kirchliche Haltung in der seelischen und sozialen Entwicklung homosexuell empfindender Menschen und ihrer Angehörigen weiterhin auslöse, insbesondere wenn sie sich religiös gebunden und einer Kirche zugehörig fühlten, könne durch das überaus aner kennenswerte Engagement einzelner in der Kirche leider nicht ungeschehen gemacht werden. Es folgte eine weitere lebhafte Diskussion, die sich

intensiv mit den angestellten Überlegungen Nagels und denen seines Vorredners Brinkschröder befasste. Man war sich einig darüber, dass hier weitere Veranstaltungen und Gesprächsrunden anknüpfen sollten.

(Beitrag auf Wunsch von BEFAH rekonstruiert durch den Referenten)

Detlef Mücke: Sexualerziehung in Kindergarten und Schule: „Wunsch und Wirklichkeit“ – eine Bestandsaufnahme



Biografisches
Ernst-Detlef Mücke (1944) ist Lehrer i.R. in Berlin und Träger des Verdienstkreuzes am Bande. Seit Mitte der 70er Jahren engagiert Mücke sich für die Akzeptanz homosexueller Lehrer und Schüler in der Schule. Unter anderem ist er einer der Gründerväter der Arbeitsgemeinschaft homosexueller Lehrer und Erzieher in der Gewerkschaft Erziehung und Wissenschaft Berlin. Bereits in den siebziger Jahren hat er sich als einer der ersten Lehrer in seiner Schule in Berlin-Neukölln als Schwuler geoutet. Seither hat er sich bei Generationen von Schülerinnen und Schülern für einen selbstverständlichen Umgang mit dem Thema Homosexualität bemüht. Lesbische Lehrerinnen und schwule Lehrer hat er u.a. in den Rechtsschutzstellen der GEW mit Rat und Hilfe unterstützt.*

Geschichte der Sexualpädagogik

Einführung
Mücke räumte zu Beginn seines Vortrags ein, dass die Geschichte der Sexualpädagogik bis zum Ende des 19. Jahrhunderts stets eine Geschichte der Unterdrückung gewesen sei. Die Begriffe „Fortpflanzung“ und „Ehezentrierung“ seien hier richtungsweisend gewesen, was im Umkehrschluss bedeutete: Ablehnung aller anderen sexuellen Erfahrungsformen wie Selbstbefriedigung, Homosexualität, Empfinden sexueller Lust um ihrer selbst willen oder auch Empfängnisverhütung und Sterilisation. Der Geschlechtsverkehr ohne Ehe stellte eine Sünde dar, hierunter fielen z. B. vorehelicher Geschlechtsverkehr, Ehebruch und Vergewaltigung. Der Geschlechtsverkehr in der Ehe stellte eine Pflicht dar, was paradoxerweise zu einer Billigung der Vergewaltigung in der Ehe führte, die erst seit 2004 (!) als Straftatbestand verfolgt werden kann.

Historischer Abriss
Die Idee der sozialen Befreiung durch sexuelle Befreiung fand erstmals in den Werken von **Karl-Heinz Ulrichs (1866)** und **Magnus Hirschfeld** ihren Niederschlag, letzterer gründete 1897 das **wissenschaftlich-humanitäre Komitee** und damit die Sexualwissenschaft. Wesentliche Forderungen waren die Abschaffung der Sexualstraftatparagrafen § 175 u. § 218 RStGB (= Reichsstrafgesetzbuch). Hirschfeld forderte Sexualaufklärung in Schulen, unter anderem auch gegen sexuell übertragbare Krankheiten. Diese Ideen wurden auch von der Reformschulbewegung aufgegriffen. Die angeprangerten Paragraphen wur-

den jedoch von der „Reichszentrale zur Bekämpfung der Homosexualität und Abtreibung“ am 10.10.1936 noch verschärft. Beachtenswert sei hierbei, dass außerehelicher Geschlechtsverkehr unter bestimmten Bedingungen erlaubt wurde, aber nur, wenn er „rassig“ stattfand, z.B. im Rahmen des „Lebensborn“.

Bundesrepublik Deutschland (west, ab 1990 gesamt)
In der Zeit von **1945-1968** existierten laut Mücke nur unbefriedigende und unzureichende Erlasse zur Sexualaufklärung an Schulen. Richtlinien hierfür wurden von der GEW erstmals **1949** für Hamburg ausgearbeitet, die bis **1962** überprüft und veröffentlicht wurden. **1959** folgten Berlin und später Hessen mit Richtlinien für die Sexualerziehung bzw. „geschlechtliche Erziehung“. Die Kultusministerkonferenz (KMK) gab am **3. Oktober 1968** eine „Empfehlung zur geschlechtlichen Erziehung in den Schulen“. Sexualaufklärung stand von nun an nicht mehr im Zwielicht der Verdrängung in einem Umfeld der Lustfeindlichkeit. Sie wurde als Aufgabe des Elternhauses und der Schule definiert und fächerübergreifend organisiert. In einer Entscheidung des Bundesverfassungsgerichts von **1977** wurde der Erziehungsauftrag der Schule dem Recht der Eltern, Sexualerziehung als integrativen Bestandteil der Gesamterziehung anzubieten, gleichgestellt. Das Bundesverwaltungsgericht hat **1979** die Offenheit der Sexualerziehung für verschiedene Wertauffassungen betont. Es fordert Rücksichtnahme auf die Verschiedenartigkeit religiös- weltanschaulicher Einstellungen. Nicht jedes elterliche Einzelinteresse müsse berücksichtigt werden. Mit dem Schwangeren- und Familienhilfegesetz von 1992 (heute „Gesetz zur Vermeidung und Bewältigung von Schwangerschaftskonflikten“) wurde seitens der Bundesregierung Sexualaufklärung schließlich zur länderübergreifenden öffentlichen Aufgabe erklärt. Wichtige Aspekte des Gesetzes waren die Aufgaben der Beratung und Aufklärung in §1 Abs. 1 und die Bereitstellung von kostenlosem Infomaterial durch die Bundeszentrale für gesundheitliche Aufklärung (BZgA). Das Urteil des Bundesverfassungsgerichts zum §218 StGB vom **28. Mai 1993** ging weit über Fragen zu Rechtswidrigkeit bzw. Strafbarkeit eines Schwangerschaftsabbruchs hinaus. Es stellte auch die bis dahin umfangreichsten Forderungen an die Sexualaufklärung auch in der Schule. Sexualaufklärung muss danach umfassend angelegt sein, verschiedene Alters- und Zielgruppen ansprechen und vor allem mehr als Wissensvermittlung über biologische

Vorgänge und Techniken der Verhütung darstellen. Sie muss emotional ansprechend sein und vielfältige Beziehungsaspekte, Lebensstile, Lebenssituationen und Werthaltungen berücksichtigen. Der Beschluss der Kultusministerkonferenz von 1968 wurde im Jahr 2002 aufgehoben, da er weder der Lebensrealität noch der neuen gesamtdeutschen Rechtslage entsprach.

DDR
Im Gesetz über das einheitliche sozialistische Bildungssystem der DDR (Verfassung der DDR, 1974) wurden in § 5 Ziele für den Bildungs- und Erziehungsprozess definiert. Schulkinder sollten, verstehen lernen, dass Hilfsbereitschaft, Freundlichkeit, Höflichkeit und Zuvorkommenheit, Achtung gegenüber den Eltern und allen älteren Menschen sowie ehrliche und saubere Beziehungen zwischen den Geschlechtern Charaktereigenschaften sozialistischer Persönlichkeiten sind.“ Aufgabe aller Lehrkräfte in der schulischen und außerschulischen Bildungs- und Erziehungsarbeit (§ 4 Familiengesetzbuch) war die Unterstützung der Eltern bei der Erziehung zu einem späteren verantwortungsbewussten Verhalten zu Ehe und Familie sowie die vertrauensvolle Zusammenarbeit mit z.B. Elternbeiräten. Tatsächlich habe es in der DDR schon recht früh Unterstützung bei der Sexualerziehung durch Angehörige medizinischer Berufe gegeben. Nach Absprache mit der Schulleitung waren sie als „schulfremde Personen“ berechtigt, zu den Themen Abtreibung, sexuell übertragbare Krankheiten und genetische Defekte zu referieren. Es gab keine offizielle Anweisung der SED- Führung zur Sexualerziehung von Kindergarten bis Hochschule, lediglich eine mündliche Empfehlung an Kreis- und Bezirksschulräte und ein Programm zur Geschlechtererziehung. **1965** seien neue Lehrpläne eingeführt worden, die genügend Orientierung für Sexualerziehung enthielten, allerdings beschränkt auf die Lehrpläne der Fächer Biologie, Deutsch, Geschichte und Staatsbürgerkunde. In den **1980er Jahren** fand auch in der DDR eine stärkere Thematisierung von Masturbation, Homosexualität als natürlicher Variante menschlicher Sexualität, Ehen ohne Trauschein und Promiskuität statt. Ab **1985** setzte die Diskussion über AIDS ein. **1988** erschien in der DDR die Broschüre „Die andere Liebe“ für Eltern und Erzieher zum Thema Homosexualität.

Sexualaufklärung auf dem Weg zur pädagogischen Alltagsrealität?

Psychosexuelle Entwicklung des Kindes
Bezüglich der **Sexualerziehung im Kindergarten** kritisierte Mücke, dass nur wenige Kindertagesstättengesetze Sexualerziehung konzeptionell verankert hätten. In der Erzieherausbildung werde das Thema Sexualerziehung häufig ausgespart. Viele Einrichtungen hätten zwar ein Konzept, dessen Inhalte seien aber abhängig davon, wer Träger der Einrichtung ist (staatlicher, kirchlicher oder freier Träger) und welche Auffassung die Leitung hat. Richtungsweisend sei hier Berlin, wo es ein Kita-Förderungs-Gesetz und ein Programm für Bildung, Erziehung und Betreuung von Kindern in Tageseinrichtungen bis zu ihrem Schuleintritt gibt. Die psychosexuelle Entwicklung des Kindes sei hierbei besonders gut berücksichtigt. Sexualität präge unser individuelles und gesellschaftliches Leben von Geburt an. Kinder kommen als sexuelle Wesen auf die Welt, suchen Kontakt, Wärme und Zärtlichkeit, probieren Umarmungen, Küsse und Berührungen. Kindliche Sexualität dürfe aber nicht mit Erwachsenensexualität gleichgesetzt werden. Vielmehr geht es zunächst um die Ausbildung einer Ich-Kompetenz. Das Kind muss sich seiner geschlechtlichen Identität als Junge oder Mädchen bewusst werden. Die zu erwerbende Sachkompetenz bestehe im nächsten Schritt im Grundverständnis über das eigene sexuelle Erleben. Auch könnten bei Kindern mit Migrationshintergrund kulturelle Unterschiede im Umgang mit Sexualität thematisiert werden. Kinder lebten im Umgang mit Körper und Sexualität in der Spannung zwischen Entdeckungslust und Erfahrungsfrust. Dies habe Auswirkungen für den sexualpädagogischen Alltag: soll hier fragend oder provozierend bei Themen wie Selbstbefriedigung, Doktorspielen, Gefühlen von Scham und sexuellen Sprüchen vorgegangen werden? Sexualität als Thema könne laut Mücke nur im Team und unter Einbeziehung der Eltern vorbereitet werden. Elternarbeit müsse immer wieder als Elternmitarbeit verstanden werden.

„Wirklichkeit heute“
Schulische Sexualerziehung wird heute 43 Jahre nach Einführung nicht mehr in Frage gestellt. Der **Wunsch** nach einem erweiterten und ganzheitlichen Begriff menschlicher Sexualität sei aber erkennbar. Mücke forderte hierzu eine stärkere Akzentuierung der verschiedenen Funktionen und Aspekte der Sexu-

alität in der Schulgesetzgebung der Länder. Hierzu gehörten neben dem Fruchtbarkeits- sowohl der Beziehungs- als auch der Identitäts- Kommunikations- und Lustaspekt. In Bayern, Baden-Württemberg und Mecklenburg-Vorpommern sei der Sexualitätsbegriff seitens des Gesetzgebers aber weiterhin nur auf Fortpflanzung, Partnerbezug und Persönlichkeitsbildung ausgerichtet. Die Richtlinien von Baden-Württemberg, Bayern, Hessen und Rheinland-Pfalz betonen ausdrücklich die auf so genannten „christlichen“ Werten und Normen orientierte Sexualerziehung und die Ausrichtung auf Ehe und Familie. Der Lustaspekt werde in einigen Bundesländern bewusst ausgespart. Dabei ist die Sexualerziehung spätestens seit der Jahrtausendwende mit immer neuen Herausforderungen konfrontiert, die in Gesetzen, Rundschreiben und Erlassen aber wenig bis gar nicht aufgegriffen würden. Dazu zählen vor allem:

- Pluralisierung der familiären Lebensformen
- Verstärkte Bemühungen um Gleichberechtigung von Mädchen und Frauen in der Gesellschaft
- Zunehmende Akzeptanz der sexuellen Selbstbestimmung von Kindern und Jugendlichen
- Zunehmende Akzeptanz bzw. öffentliche Auseinandersetzung mit gleichgeschlechtlichen Liebes- und Lebensweisen, auch von Trans- und Intersexuellen
- Verstärkte Bemühungen um Normalisierung des Lebens von Menschen mit Behinderung, zu der auch Sexualität als „Tabuthema“ gehört
- Die Verbreitung von AIDS
- Sexuelle Gewalt gegen Kinder und Jugendliche
- Aufeinandertreffen unterschiedlicher kultureller Werte und Normen durch Migration

Die immer noch größten Versäumnisse bei der Umsetzung sexualerzieherischer Innovationen sieht Mücke in der **Lehrerbildung**. Bislang existieren weder im Bachelor- noch im Masterstudium verpflichtende Module für Sexualpädagogik, auch nicht während des Referendariats. Gleiches gilt für die Fachhochschulen. Es sind kaum Lehrstühle für Sexualpädagogik vorhanden, was zur Folge hat, dass

sich nur ca. ein Drittel der Lehrkräfte und Erzieher zur Sexualerziehung befähigt fühlt. Die Kompetenz muss also von außerschulischen Projekten in die Schulen kommen. Für die Lehrerbildung forderte Mücke die Aufnahme von Inhalten der Sexualerziehung in die Studienordnung der verschiedenen Lehrämter, die Thematisierung während der 2. Phase der Lehrerbildung (Referendariat) und geeignete Lehrgänge im Rahmen der Lehrerfortbildung. Bei der Übernahme der Lehrinhalte in die Lehrpläne der Fächer sei bei der fächerübergreifenden Gestaltung der Sexualerziehung auf die inhaltliche Abstimmung zu achten. Im Fall der **Neuen Kerncurricula** wird empfohlen, sich an Kompetenzen und nicht an Inhalten zu orientieren. Zahlreiche bisherige sexualpädagogische Inhalte würden nicht mehr benannt und gerieten in fakultative Themenkataloge. Dadurch bestehe keine Gewährleistung, dass sie auch tatsächlich im Unterricht behandelt werden. Die Folge sei eine zu geringe Thematisierung in den Schulbüchern. Praktisch bedeute dies, dass ein Lehrer selbst abwägen müsse, ob er die z.B. Verfolgung der Homosexualität im Dritten Reich thematisiere oder nicht. Allerdings seien auch fortschrittliche Entwicklungen z.B. bei der Entwicklung von Unterrichtsmaterialien zu beobachten. So stelle mittlerweile auch die Bundeszentrale für Politische Bildung (BPB) neben der Bundeszentrale für gesundheitliche Aufklärung (BZgA) Informationsmaterial kostenlos zur Verfügung. Zum Abschluss des Vortrags empfahl Mücke dem **BEFAH e. V.**, sich bei der Elternmitarbeit in der schulischen Sexualerziehung mit der GEW, Aufklärungsprojekten vor Ort und schwul- lesbischen Gruppen in den Parteien zu vernetzen. Den **Deutschen Bundestag** forderte er auf, endlich eine bundesweite Studie zur Lebenssituation von lesbischen, schwulen, bi-, inter- und transsexuellen Jugendlichen in Auftrag zu geben. Die **Einzelsschule** müsse Antidiskriminierung in das Schulprogramm aufnehmen.

Nachfragen und Diskussion

Auf die Frage, ob ein ganzes Themengebiet „Sexualerziehung“ mit dem Engagement des einzelnen **Lehrers** „stehen und fallen“ könne, wies Mücke auf die teilweise fehlende Eigenreflexion der Sexualität von Lehrern hin. Die Zuhörer reagierten mit einem zustimmenden Lachen, als Mücke auf die Person der Lehrerin und des Lehrers als gesamtgesellschaftliches Abbild hinwies: hier sei die gesamte Bandbreite von asexuell, hetero über schwul, lesbisch, bi- oder transsexuell bis hin

zu „lebensfroh“ vorhanden. Lehrer dürften durchaus dazu aufgefordert werden, auch eigene Gefühle in die Sexualeufklärung einzubringen. Hierzu sei aber eine gefestigte Persönlichkeit des Lehrers erforderlich. Fast in jedem Lehrerleben existierten Situationen, in denen seitens der Schüler plötzlich über das „Anbaggern“ junger Kollegen oder die Oberweite der Lehrerin getuschelt werde. Die Frage sei dann nicht nur, wie ein Lehrer damit professionell umgehe, sondern auch, ob er sich eigentlich selbst als sexuelles Wesen betrachtet. Es gäbe immer Kollegen, die mit der Aufgabe über Sex zu reden, überfordert seien. Dies könne bei einem schwulen Lehrer beispielsweise bei der Frage nach Analverkehr und der Körperhygiene vor dem Sex eintreten. Statt das Thema ganz auszublenden, empfiehlt Mücke diesen Kollegen, externe Stellen (z.B. Pro Familia, Aidshilfe, schwul- lesbische Aufklärungsprojekte) in den Unterricht einzubeziehen. Nicht zu verschweigen sei auch die Projektion der „Täterrolle“ durch Schülerinnen auf männliche Lehrer durch familiäre Vorerfahrung (Missbrauch) allein durch ihre Präsenz als Autoritätsperson im Klassenraum. Ein unbefangenes Verhältnis zur eigenen Sexualität könne hier möglichen Denunziationen vorbeugen. Eine Mutter befürchtete, dass die **Erwartungen** an die Schule möglicherweise zu hoch angesetzt sind, denn auch bei anderen Themen seien die Forderungen der Gesellschaft an Eltern, Lehrer und Schüler immens. Gleichzeitig werde aber am Gymnasium ein ganzes Schuljahr gekürzt. Mücke ergänzte hierzu, dass sich das Wissen der letzten Jahre enorm vervielfältigt habe, es könnten in der Schule tatsächlich nur partielle Ausschnitte vermittelt werden. Sexualität sei aber ein „Essential“, schon allein, weil es von unbegründeter Gewaltanwendung in der Erziehung bis hin zum Missbrauch als Extremform einfach zu viele Konflikte gibt, die auch durch unterdrückte Sexualität entstünden. Aus den Reihen des BEFAH-Vorstands wurde nach konkreten Ansprechpartnern für eine Thematisierung von Homosexualität und gleichgeschlechtlichen Lebensweisen in den Schulbüchern gefragt. Der Referent wies erneut auf die **Kerncurricula** hin: Schulen können nach diesen sehr wohl entscheiden, welche Inhalte sie im Bereich der Sexualerziehung genauer thematisiert haben möchten. Allerdings würden Bücher von Verlagen hergestellt, für die ein Buch zuerst einmal ein Produkt sei, das verkauft werden muss. Zudem orientieren sich Schulbuchverlage an den Rahmenrichtlinien der Länder. Zwar zeigen Verlage durchaus Offenheit für Themen wie Homo-,

Bi- oder Transsexualität, die Kommunen bringen aber in der Regel nicht das Geld auf, um neue Schulbücher anzuschaffen. Hier müssten Verbände wie BEFAH immer wieder Druck machen und der Politik vor allem in Wahlkampfzeiten verdeutlichen, dass die Finanzierung von Schulbüchern mit den neuesten Erkenntnissen zur Sexualerziehung immens wichtig ist.

Weiterführende Links:

Schwule Lehrer in der GEW Berlin:
<http://www.schwulelehrer.de>

Berliner Landesstelle für Gleichbehandlung – gegen Diskriminierung:
<http://www.berlin.de/lb/ads/>
In der Berliner Senatsverwaltung für Integration, Arbeit und Soziales gibt es die Landesstelle für Gleichbehandlung – gegen Diskriminierung. Dort sind u.a. Anregungen zum Umgang mit dem Thema „gleichgeschlechtliche Lebensweisen“ in der Schule zu finden.

Markus Chmielorz: „Schule ohne Homophobie – Schule der Vielfalt“



Biografisches

Markus Chmielorz arbeitet seit 14 Jahren als Pädagoge in einer psychosozialen Beratungsstelle für Lesben, Schwule und deren Familien in Trägerschaft des Vereins Rosa Strippe in Bochum. Seit Beginn dieses Jahres hat er die Leitung der Beratungsstelle inne. Abschlussarbeit im Fach Sozialpädagogik (FH) „Coming-out - Gruppenarbeit mit Homosexuellen und deren theoretische Begründung aus Anlass von Praxis für Praxis“. Anschließend Pädagogikstudium an der Universität Münster, Schwerpunkt Kunst- und Kreativtherapie. Mit ihrem schwul-lesbischen Aufklärungsprojekt „SchLAu Bochum“ ist die Rosa Strippe Kooperationspartnerin des Projektes „Schule ohne Homophobie - Schule der Vielfalt“.

Geschmack

Der Referent hatte in der Pause im Vortragsraum des Sylter Hofs kleine Umschläge auf den Stühlen ausgelegt. Darin fanden die BET- Teilnehmer einen Zettel mit drei Fragen:

- Wie und wodurch genau haben Sie gemerkt, dass Sie „heterosexuell“ sind?
- Wie und wodurch haben Sie gelernt, was „homosexuell“ bedeutet?
- Wie und wodurch merken Sie, dass Sie „Ja“ zu dem sagen, was Ihnen Ihre Eltern in Bezug auf Liebe und Sexualität vorgelebt haben?

Alle Teilnehmer sollten sich mit ihrem jeweiligen Nachbarn über diese Fragen austauschen. Dieser Aufforderung kamen sie mit großer Bereitwilligkeit nach. Den Umschlägen war jeweils ein saures Bonbon beigelegt, mit dessen Hilfe Chmielorz zum nächsten Schritt in das Thema überleitete. Der Geschmack sei ganz banal unsere Fähigkeit zu schmecken. Er ist aber auch Teil unseres ästhetischen Urteilsvermögens. Es gehe um die sinnliche Wahrnehmung, um all das, was wir mit unseren Sinnen über uns, unsere Welt und über die Beziehungen zu den uns wichtigen Menschen wahrnehmen. „Etwas Saures“ sei die angemessene Einstimmung auf das Thema „Schule ohne Homophobie“. Wem etwas Saures gegeben werde, dem gebe man im übertragenen Sinn etwas Mühevolleres mit, etwas Schweres. Das Saure sei für ihn die Norm gewesen, die sich in seinen Körper eingeschrieben habe, seit sein Gefühl von dem anderen Begehren sprach, und das lange, bevor er einen Begriff dazu zur Hand hatte. Vielleicht sei es so, dass die Zuhörer beim Lesen der ersten Frage eine

solche Erfahrung gemacht hätten, denn wie komme ein Referent überhaupt dazu, so selbstverständlich davon auszugehen, dass alle Zuhörer „heterosexuell“ sind? Sollte den Zuhörern diese Frage nicht „geschmeckt“ haben, so haben sie zeitgleich eine Erfahrung gemacht, die es Ihnen ermöglicht, das Vorgefundene in Frage zu stellen. Sie haben einen entscheidenden Unterschied wahrgenommen, der ihre Kritik herausfordert.

Bestehen

Der Typus der „modernen Familie“ habe sich, so Chmielorz, erst im 19. Jahrhundert herausgebildet. Besitz und Bildung entschieden über die Zugehörigkeit zum höheren Bürgerstand auch im Deutschland des ausgehenden 18. Jahrhunderts. In einer noch weitgehend ständisch, durch Adel, Klerus und Bauern geprägten Gesellschaft sei die Lage des Bürgertums seltsam prekär gewesen: Es war sozial noch nicht fest verortet, da das Selbstbewusstsein sich nicht aus einer Anerkennung durch die Geburt speisen konnte. Die eigene Leistungsfähigkeit war Grundlage des bürgerlichen, vor allem aber des männlichen Selbstbewusstseins. Die bürgerliche Familie war der Ort, der Erholung von den Anstrengungen der intensivierten und rationalisierten männlichen Erwerbsarbeit versprach. Genau zu diesem Zeitpunkt, unter genau diesen spezifischen kulturgeschichtlichen Bedingungen sei die bürgerliche Auffassung von Liebe und Ehe, von bürgerlicher Familie und von Heterosexualität entstanden. Diese bürgerliche Liebe erscheint als eine Liebe der Tugendhaftigkeit, nicht als Liebe der spontanen Leidenschaft. Es ist die aufgeklärte Liebe der Vernunft. Die bürgerliche Ehe monopolisiere diese Liebe und in der Folge auch die Sexualität als einzig legitime Form des Zusammenlebens. Die Verdrängung des Triebes, seine Sublimierung und Umleitung der Energie in Produktion erfordern und bedingen eine Kontrolle der Affekte und Emotionen, eine Umformung des Körpers zum Leistungsorgan. Was für das Bürgertum eine soziale Notwendigkeit war, um den Aufstieg und die gesellschaftliche Anerkennung abzusichern, wurde in einem nächsten Schritt gleichsam für „natürlich“ erklärt. Der Absicherung nach außen zur Aufrechterhaltung des sozialen Status folgte eine Absicherung nach innen durch Herstellen und Bewahren von Abhängigkeitsverhältnissen und Machtstrukturen, die die bürgerliche Familie und jedes einzelne Mitglied betraf. Nur so sei zu verstehen, dass Homosexualität eine „Erfindung“ des 19. Jahrhunderts werden konnte. Wer in der bürgerlichen Gesellschaft des 19. Jahrhunderts aufsteigen wollte, der musste **bestehen**. Und wer

genauer hinschaue, entdecke auch die Bildungsreform, die Wilhelm von Humboldt zu Beginn des 19. Jahrhunderts in Preußen umgesetzt hat. Diese prägte bis heute noch das Bildungssystem in Deutschland. Man könne auf eine Idee kommen: die bürgerliche Gesellschaft und die Schule sind ohne ganz konkrete homosexuelle Menschen, ohne Lesben, Schwule, Bisexuelle und Transgender gar nicht zu denken. Es sei noch immer um so vieles leichter, die eigene Stärke erst dann zu spüren, wenn man von oben auf die vermeintliche Minderheit herabschauen kann.

„Liebe zu den Rändern“

Homophobie ist die soziale Einstellung gegen Menschen gleichgeschlechtlicher sexueller Orientierung. Das Projekt **„Schule ohne Homophobie - Schule der Vielfalt“** versteht unter Homophobie im erweiterten Sinn die Ablehnung von Menschen, die von der Norm eines polaren, dualen, ausschließlich auf Heterosexualität ausgerichteten Geschlechtersystems abweichen. Chmielorz sei sich der Kritik am Begriff „Homophobie“ bewusst. Dieser bezeichne ja anders als phobische Erkrankungen eben keine krankhafte Angst vor Lesben und Schwulen. Homophobie sei kein psychiatrischer, sondern ein sozialer Tatbestand. Im europäischen Vergleich ergebe die aktuelle Studie „Die Abwertung der Anderen. Eine europäische Zustandsbeschreibung zu Intoleranz, Vorurteilen und Diskriminierung“ (hg. von der Friedrich-Ebert-Stiftung) folgendes Bild: die polnischen Befragten sprachen zu drei Vierteln homosexuellen Menschen Moral ab, in Ungarn waren es gut zwei Drittel, in Italien und Portugal waren es 42,5 und 44 Prozent der Befragten. Frankreich, Großbritannien und Deutschland folgten mit knapp 40%. Eine Ausnahme bildeten die Befragten der Niederlande. Hier sprachen im Verhältnis zu den anderen europäischen Ländern nur 16,5% der Befragten homosexuellen Menschen eine Moral ab. Die Studie habe auch ergeben, dass es in allen Ländern einen starken Zusammenhang zwischen Sexismus und Homophobie gibt. Männer neigten in den meisten Ländern etwas häufiger zur Abwertung homosexueller Menschen. Hierin sieht Chmielorz eine Bestätigung der Erklärung von Homophobie aus den Bedingungen der bürgerlichen Familie. Des weiteren nehme die gruppenbezogene Menschenfeindlichkeit mit niedrigerem Einkommen zu. Mit zunehmendem Alter steige auch die Feindseligkeit gegenüber schwächeren Gruppen. Zunehmende Bildung wiederum sei ein Faktor, der zur Abnahme von gruppenbezogener Menschenfeindlichkeit beitrage. Die Studie habe auch ergeben, dass das Ausmaß an Sexismus und Homophobie mit

zunehmender Religiosität deutlich ansteige. Und man könne den Eindruck gewinnen, dass sich in Osteuropa heute Einstellungen finden lassen, die zuvor in Westeuropa zu finden waren. Der Referent fragte, wozu also Vorurteile gut sein könnten, die Menschen treffen, welche als Juden in Deutschland leben, die Frauen, Muslime oder Lesben und Schwule sind? Vorurteile sieht er nicht darin begründet, dass es um Eigenschaften oder Handlungen einzelner Menschen geht. Die Abwertung der anderen nehme ihren Ausgang darin, dass sie als Zugehörige zu einer Fremdgruppe charakterisiert werden. Dieser Kategorisierung folgt dann eine Abwertung, die zur erwünschten Aufwertung der eigenen Gruppe führen soll. Hier sind „wir“, dort sind „die“. So würden Hierarchien und Macht legitimiert. Wir hier sind „oben“, die dort sind „unten“. „Wir hier“ sind im Zentrum, „die dort“ sind an der Peripherie. „Wir hier“ können uns vertrauen, „ihnen dort“ müssen wir misstrauen. Pädagogik und Soziologie haben intensiv über Identität geforscht. Ein Ergebnis dieser Forschung sei, dass Identität etwas sehr Fragiles ist, etwas in der Biographie so ganz und gar nicht Kontinuierliches. Identität werde oft verstanden als die Fähigkeit, eine Antwort auf die Frage: „Wer bin ich?“ zu geben. Dabei sei es eine wichtige Erkenntnis der Identitätsforschung, dass Identität nur in einem Verständigungsprozess zwischen mir und dem anderen ausgehandelt werden kann. Identität markiert also vielmehr die Differenz, den Unterschied zum anderen. Gruppenbezogene Menschenfeindlichkeit korreliere mit Autoritarismus, der Ablehnung von Diversität und sozialer Dominanzorientierung. Es wird laut Chmielorz darüber zu reden sein, welche „Schulträume“ nötig sind, die mehr kulturelle Diversität erlauben und die helfen, Autoritarismus ebenso abzubauen wie eine soziale Dominanzorientierung. Der Referent plädierte für ein Verständnis von Pädagogik, das an die Diskussion um Erziehungsziele anknüpft. In Auseinandersetzung mit der Aufarbeitung des totalitären Regimes des Nationalsozialismus in Deutschland habe das Fach in den 1970er Jahren über Emanzipation, Mündigkeit als Erziehungsziel und „Ver-Antwort-ung“ zu sprechen begonnen. Es geht darum, Mündigkeit als Ziel der pädagogischen Bemühungen schon vorwegzunehmen. Wer als Pädagoge von Nähe und Akzeptanz spricht, dessen Bemühungen sollten ihren Ausgang bei denen nehmen, mit denen er arbeitet, auch von der **Liebe** zu denen, die am **Rand** stehen.

Kampagne und Projekt

„Schule ohne Homophobie- Schule der Vielfalt“ wurde 2008 als ein Kooperationsprojekt der Lande-

skoordination Anti-Gewalt-Arbeit für Lesben und Schwule in NRW und dem landesweiten Netzwerk der schwul-lesbischen Aufklärungsgruppen SchLAu NRW gegründet. Seit dem Jahr 2000 arbeiten insgesamt 13 regionale Teams im bevölkerungsreichsten Bundesland und bieten Aufklärungsveranstaltungen für Schülerinnen und Schüler zum Thema lesbische und schwule Lebensweisen an. SchLAu NRW erhält aktuell eine Sachkostenförderung durch das jetzige Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen. Kern der Arbeit sind Workshops mit lesbischen, schwulen und bisexuellen Teamerinnen und Teamern, die als Rollenmodelle (engl. role models) mit Jugendlichen und jungen Erwachsenen arbeiten. Die Landeskoordination arbeitet seit 2003 auch zum Thema Diskriminierungs- und Gewalterfahrungen von lesbischen, schwulen und bisexuellen Jugendlichen. Dazu hat es im Jahr 2008 im Rahmen eines Fachtages einen Vortrag und eine Arbeitsgruppe gegeben. „Schule ohne Homophobie - Schule der Vielfalt“ wurde 2008 aus Mitteln der „Aktion Mensch“ und „Jugend in Aktion“ mit Sachkosten gefördert. 2010 erhielt das Projekt Mittel aus dem nordrhein-westfälischen „Pakt mit der Jugend“ zur Durchführung eines Jugendwettbewerbs gegen Homophobie mit dem Titel „Schwule Lesbe!?“ Notwendige Ausgaben müssen aus den begrenzten Budgets der Landeskoordination und von SchLAu NRW bestritten werden. Mittel- und langfristig will die Kampagne folgende Ziele erreichen:

- eine Enttabuisierung des Themas „Homosexualität“ in der Schulpolitik
- die Förderung und Entwicklung von neuen Konzepten für den Umgang mit dem Thema „Homosexualität in der Schule“
- die Entwicklung von neuen Unterrichtsmaterialien, die das Thema „unterschiedliche sexuelle Orientierungen“ stärker berücksichtigen
- die Aufnahme des Themas mit seiner sozialen Komponente in Lehrpläne und Materialien
- eine stärkere Berücksichtigung des Themas in der Aus- und Weiterbildung von Lehrerinnen und Lehrern
- eine Verstärkung der strukturellen und finanziellen Unterstützung von Schulaufklärung und Schulaufklärungsprojekten und

- die Förderung von Projekten zur Gewaltprävention und Konfliktbewältigung in den Schulen, die das Thema „Homophobie“ berücksichtigen

Während die Arbeit der Kampagne vor allem darauf zielt, die strukturellen Bedingungen zu verändern, die mehr Akzeptanz von unterschiedlichen sexuellen Orientierungen fördern, stellt das Projekt auf der zentralen Homepage Informationen und Materialien bereit, die Schulen dabei unterstützen, sich für die Ziele des Projektes einzusetzen. Dazu gehören:

- Unterrichtsmodule für den Einsatz im Schulunterricht
- Ideenkoffer für Projekte
- Kooperation mit SchLAu NRW
- „Schwule Lesbe!?“ – Jugendwettbewerb gegen Homophobie

Will eine Schule „Schule ohne Homophobie – Schule der Vielfalt“ werden, ist der erste Schritt die Einbindung des Projektes in die Schule. Durch Vorstellen des Projektes in der Lehrerinnen- und Lehrerkonferenz, durch Informieren der Schülerinnen und Schüler und durch Einbeziehen der Eltern. Entschließt sich eine Schule zur Teilnahme am Projekt, macht sie dies durch Anbringen eines Aufklebers an prominenter Stelle in der Schule deutlich. Der zweite Schritt ist die Umsetzung in der Schule, zum einen durch Nutzen der Medien, die in der Film- und Literaturdatenbank zur Verfügung gestellt werden, zum anderen durch Nutzen der Unterrichtsmodule. Dritter Schritt ist die Kooperation mit SchLAu NRW und die Durchführung von Aufklärungsveranstaltungen mit einem regionalen SchLAu-Team. Vierter Schritt ist die Durchführung von eigenen Projekten in der Schule. Als fünfter und letzter Schritt stehen Dokumentation und Evaluation der Aktivitäten. Keine Schule kann heimlich „Schule ohne Homophobie - Schule der Vielfalt“ werden oder sein.

Beispiele

In Köln beschloss die Stadtarbeitsgemeinschaft für Lesben, Schwule und Transgender, dass das Projekt „Schule ohne Homophobie“ durch die Verwaltung zu unterstützen sei. Dies stellte jedoch keine Basis für die Zusammenarbeit mit dem zuständigen Schulverwaltungsamt der Bezirksregierung für die Stadt Köln dar. Erst in einem zweiten Schritt gelang es, eine enge Kooperation mit dem Schulamt und der Bildungsdezernentin der Stadt herzustellen. Diese beinhaltet ein vierteljährliches Kooperationsgespräch, um die Begleitung des Projektes durch das

Schulamt sicherzustellen. Bei jeder der verschiedenen Schulveranstaltungen von SchLAu Köln wurde im Vorbereitungsgespräch mit den Lehrerinnen und Lehrern das Projekt „Schule ohne Homophobie – Schule der Vielfalt“ vorgestellt. Dies sei auf großes Interesse gestoßen. Auch die Unterrichtseinheiten der Homepage wurden dankbar entgegen genommen. Den nächsten Schritt, ihrer Schule eine Beteiligung am Projekt „Schule ohne Homophobie- Schule der Vielfalt“ vorzuschlagen, wollten die meisten jedoch nicht gehen. Es wurde die Befürchtung geäußert, dass sich die Schulleitung gegen das Projekt stellen könnte und es keine Unterstützung durch die Schulpflegschaft finden würde. Hier sei deutlich geworden, dass diejenigen, die sich innerhalb der Schulgemeinschaft aktiv für das Projekt „Schule ohne Homophobie“ einsetzen, immer noch Pionierarbeit leisten. In Köln gab es Veranstaltungen und Informationsangebote wie:

- die Schul- und Abendvorstellung des Theaterstücks „Beautiful Thing“ mit begleitenden Infoständen in der Comedia Köln
- die Veranstaltung „Out at school?!“ für lesbische Lehrerinnen und schwule Lehrer
- die Vorstellung des Jugendbuches und der Unterrichtsmaterialien „Bist du schwul, oder was?“ für Lehrerinnen und Lehrer, sowie Schulsozialarbeiterinnen und Sozialarbeiter
- die Präsentation der Initiative „Schule ohne Homophobie – Schule der Vielfalt“ beim Vernetzungstreffen der Schulsozialarbeiterinnen und -arbeiter der Stadt Köln.

Am **Schulzentrum Rodenkirchen, Hauptschule und Gymnasium Odenthal** gab es vor dem offiziellen Start eine SV-Sitzung, bei der eine Präsentation des Projektes erfolgte. In einer gemeinsamen Diskussion einigten sich die Schülervertreterinnen und -vertreter aus beiden Schulen darauf, mit ihren Schulen am Projekt teilzunehmen. Die Auftaktveranstaltung fand im Rahmen eines Filmnachmittags verpflichtend für die 9. Klassen beider Schultypen und offen zugänglich für alle am 02.02.2010 statt. Es wurde ein britischer Film mit Coming Out-Thematik („Get Real – von Mann zu Mann“) gezeigt. Neben Pfiffen, „Buh“-Rufen und Witzen habe es eine Vielzahl von diskriminierenden und abwertenden Äußerungen von Seiten der Schülerinnen und Schüler gegeben. Bei der anschließenden Diskussion thematisierte

das Team von SchLAu Köln die möglichen Gefühle der nicht sichtbar teilnehmenden lesbischen und schwulen Schülerinnen und Schüler. Auch die eigene Betroffenheit wurde angesprochen. Laut Chmielorz sei es in der Praxis nur selten möglich, so konkret zum Thema „Homophobie“ zu arbeiten. Die anwesenden Lehrerinnen und Lehrer seien durch die Reaktionen der Schülerinnen und Schüler in ihrem Engagement gegen Homophobie an der Schule bestärkt worden. Die Beispiele zeigten sehr deutlich, dass „Schule ohne Homophobie - Schule der Vielfalt“ noch nicht genügend als ein Projekt wahrgenommen werde, mit dem gezeigt wird, dass Vielfalt ein Gewinn ist. Wenn soziale Dominanzorientierungen abgebaut werden sollen und stattdessen der Umgang mit Vielfalt als eine Schlüsselkompetenz eingeübt wird, könnten noch mehr Schulen die Chancen nutzen, die das Projekt dafür bietet

Nachfragen

Kurze Nachfragen seitens der Zuhörer gab es u.a. zu den Zahlen der **FES- Studie**, wonach die gruppenbezogene Menschenfeindlichkeit in den Niederlanden besonders niedrig ist. Chmielorz gab diese Frage an Detlef Mücke weiter, der auf die besondere „Antidiskriminierungstradition“ der Niederlande hinwies. In diesem Zusammenhang sei auch zu erwähnen, dass durch das Eheöffnungsgesetz vom 21. Dezember 2000 in den Niederlanden, als dem ersten Land der Welt, die traditionelle Ehe auch für gleichgeschlechtliche Paare zum 1. April 2001 geöffnet wurde. Eine weitere Frage betraf die **Bestandsgarantie** von Kampagne und Projekt im Fall von Regierungswechseln. Chmielorz wies hierbei auf prominente Unterstützer aus allen großen Parteien hin, u.a. Prof. Dr. Rita Süsmuth (Bundestagspräsidentin a.D., CDU), Dr. Lale Akgün (SPD), Christian Lindner (FDP) und Claudia Roth (Bündnis 90/ Die Grünen). Er übte allerdings Kritik am Schulgesetz des Landes Nordrhein-Westfalen, das mit der Mehrheit der konservativ-liberalen Stimmen im Landtag 2005 verabschiedet wurde. Das Gesetz kenne Vielfalt und Emanzipation als Erziehungsziel nicht, stattdessen werde die „Ehrfurcht vor Gott“ und „die Liebe zu Volk und Heimat“ hervorgehoben, was von vielen Zuhörern mit Kopfschütteln kommentiert wurde.

Weiterführende Links

Zentrale Homepage des Projekts:
<http://www.schule-ohne-homophobie.de>

Studie der Friedrich- Ebert- Stiftung zu gruppenbezogener Menschenfeindlichkeit:
<http://library.fes.de/pdf-files/do/07905-20110311.pdf>

Der von Almut Dietrich verfasste Jahresbericht „Schule ohne Homophobie – Schule der Vielfalt. Ansätze, Aktivitäten und Ergebnisse 2008 bis 2010“, Köln 2011, kann über die Landeskoordinatorin der Anti-Gewalt-Arbeit für Lesben und Schwule in NRW, Rubensstr. 8-10, 50676 Köln, bezogen werden.

Podiumsdiskussion
Wir brauchen „Homo-Kunde“
in Kindergarten und Schule



Das Podium (v.l.n.r.):
Ralf Kletsch, Elisabeth Müller-Heck, Kirstin Fusan,
Sabine Fischer, Markus Chmielorz und Dr. Jürgen Frank

Moderation:
Kirstin Fusan, Senatsverwaltung für Bildung, Wissen-
schaft und Forschung, Berlin

Gäste:
Markus Chmielorz, Schulprojekt NRW
Sabine Fischer, BEFAH- Elterngruppe Hamburg,
Mutter schulpflichtiger Kinder
Dr. Jürgen Frank, Oberkirchenrat EKD
Ralf Kletsch, Mitglied im Vorstand des Bundeselternrats
Elisabeth Müller-Heck, Referentin für Gesundheitsfra-
gen, Senatsverwaltung für Bildung, Wissenschaft und
Forschung, Berlin

Überblick

Hintergrund
Lesbische Schülerinnen und schwule Schüler erleben ihre Schule häufig als einen homophoben Ort. Mit ihrer von der Heteronorm abweichenden Sexualität begegnen sie oft nicht- respektvollem und wenig tolerantem Verhalten. Sie werden als „anders“ wahrgenommen, eben nicht als gleichwertig wie ihre heterosexuellen Mitschülerinnen und Mitschüler. Sie erfahren Mobbing oder sogar körperliche Gewalt. Wie schon in den Vorträgen von Chmielorz und Mücke thematisiert, garantiert das Schulsystem der einzelnen Bundesländer nur wenig Aufklärung und Auseinandersetzung mit Homosexualität und gleichgeschlechtlichen Lebensweisen. In einzelnen

Bundesländern wird darauf sogar mit Rücksicht auf vermeintlich „christliche“ Werte verzichtet. Braucht die Schule „Homo-Kunde“ in den einzelnen Fächern, um die Lebenssituation schwuler und lesbischer Jugendlicher in der Schule verbessern zu können, sie stärker als bisher vor Anfeindungen und Mobbing zu schützen und ihnen wie allen anderen Schülern das Recht auf körperliche Unversehrtheit zu garantieren? Wie kann an Schulen ein Klima entstehen, in dem es leicht und selbstverständlich ist, als junge Lesbe, als junger Schwuler, Bisexueller und Transgender erwachsen werden zu können? Wie kann das soziale Miteinander in der Begegnung mit „den anderen“ bereichert werden, so dass Schule ein Ort wird, wo Menschen lernen, mit Minderheiten ohne Ausgren-
zung zu leben?

Verlauf der Diskussion

Betroffenheit
Den Podiumsgästen, die zum Teil homosexuelle Kinder haben, wurde zunächst die Möglichkeit gegeben, über die eigene Konfrontation mit dem Coming Out ihres Kindes in der Schule zu berichten. Schnell war von konkreten Diskriminierungserfah-
rungen der Kinder und von „Ratlosigkeit“ die Rede, wenn Lehrer sowohl mit dem Thema „Homosexuali-
tät“ als auch mit dessen Darstellung vor der Klasse konfrontiert wurden. Spätestens seit dem Gesetz zur Eingetragenen Lebenspartnerschaft fühlen sich aber mehr Menschen vom Thema „Homosexualität“ angesprochen. Den „Geouteten“ in der Schüler- und Lehrerschaft wohne zwar eine gewisse Kraft inne, das Thema zu transportieren. Diese dürften dabei aber nicht allein gelassen werden, hier bedarf es der besonderen Unterstützung durch die Eltern, die auch eine entsprechende Weichenstellung in der Schulpo-
litik der Länder einfordern müssen.

Kompetenzfragen
Ein Diskussionsschwerpunkt war der Umgang mit den Themen Homosexualität und „Homo-Kunde“ bei Schulen in kirchlicher Trägerschaft. Aufgrund der gleich zu Anfang vorgetragenen Sichtweise von Oberkirchenrat Dr. Frank als „Bildungsminister“ der Evangelischen Kirche in Deutschland (EKD), er könne nicht als Vertreter der gesamten Kirche sowohl zu Homosexualität als auch „Homo-Kunde“ sprechen, entwickelte sich eine teils hitzige Diskussion über die Rolle der Kirchen bei der Evaluation neuer Lehrin-
halte und der Stärkung von Antidiskriminierungsar-
beit in der Schule. Die Ausrede fehlender Kompetenz seitens der offiziellen Vertreter der Kirchen beim

Thema gleichgeschlechtliche Lebensweisen, welche seit nunmehr 50 Jahren bestünde, ließen die Eltern ebenso wenig gelten wie die permanente Ankün-
digung eines so genannten „Dialogs“, der letztlich nur darin ende, dass man sich als Eltern „wie Hunde fühlt, die ab und zu mal was vom gedeckten Tisch abbekommen“ (Inge Breuling, BEFAH e.V.). Auch wurde auf die aktive Behinderung von Aufklärungs-
maßnahmen seitens beider großer Kirchen in der Vergangenheit hingewiesen, indem z.B. Aufklärungs-
broschüren auf Druck von Kirchenvertretern wieder eingestampft werden mussten. Dies sei vor allem bei der Gewaltprävention und der Prävention von HIV/AIDS ausgesprochen hinderlich gewesen. Dr. Frank räumte daraufhin ein, dass die Einsicht von Verschulden seitens der Kirche die Voraussetzung für eine neue Diskussion sei. Die Kirche habe dadurch die Möglichkeit, das Thema in ihren Bildungseinrich-
tungen zu thematisieren und durch künftige aktive Beteiligung betroffener Eltern auch zu guten Konzep-
ten zu gelangen.

Ergebnisse

- **Etablierung.** „Homo-Kunde“ kann in den allge-
mein bildenden Schulen sowohl in staatlicher, kirchlicher wie auch privater Trägerschaft nur durch eine gezielte Vernetzung durchgesetzt werden. Hier könnte z.B. der BEFAH e.V. mit dem Bundeselternrat und Projekten wie „Schule ohne Homophobie - Schule der Vielfalt“ zusammenar-
beiten. Im Verbund mit anderen könne man ge-
stärkt und selbstbewusster bei übergeordneten Institutionen auftreten.
- **Praxis.** Bei der Verwirklichung von „Homo-Kunde“ in der Schule müssen die Elternvertreter, Lehrer und Kollegien in einen Dialog treten. Die Befürchtung von Eltern, ihr Kind könnte durch „Homo-
Kunde“ zu früh mit Fragen der Sexualität (auch der eigenen) konfrontiert werden, muss ausgeräumt werden. Das übergeordnete Ziel bleibt die **Wertschätzung aller Kinder durch ihre Schule**, unabhängig von ihrer Hautfarbe, Herkunft und eben auch der **sexuellen Orientierung**.
- **Sensibilisierung.** Erfahrungen aus der Vergangen-
heit haben gezeigt: sobald vor Ort die Konfronta-
tion mit einem Diskriminierungsfall stattfindet, stehen Eltern auf und setzen sich aktiv gegen Diskriminierung ein. Eltern sollten dabei aktiv nach Mitstreitern im Elternrat suchen, damit Schule und Schulklima nicht allein den Lehrern überlassen bleiben und so gestaltet werden, dass

- Diskriminierungsfälle erst gar nicht vorkommen. Der Einstieg ins Thema sollte nicht erst über „Pro-
blemfälle“ vorgenommen werden.
- **Gesellschaftliche Perspektive:** Eltern, Schüler und Lehrer müssen die Gesellschaft in verantwort-
licher Weise prägen. Bildungseinrichtungen sollten auch die Chance wahrnehmen, Empathie zu erzeugen und Perspektiven zu übernehmen. Sie müssen gemeinsam zum Erwerb von Fähig-
keiten beitragen, mit denen Schülerinnen und Schülern, deren Orientierung von der Heteronorm abweicht, das Leben in der Mitte der Gesellschaft erleichtert wird.

Statements

- Ratlosigkeit in der Schule – Veränderung?**
K. Fusan (SenVerw f. Bildung, Wissenschaft u. Forschung, Berlin): *Mein Sohn hatte sein Coming Out mit 14 Jahren und ich fragte mich, wie ich als Mutter damit umgehe. Ich suchte Rat bei der Lehrerin meines Sohnes, sie reagierte verzweifelt und fragte mich zurück, was sie denn jetzt machen solle. Hat sich das heute verändert?*
Sabine Fischer (BEFAH e.V. Hamburg): Ich bin Mutter von drei Kindern. Mein Sohn outete sich zuerst bei seinen Mitschülern und dann zuhause. Die Reaktion in unserer Familie bestand zunächst aus Tränen und Schweigen, auch bei unseren Nachbarn. Als Schulsprecher erlebte mein Sohn dann in der 11. Klasse einen Mobbingfall und setzte sich dafür ein, dass im Lehrerkollegium etwas dagegen unter-
nommen wird. Daraufhin gab es an der Schule das Aufklärungsprojekt „Sorum“, bei dem drei Klassen mitmachten. Leider ist nicht garantiert, dass es auch fortgesetzt wird.
Frank Chmielorz (Schulprojekt NRW): Die erste Idee für das Projekt „Schule ohne Homophobie – Schule der Vielfalt“ kam von einer Elterninitiative und dort speziell von einem Elternvertreter, der selbst schwul ist. Der Einstieg in die Aufklärungsarbeit sollte durch breit angelegte Aufklärung erfolgen, die nicht punk-
tuell, sondern strukturell ausgerichtet ist.
K. Fusan: Wie sieht es in Berlin und Brandenburg aus? Was passiert in Politik und Verwaltung?
Elisabeth Müller-Heck (SenVerw f. Bildung, Wissenschaft, Forschung): Die Senatsverwaltung ist am Thema. Es gibt seit 2010 eine Senatsinitiative, die wesentlich auf strukturelle Änderungen abzielt. Der Senat will mit Hilfe einer „Top-Down“- Strategie vorgehen, d.h. Maßnahmen werden auf den Ebenen der Schulaufsicht, dann der Schulleitungen bis in





die Lehrerkollegien und zu den Elternvertretern umgesetzt. In Schulbüchern sollen Lebensweisen von homosexuellen Menschen dargestellt werden. Für die Lehrerausbildung sind reguläre Seminare vorgesehen, ebenso für die Referendarausbildung. Der Einsatz gegen Homophobie soll in die allgemeine Gewaltprävention eingebunden werden. Strategien in der Jugendhilfe sollen ähnlich wie in der Schule ablaufen.

Ralf Kletsch (Bundeselternrat): Auf den Seiten des Bundeselternrates steht als Leitmotiv aus der UN-Kinderkonvention von 1978: jeder soll sich so entwickeln, wie es seinen Bedürfnissen entspricht. In den Rahmenrichtlinien des Landes Brandenburg wurde dieses Motiv aufgegriffen, das Thema Homosexualität wird im Fach Biologie der Klasse 5/6 und in Klasse 8 angesprochen. Die Behandlung des Themas liegt in der Hand der einzelnen Lehrer.

K. Fussen: *Unsere Gesellschaft wird durch verschiedene Organisationen geprägt. Welche Rolle spielt dabei die evangelische Kirche? Die Theologen sind sich nicht einig. Warum?*

Dr. Frank (EKD): Ich wünsche mir hierbei eine differenziertere Betrachtungsweise. Ein Grundproblem bei der Lehrerausbildung besteht doch darin, dass von der Aufklärung zur Haltung der einzelnen Person ein langer Weg ist. Es braucht Ruhe und Gelassenheit. Das Meinungsbild auch eines Theologen ist geprägt von persönlichen Erfahrungen. Die Theorie entspricht häufig dem, was man selbst gelebt hat. Wichtig ist auch, dass Theologen einen gemeinsamen Sprachgebrauch finden.

K. Fussen: *Wie soll es konkret bei der Kirche weitergehen?*

Dr. Frank: Sexualität ist eine Gestaltungsaufgabe der Erwachsenenbildung. Geeignet wäre z.B. ein Workshop für Biografiearbeit, bei dem Mitarbeiter, Gruppenleiter und Ehrenamtliche für das Thema Sexualität sensibilisiert werden, sie Sexualität in ihrer Körperlichkeit erfassen lernen.

Kirche, Schule und homophobe Einstellungen

K. Fussen: *Homosexualität darf nicht auf Sex reduziert werden. Beginnt nicht die Grundabscheu im Kopf?*

Klaus Köhn (BEFAH e.V.): Viele evangelische Pastorinnen und Pastoren haben verschiedene Lebensmöglichkeiten für sich entdeckt. Das könnte für die gesamte evangelische Kirche gelten und einiges erleichtern, z.B. in der Konfirmandenarbeit, wo man die Grundabscheu überwinden kann. Würden Sie (Dr. Frank) das mit Ihrem Personal verändern wollen?

Dr. Frank: Ich kann nicht für die Gesamtheit der

evangelischen Kirche sprechen. Den Grundsatz, den wir in unseren evangelischen Schulen vertreten ist, dass keiner verloren gehen darf! Sie begegnen bei Lehrern oft Unbeholfenheit und Verklemmtheit. Persönlichkeitsstrukturen werden trotz Studium nicht verändert. Sexualerziehung ist immer eine Bildungsaufgabe, die Persönlichkeitsbildung einschließt.

Wolfgang Köhn (BEFAH e.V.): Vertreter der Kirche sind immer Vertreter der gesamten Kirche. Sie repräsentieren das Wort und die Macht der evangelischen Kirche! Ich erinnere an die Pastoren Brinker und Meyer, die aufgrund ihrer Homosexualität vom Dienst suspendiert wurden. Auch das Lebenspartnerschaftsgesetz musste gegen den Widerstand beider Kirchen durchgesetzt werden.

Ralf Kletsch: Die Kirche hat eine Riesenchance! Da kann sie sich einbringen! Ethik- wie Religionsunterricht sind bei Schülern sehr stark gefragt. Eltern verweisen den Bundeselternrat immer darauf, was Schule denn noch alles leisten soll. Das war bei Fragen zu den Integrationsklassen (Einbeziehung von Menschen mit Behinderung oder Migrationshintergrund) auch schon der Fall.

Sören Landmann (Student): Es kann nicht darauf gewartet werden, bis alle Biografien aufgearbeitet sind. Bei einem Notfall kann ein Notarzt, sollte er eine lesbische Patientin oder einen schwulen Patienten auf der Trage liegen haben, sich auch nicht erst mit seiner eigenen Sexualität und der Haltung zu der der anderen beschäftigen.

Renate Löhr (BEFAH e.V.): Ich habe zwar keine homosexuellen Kinder, aber schon in den 1970er Jahren Sexualkundeunterricht gegeben. Als evangelische Pfarrerin haben sich Schwule mir gegenüber geoutet. Was sich nicht verändert hat, ist die Diskriminierung dieser Menschen durch die Kirchen, sie läuft weiter. Das Verständnis vom „guten Jesus“ mit seiner Individualethik hilft Betroffenen und ihren Eltern nicht weiter! Wir haben ein Problem mit der Sexualität im Ganzen, bei der Kirche hat der Mensch keinen Unterleib. Ich fordere Sie (Dr. Frank) auf, die Themen Sexualität und Homosexualität endlich zum Normalthema zu machen, Unterrichtspläne zu entwickeln und in der Lehrerausbildung darauf einzugehen!

K. Fussen: *Wie steht die Amtskirche generell zur Homosexualität?*

Dr. Frank: Entscheidungen fallen bei der EKD auf der Synode der Landeskirchen. Der Rat der EKD hat 1996 eine Orientierungshilfe zu Homosexualität und Kirche herausgegeben. Darin ist auch zu lesen: Spott, Verachtung und Ablehnung bis hin zur physischen Vernichtung haben den Leidensweg von

Homosexuellen bis heute mitgeprägt. Christinnen und Christen haben sich mitschuldig gemacht! In der Lehrerbildung muss der Aspekt der Persönlichkeitsentwicklung berücksichtigt werden. Auch die Fragen, inwieweit das Thema Homosexualität Teil unserer gedanklichen Kultur ist und inwieweit Lehrer persönlich damit befasst sind.

Familienbilder und Heteronormativität

K. Fussen: *Die Menschen sind, was den Begriff „Familie“ angeht, häufig weiter als die betreffenden Institutionen. Besteht die Chance, dass die evangelische Kirche in 10 Jahren so weit ist wie ihre Mitglieder?*

Dr. Frank: Es gibt Gründe dafür, dass Ehe und Familie so geschützt sind. Eine gleichgeschlechtliche Partnerschaft kann nicht offen sein für Kinder, das gilt nicht für die Frage der Adoption! Die Familie als positives Leitbild wird bleiben. Die Frage heute ist doch: wie schaffen wir es, dass es mehr Familiengründungen gibt.

Klaus Köhn: Andere Lebensformen sind auch Familie, sie verdienen den gleichen Schutz. Es ist nun wirklich an der Zeit, den Begriff neu zu fassen und zu verändern.

Sören Landmann: Warum sollen Menschen vom Familienbegriff ausgeschlossen werden, die eine Ehe eingehen wollen? So z.B. Lebenspartnerschaften, in denen Verantwortung übernommen wird. Warum sollen homosexuelle Paare nicht die gleichen Rechte bekommen, wie sie ältere Ehepaare nach der Kinderzeit oder ganze ohne Kinder auch haben?

Verpflichtung zu „Homo-Kunde“ in Kindergarten und Schule?

Frank Chmielorz: Es muss an den Schulen zuerst „Kundige“ für bestimmte Themen geben. Die Offenheit, zunächst fremden Welten zu begegnen und die eigene emotionale Abwehr gegenüber anderen Emotionen abzubauen, steht vor einer möglichen „Verpflichtung zur Homo-Kunde“.

Sabine Fischer: Eltern wollen immer eine Idealsituation für ihre Kinder. Ist es für uns nicht langsam Zeit, den Kindern zu kommunizieren, dass es die heile Welt da draußen nicht gibt?

Ralf Kletsch: Nun, die Themen der Elternversammlung bestimmen die Eltern! Die AG der Länderversammlungen beim Bundeselternrat vertritt ca. 10 Millionen Eltern. Da kann man das Thema einbringen. Einzelne werden natürlich immer sagen: wir brauchen das nicht.

E. Müller- Heck: Das Berliner Schulgesetz besagt, dass jeder seine Sexualität so leben soll, wie es ihm

gegeben ist. Dahingehend werden auch die Lehrer zur Begleitung der Kinder ausgebildet. Information allein schafft es nicht, eine bestimmte Haltung zu gewinnen, Biografiearbeit oder Therapie kann die Senatsverwaltung nicht vermitteln. Sie kann aber die Lehrerschaft dazu auffordern, ins Gespräch zu kommen und das Thema in den Schulen zu verwirklichen. Dazu gehört es auch, Orte in den einzelnen Fächern zu finden, wo über Sexualität und Homosexualität gesprochen wird. Je offener mit dem Thema umgegangen wird, desto leichter wird der Weg zur Veränderung!

Schlussrunde

K. Fussen: *Was möchten Sie hier auf dem Podium besonders den Eltern noch mit auf den Weg geben?*

Ralf Kletsch: Haben Sie Vertrauen in sich und bleiben Sie streitbar für Ihre Rechte. Hören Sie nicht auf, „Homo-Kunde“ einzufordern, wenden Sie sich an die Elternvertreter Ihrer Schulen! Mein Angebot an BEFAH: wir werden Sie auf unserer Internetseite vorstellen!

E. Müller- Heck: Wir müssen dafür sorgen, dass Kinder gestärkt und nicht diskriminiert werden.

Sabine Fischer: Wir sind dankbar für das Angebot des Bundeselternrates, erwarten aber schon Unterstützung aus der Politik.

Dr. Frank: Die Kirche muss aushalten, dass man sie bei ihrer Ehre packt. Sie verliert ihre Glaubwürdigkeit, wenn sie von Christus abrückt. Die Kinder bleiben der Maßstab. Wenn man etwas verändern will, dann muss es hier sein!

Frank Chmielorz: Danke und machen Sie weiter so!

K. Fussen: Möge uns die Kraft für neue Impulse noch lange erhalten bleiben!

Gudrun Held: Im Namen von uns allen bedanke ich mich bei diesem Podium! Wir gehen nun aus Berlin zurück an unsere jeweiligen Orte. Und das, was gerade in der Welt passiert – in Libyen und in Fukushima, das bewegt mich so, dass es mir die Sprache verschlägt. Die Welt ist ziemlich kaputt. Trotzdem wünsche ich allen eine gute Rückreise und bedanke mich dafür, dass dies so austauschende, lebendige, schöne Tage waren! Ich glaube, wir brauchen tatsächlich 2 Jahre, bis wir das alles gut verarbeitet haben! Wir sehen uns wieder beim Bundeselterntreffen 2013!



Dank der TeilnehmerInnen
an den Vorstand



Liebe Vorstandsmitglieder!

Zum Koffer hat es nicht gereicht.
Dafür ist dieses Täschchen leicht.
Und sehr gut von Berlin wegzutragen,
nach diesen für Euch harten Tagen!
Anerkennung und Dankbarkeit kann man nicht
wiegen -
Doch sollt Ihr sie zu sehen kriegen.
Zu sehen genügt nicht: Ihr sollt sie auch schmecken.
Nehmt Platz am runden Tisch oder an einem mit
Ecken
Und labt Euch ein wenig auf unsere Kosten.
Und in Gedanken mögt Ihr uns zuprosten.
Aufs Wiedersehen beim nächsten Mal
Freuen sich alle hier im Saal.

Inge Breuling

*Im Namen des Vorstandes und Beirates bedankt sich
Gudrun Held ganz herzlich für diese Überraschungsta-
sche bei Inge Breuling und allen Teilnehmenden der
Tagung!*

Gedanken zur Podiumsdiskussion
und Ausblick

Es wurde noch einmal deutlich, wie sehr das Thema
Liebe – Sexualität – Homosexualität immer noch
unter Tabuisierung leidet. Es ist viel guter Wille da,
die Gesellschaft ist offener geworden auch gegen-
über Schwulen und Lesben. Dennoch gibt es wenig
Verbindliches im Bildungsbereich in den einzelnen
Bundesländern.
Wegweisend erlebte ich die Initiativen und Maß-
nahmen der Berliner Senatsverwaltung für Bildung,
Wissenschaft und Forschung. Hier liegt ein durchgän-
giges, verbindliches Konzept vor, Kinder, Eltern, Leh-
rer /Lehreraus- und Fortbildung und die Gesellschaft
in ein Boot zu bekommen. Die Plakatinitiative „Berlin
steht hinter Schwulen/Lesben“ konfrontiert die
Öffentlichkeit ganz allgemein. Und das ist wichtig,
soll sich etwas verändern.
Und da gibt es für uns alle noch viel zu tun.

Was brauchen wir?

- Es reicht ja nicht, nur „Homo-Kunde“ für Kinder zu fordern.
- Wir **alle** brauchen eine befreite Sicht auf Liebe und Sexualität, die dem Glück der Menschen dient. Sexualität ist eine schöpferische Lebenskraft, die in allen Lebensbereichen der Menschen wirkt.
- Sexualität muss befreit werden vom Zwang zur Zeugung, erst dann kann die Diskriminierung der Homosexualität aufhören. Dann steht sie gleichwertig neben der Heterosexualität. Alle „Spielarten“ von Sexualität, die gepaart sind mit Liebe und Verantwortung für den anderen, dienen dem Leben.
- Diese Einsicht in die Gesellschaft zu tragen, erfordert einen langen Atem. Das ist sicher noch ein langer und schwerer Weg. Nicht nur die Kirchenleitungen und deren offizielle Vertreter weichen immer wieder aus ins Ungefähre und Unverbindliche, wodurch Diskriminierung verfestigt wird.

Aufgaben für BEFAH-Eltern:

- Viele kleine Schritte gehen.
- Kontakt zu Ausbildungsstätten für LehrerInnen, PfarrerInnen, Priestern knüpfen, um Einsichten (s.o.) zur Weitergabe in der Ausbildung zu fordern.
- Kontakte zu örtlichen Bildungseinrichtungen herstellen.
- Immer wieder in den verschiedenen Bildungseinrichtungen daran erinnern, dass in allen Klassen und Schulen, lesbische und schwule Menschen sind, die Sicherheit und Akzeptanz spüren müssen.
- Schwul-lesbisches Leben ins Gespräch bringen – wo auch immer – und so das Tabu brechen.

Gudrun Held



BEFAH-Elterngruppe Bremen

Kontakt:
Elterntreffen jeden dritten Freitag im Monat
um 20.00 Uhr
Rat & Tat Zentrum Bremen
Theodor Körner Straße 1
Tel. 0421/700007
E-mail: elterngruppe-bremen@befah.de

Eltern homosexueller Töchter und Söhne
Die Elterngruppe Bremen wurde am 20. November 1989 von Uschi Schulze im Rat & Tat Zentrum für Schwule und Lesben in Bremen ins Leben gerufen. Als Mutter eines schwulen Sohnes hatte sie das Bedürfnis sich mit anderen Eltern, die auch homosexuelle Kinder hatten, die Sorgen und Probleme auszutauschen, die sich vor allem nach dem Coming-Out, das für die meisten aus heiterem Himmel kommt, einstellten.

- Die häufigsten Fragen sind:**
- Wie gehe ich damit um?
 - Was sagen die anderen?
 - Warum gerade mein Kind?
 - Was haben wir falsch gemacht?

Im ersten Jahr meldete sich lediglich eine Mutter, die gleiche Probleme hatte. So kam es oft vor, dass Uschi Schulze an manchen Abenden allein erschien, so dass sie schon begann zu resignieren. Doch mit der Zeit erschienen nach und nach immer neue Mütter, die froh waren, über ihre Sorgen sprechen zu können. Die Väter allerdings kamen erst viel später dazu, da sie meistens das Thema am liebsten verdrängen wollten. Bald war die Gruppe auf über 10 Teilnehmer angewachsen. Diese Gruppenarbeit führte dazu, dass sich das Verhältnis zu den Töchtern und Söhnen verbesserte und die betroffenen Eltern wieder Freude daran hatten, in Harmonie mit ihren Kindern weiterleben zu können und ein verständnisvolles Miteinander zu erreichen. Durch die Zusammenarbeit mit dem Rat & Tat Zentrum und dessen Öffentlichkeitsarbeit kamen immer mehr Eltern zu uns, so dass wir zeitweise bis zu 20 Teilnehmer hatten und somit immer gut besucht wurden. So haben wir uns auch in den Medien, wie Fernsehen und Presse präsentiert. Inzwischen sind wir wie eine Familie und haben auch private Kontakte.

- Unsere gemeinsamen Ziele waren und bleiben:**
- Die Verständigung zwischen homo- und heterosexuellen Mitbürgern zu fördern.
 - Vorurteile (Homophobie) abzubauen und die Akzeptanz zu fördern.
 - Für sich und für die betroffenen Frauen und Männer Homosexualität zu akzeptieren und beherzt offen damit umzugehen.
 - Die gesellschaftliche Anerkennung und die rechtlichen Bedingungen unserer Töchter und Söhne zu verbessern.

Gemeinsam mit dem Rat & Tat Zentrum haben wir uns an Aktionen für die rechtliche Gleichstellung für Lesben und Schwule in der Bremer Innenstadt beteiligt und gegen die homofeindliche Einstellung der Organisatoren des Christivals drei Tage lang protestiert. Es war für uns eine Freude, zusammen mit den

sehr aktiven jungen Leuten, in der Öffentlichkeit präsent zu sein. Hier hatten wir viel Zuspruch aus der Bevölkerung, so dass es zu fruchtbaren Diskussionen kam. Mitglieder der Elterngruppe Bremen nahmen schon früh an überregionalen Treffen von Elterngruppen teil und waren aktiv bei der Gründung des Bundesverbandes von Eltern, Freunden und Angehörigen Homosexueller (BEFAH) im Jahre 1997 in Hamburg und Hannover. Hier wird bundesweit u.a. für eine politische und gesellschaftliche Anerkennung unserer lesbischen Töchter / unserer schwulen Söhne durch Überzeugungsarbeit gekämpft. Seit dieser Zeit haben wir die große Unterstützung durch BEFAH schätzen gelernt und sind sehr dankbar dafür.

Hier beteiligen wir uns auch an den Kirchentagen, auf denen BEFAH präsent ist. Alle zwei Jahre findet ein Bundeselterntreffen statt, bei dem es guter Brauch ist, dass die jeweilige Bundesfamilienministerin dabei ist oder die Schirmherrschaft übernimmt, bzw. ein Grußwort sendet. Lediglich Frau von der Leyen lehnte 1997, anlässlich des 10jährigen Bestehens von BEFAH in Hamburg, beides ab und übernahm aber die Schirmherrschaft beim Christival in Bremen, eine Vereinigung konservativer Christen, die Homosexuelle heilen wollen. Darüber waren wir sehr enttäuscht. BEFAH schickte ihr daraufhin ein scharfes Protestschreiben. Zum Bundeselterntreffen in Stuttgart sendete sie jedoch ein Grußwort. Um auch im regionalen Bereich mehr politischen Einfluss zu bekommen sind wir Teilnehmer am Lesbisch-Schwulen-Runden-Tisch beim Senator für Arbeit, Frauen, Gesundheit, Jugend und Soziales in Bremen beteiligt. Hier beteiligen wir uns im Rahmen des Landesarbeitskreises für Lesben und Schwulenpolitik an vielen Aktivitäten wie Fragebogenaktionen, Filmreihen, Protestschreiben, Eingaben an die Bremische Bürgerschaft usw. Wir wünschen uns mehr Eltern von lesbischen Töchtern und schwulen Söhnen, die zu unseren regelmäßigen Treffen kommen. Die Probleme der Eltern bestehen trotz verbesserter rechtlichen Rahmenbedingungen nämlich weiterhin und wir appellieren an alle Betroffenen, sich beim Rat & Tat Zentrum zu melden.

Anlässlich des 20jährigen Bestehens der Elterngruppe Bremen gab Uschi Schulze ihr Amt als Gruppenleiterin an Werner Steinmeyer als Nachfolger ab. Am 09. März 2011 bekam sie für ihre lange ehrenamtliche Tätigkeit vom Bundespräsidenten das Bundesverdienstkreuz am Bande. Es wurde ihr in einer Feierstunde durch die amtierende Sozialsenatorin im Rathaus überreicht. Wir sind alle sehr stolz! Es gibt noch viel zu tun und wir machen weiter. Hier brauchen wir auch weiterhin die Medien für aufklärende Berichterstattung.

Elterngruppe Dortmund



Elterngruppe Dresden

Die Dresdner Elterngruppe besteht seit 2004 und hat gegenwärtig 26 aktive Mitglieder aus ganz Sachsen – Eltern von 2 lesbischen Töchtern, 11 schwulen Söhnen und 5 transidenten Töchtern und Söhnen. Neben der Gruppenarbeit bieten wir Telefonberatung, durch die im letzten Jahr in 6 Fällen Eltern beraten werden konnten, die teilweise jetzt in der Gruppe mitarbeiten. Mit einigen Eltern aus früheren Jahren stehen wir noch in telefonischer Verbindung. Für das Jahr 2011 haben wir uns als Hauptaufgabe die Mitarbeit beim 33.Evangelischen Kirchentag in Dresden gestellt. Dort werden wir u.a. am Stand des BEFAH auf dem Markt der Möglichkeiten vertreten sein. Im schwul – lesbischen Themenzentrum werden wir einen Workshop zum Thema „Eltern von Transgendern“ durchführen, an der Podiumsdiskussion „Coming out der Eltern“ teilnehmen und uns beim anschließenden Workshop beteiligen. Selbstverständlich sind wir – wie fast jedes Jahr – auch auf dem CSD Straßenfest in Dresden mit einem Informationsstand präsent. Bei den monatlichen Elterntreffen, führen wir Gespräche über die Probleme und Erfahrungen der Mitglieder und einschlägige Themen aus Politik und Gesellschaft. Daneben steht 2011 unter Anderem auch ein Gespräch mit einem älteren Mitglied des schwul – lesbisch – christlichem Stammtisch, ein Treffen mit Dresdner Regenbogenfamilien, ein gemeinsamer Filmbesuch, eine Wanderung und ein Gartenfest auf dem Programm.

Elterngruppe Freiburg

Unsere Gruppe besteht aus sieben Eltern. Unsere Treffen finden nach Absprache Donnerstag in einem Freiburger Café und Sonntags in privater Atmosphäre statt. Reger Kontakt besteht mit der „Rosa Hilfe“ in Freiburg und den „Rainbowstars“ in Lörrach.

Aktionen

April 2010:
CSD Lörrach mit 4000 Menschen
Infostand der Gruppe mit Anneliese Körn-Scherb und Doris u. Konrad Eisele. Wir stellten die Elternarbeit hier und bundesweit vor. Es ergaben sich viele interessante Gespräche und Kontakte. Auf der Hauptbühne sprach Doris über die Situation der Familie nach dem Outing.

Juli 2010:
Schwul-lesbische Jugendfilmtage.
Das CineMax Kino Freiburg bot in Zusammenarbeit mit den Gruppen AidsHilfe, Pro Familia, Jugend- und Gesundheitsamt, Elterngruppe (Befah) und Wildwasser 2 Tage lang Filme für die Freiburger Schulen an. Judith Wallmann und Doris u. Konrad Eisele übernahmen den gemeinsamen Beratungsstand für die Lehrkräfte.

September 2010:
Einladung zum Pressetermin der O-Gays e.V. Offenburg
Der Film „Prayer for Bobby“ wurde von O-Gays als Kinofilm (Erstaufführung in Europa als Kinofilm) aufgeführt. Aus diesen Anlass gab es einen Pressetermin mit Dr. R. Bauer und dem Ehepaar Eisele (für Befah). Frau Schirra aus Sinsheim übernahm den Infostand vor und nach der Veranstaltung.
Rainbowstars e.V. Lörrach: Mit gut besuchten Infoabenden, Teilnahme am Sommerfest und bei Ihrer 10 jährigen Jubiläumsfeier vertiefte sich der Kontakt mit der Jugendgruppe. Das Ehepaar Eisele erhielt einen Ehrenpreis von den Rainbowstars für Ihre Arbeit mit der Gruppe.

November 2010:
Studentag an der Katholischen Akademie Freiburg.
60 Pastoralreferenten/innen trafen sich zum Thema: „Den Menschen sehen. Seelsorge für homosexuelle Menschen“. Am Nachmittag gaben das Ehepaar Eisele einen Workshop als christliche Eltern über Ihr eigenes Comingout und stellten Ihre Arbeit innerhalb der Befah vor. Viele Fragen der sehr interessierten Teilnehmer (20) und der Wunsch nach weiterer Zusammenarbeit folgten.

Dezember 2010:
Onlinepresse „Fudder“ mit der Badischen Zeitung.
Das Ehepaar Eisele gab ein Interview mit einer Journalistin des Jugendmagazins „Fudder“ über das Outing, die Elterngruppe und Befah.

Februar 2010:
Landtagswahlveranstaltung der Rainbowstars Lörrach.
Auf Einladung der Rainbowstars e.V. trafen sich Politiker im Bundestag verteilter Parteien (Ohne CDU, mit Piratenpartei) mit Vertretern der örtlichen Homosexuellengruppen und Elterngruppe von Befah. Nach der Vorstellung aller Politiker zur Situation und Rechte der homosexuellen Menschen in in Baden-Württemberg (z.B. eine Verpartnerung ist wesentlich teurer als Heirat und findet nicht überall im Standesamt statt) gab es eine rege Diskussion mit den Teilnehmern. Mehrere Politiker suchten anschließend das Gespräch mit uns.

Elterngruppe Hamburg

Kontakt:
Sabine & Hartmut Fischer
Telefon: 040 2788 7862
Web: www.befah-hamburg.de
Email: befah-hamburg@t-online.de
Treffen: Gruppentreffen monatlich Sonntags im Magnus-Hirschfeld-Zentrum (MHC) und auch monatlich mittwochs im Café in Hamburgs Stadtmitte, offener Treff, Termine auf Webseite

Die Gruppe
Etwa 10 Eltern regelmäßig, plus ca.15 die, nur ab und zu dabei sind und auf dem e-Mail-Verteiler sind, zusätzlich zu einigen Telefonkontakt

Ziele
Erste Hilfe für neue Eltern, Rostocker Radio Sender LOHRO Öffentlichkeitsarbeit zwecks besserer Wahrnehmung

- Aktionen**
- April: Besuch am Tag der offenen Tür im Junglesbenzentrum Hamburg
 - 4. Mai: KZ Neuengamme: Kranzniederlegung durch Sabine für die homosexuellen Opfer des Nazi-Regimes.
Anlass: 65. Jahrestag der Befreiung des KZ
 - 6. - 8. August: Christopher Street Day: Teilnahme an 3 Tagen mit eigenem Info-Stand durch Sabine, Margot, Gesine, Ursel und Brigitte aus der Elterngruppe Hamburg
 - Interview mit dem „Pink Channel Hamburg“ (Audio Datei auf der Website)
 - September: Kontakt zum LI (Landesinstitut für Lehrerbildung und Schulentwicklung Hamburg). Beitrag zur Erstellung von Unterrichtsmaterial bzgl Homosexualität
 - November: Teilnahme am Regenbogenfamilientag im mhc

- Was läuft gut**
- Kontaktmanagement über unsere Website, E-Mail, BEFAH-Rufnummer, wer uns sucht findet uns
 - Kontakte und Unterstützung durch KISS
 - Relevante Hamburger Websites zeigen einen Link zu www.befah-hamburg.de
 - Kontakt zum Lesbenzentrum im MHC
 - Förderung durch KISS (1650/a)
 - CSD-Teilnahme mit 5 Müttern an 3 Tagen hat viele Kontakte gebracht und uns sichtbar gemacht

- Was könnte noch verbessert werden**
- Aus dem mhc (Jung-Schwulen Zentrum) kommen so gut wie keine Kontakte
 - Sabine steht ziemlich alleine da, wenn es um Organisation und Initiative geht
 - Die Aktion SÖDUM (Homosexualität als Thema im Schulunterricht) wurde durch konservative Eltern und Beratungslehrer blockiert. Dadurch kommt die aufklärende Information nicht in den Umlauf und alles bleibt beim Alten.

Elterngruppe Hannover

Aktivitäten, Kontakte, Vernetzungen und Projekte in 2010

Wir versuchen in unserer Elterngruppe sowohl die Arbeit vor Ort als auch die Arbeit für den Bundesverband zu koordinieren, da in unserer Gruppe vier Mitglieder dem Befah-Vorstand angehören und sechs weitere Beiratsmitglieder sind. Das erfordert eben auch zusätzlichen Einsatz aller Gruppenmitglieder für den Bundesverband. Der Vorteil ist, alle bringen ihre Ideen und Erfahrungen ein, die der Vorstand für die gesamte Arbeit nutzen kann .

So wurde auch die Entstehung des Programms für das BET 2011 in der hannoverschen Elterngruppe mitentwickelt.

Als Vertreter vom BEFAH e. V. an der offiziellen Gedenkfeier anlässlich des 65. Jahrestages (18.04.2010) der Befreiung des Kriegsgefangenen- und Konzentrationslagers Bergen-Belsen hat die Elterngruppe Hannover vor Ort einen BEFAH-Kranz für die verfolgten Homosexuellen des NS-Regimes niedergelegt.

Eltern aus der Gruppe gehen in Schulen (Projekt Ilse) und berichten über Homosexualität, sie begleiten und beraten Eltern, die den Weg zu BEFAH Hannover finden.

Vertreter der Elterngruppe nehmen regelmäßig am Runden Tisch „Emanzipation und Akzeptanz von Lesben und Schwulen in der Landeshauptstadt Hannover“ der Landeshauptstadt Hannover teil. Hier werden unter anderem Themen wie „Homophobie im Sport“, „Pflegschaften, Stiefkindadoption und gemeinsame Adoption durch gleichgeschlechtliche Paare“ oder auch „Emanzipation und Akzeptanz von Lesben und Schwulen in der Landeshauptstadt Hannover“ behandelt. Die Elterngruppe ist auch im „AK gleichgeschlechtliche Beziehungen“ der Landeshauptstadt Hannover vertreten. Der regelmäßig stattfindende Arbeitskreis hat das Ziel, in Pflegeeinrichtungen, bei ambulanten Pflegediensten, Trägern von Wohnprojekten, bei Mitbewohnerinnen und Mitbewohnern und bei sexuell anders Orientierten ein verbessertes Verständnis füreinander zu entwickeln, Vorbehalte aufzulösen und ein Bewusstwerden der vielfältigen Bedürfnisse zur Thematik - Sexualität im Alter - zu fördern. Für 2011 ist ein Word Café zur Ermittlung eines Bedarfs zur Verbesserung der Lebenslagen älterer Schwuler und Lesben in der Landeshauptstadt Hannover vorgesehen.

Mehrere Mitglieder der Elterngruppe waren auch beim 2. Ökumenischer Kirchentag in München vom 12.5. - 16.5.2010 aktiv beteiligt. Die Mitglieder der Elterngruppe haben beim Elternseminar „Mut haben - Mut machen!“ mit Hanna Legatis, NDR Hannover teilgenommen, waren aber auch bei der Vorbereitung sowohl des Seminars als auch der Mitgliederversammlung 2010 eingebunden. Aktiv haben wir uns beim Fachtag „Bei uns doch nicht?! Homosexualität in der Arbeit mit Kindern und Jugendlichen“ am 14. Juni 2010 im Neues Rathaus Hannover mit einem Büchertisch beteiligt. Vorstandsmitglied Christa Bauer hat ein Impulsreferat gehalten.

Weiterhin werden wir an den Treffen vom LSVD-Niedersachsen, vom Völklinger Kreis, der HUK Gruppe 40plus und den anderen in Hannover aktiven Gruppen teilnehmen. Zeit für unsere persönlichen Gespräche, in denen die Sorge um die Zukunft unserer Töchter und Söhne im Vordergrund stehen, bleibt uns aber immer. Wir freuen uns, wenn wir Berichte über gelungenes schwules und lesbisches Leben hören, da wir ja auch wissen, wie schwer eine Identitätsfindung unserer Kinder war und ist. Wir pflegen unsere Gemeinschaft auch mit anderen Aktivitäten, so ist ein gemeinsames Essen oder ein Glas Bier in einem Lokal in der Altstadt ebenfalls Bestandteil unserer Treffen und tut uns allen gut!

Kontakt:
Friedrich Himstedt
Telefon: 0511 - 39 46 928
Mail: befah.hannover@gmail.com
Die Elterngruppe trifft sich jeden ersten Samstag im Monat um 15.00 Uhr in den Räumen der HuK, Schuhstraße 4; Hannover

Elterngruppe OWL (Ostwestfalen-Lippe)

Kontakt:
0163-7778093, M.u.D. Kerkhoff
e-mail: elterngruppe.GT@gmx.de

0160-92605311, E. Zeileis
e-mail: elterngruppe.PB@web.de

Die Elterngruppe OWL trifft sich jeden 2. Samstag im Monat um 15:30 Uhr im Gemeindezentrum Matthäus, Auf der Haar 64, 33332 Gütersloh.

Motiviert durch das Elterntreffen 2001 startete Edda Zeileis den Versuch, eine „Elterngruppe Paderborn“ ins Leben zu rufen. Flyer wurden ausgelegt, Kontakte zu zahlreichen Institutionen (Kirche, Psychologen, Jugendorganisationen usw.) aufgenommen und monatlich Anzeigen geschaltet. Zweimal wurde ein Stand auf dem in Paderborns Stadtmitte veranstalteten Selbsthilfetag aufgebaut, worüber auch in der Lokalpresse berichtet wurde. Zu den Elterntreffen in den Räumen der evangelischen Studentengemeinde kamen neben der Initiatorin mit Ehemann jedoch höchstens noch 2-3 Interessierte. Aufgrund dessen trennte man sich, die Treffen wurden eingestellt. Die Tätigkeit der Elterngruppe beschränkte sich fortan auf Telefongespräche mit Ratsuchenden.

Im Sommer 2008 ergriffen Marianne und Detlef Kerkhoff aus Gütersloh eine neue Initiative. Die offizielle Gründung wurde im Beisein von Vorstandsmitgliedern des BEFAH am 05. September 2009 in Gütersloh vorgenommen. Die neue Gruppe wollte von Anfang an in einem größeren geografischen Raum Betroffene ansprechen und nannte sich deshalb „Elterngruppe OWL“, wobei OWL für die Region Ostwestfalen-Lippe steht. Die ev. Kirchengemeinde, zu der die Familie Kerkhoff gehört, stellte mit Unterstützung des sehr aufgeschlossenen Pfarrers recht schnell dauerhaft einen Raum für die Elterntreffen zur Verfügung. Ein Zeitungsinterview der Initiatoren im überregionalen Teil der Lokalpresse in verschiedenen Zeitungen brachte eine erstaunliche Resonanz, so dass von Beginn an zwischen 8 und 15 Teilnehmern zu den Elterntreffen kamen.

Erstes Ziel der Elterngruppe OWL ist es, allen, die einen schwulen Sohn oder eine lesbische Tochter haben, eine Anlaufstelle zu bieten, um gemeinsam mit ihnen ins Gespräch zu kommen und etwaige Probleme, Missverständnisse oder grundsätzliche Fragen zu diskutieren. Sich gegenseitig stützen, das ist das eine Anliegen. Ein weiteres wichtiges Anliegen ist es, in der Öffentlichkeit dafür zu werben, dass aus Toleranz gegenüber Homosexualität Akzeptanz wird.

Noch vor der Gruppengründung hatten sich bereits im Sommer 2009 einige der Eltern in Zusammenarbeit mit der Aidshilfe und dem Netzwerk L+S Gruppen in Bielefeld an der Vorbereitung und Durchführung des CSD beteiligt. So konnten erste Kontakte geknüpft und die Arbeit des BEFAH sowie das Vorhaben der Elterngruppen-Gründung in OWL bekannt gemacht werden (Stand/Parade).

Bereits kurz nach der Gründungsversammlung nahmen wir dann - gemeinsam mit Gudrun Held - an einem 2-tägigen Forum der EKvW (Evangelischen Kirche von Westfalen) zum Thema „Wir sind offen und einladend - Homosexualität als Prüfstein für die Kirche“ teil. Aus den USA berichtete der Conference Minister Stephen Gray über die Erfahrungen in der UCC. Es folgten Teilnahmen bei Regionaltreffen der HuK Bielefeld und an einem Studientag der Fachschaft Evangelische Theologie der Uni Münster mit dem Thema „Gay mit Gott - Homosexualität und Kirche“ zusammen mit dem damaligen Pressesprecher der HuK - Dr. Reinhold Weicker.

Inzwischen hatte sich der Zusammenhalt in der Gruppe weiter gefestigt, so dass auch ein eigener Flyer erstellt wurde. Beim CSD 2010 waren nun schon mehr Eltern aus unserer Gruppe aktiv dabei. Im Herbst gab es weiteren Austausch und Gespräche mit verschiedenen Gruppen im ostwestfälischen Raum - z.B. mit der Regionalgruppe OWL vom Völklinger Kreis oder eine Diskussion mit dem Gesprächskreis einer Bielefelder Gemeinde zum Thema: „Homosexuelle und Kirche - (k)ein Problem für mich!?“

Im Lokalsender Radio Bielefeld gab es einen Beitrag mit Interview einer unserer Mütter am „Internationalen Tag des Coming out“. Schwierig finden wir es, das Thema Homosexualität in die Schulen zu tragen. Daher begrüßen wir ganz besonders das Schlau-Projekt in NRW, an dem sich nun auch engagierte Jugendliche aus dem Raum Bielefeld beteiligen! Unsere Gruppe freut sich auf einen Austausch mit dem hiesigen Gemeindepfarrer, sowie auf den Besuch eines schwulen Paares aus der Mindener Region, das gern Kontakt mit uns aufnehmen möchte.

Zudem laufen natürlich wieder die Vorbereitungen für den diesjährigen Bielefelder CSD mit dem Motto „Geoutet“.

Elterngruppe Stuttgart

Seit Sommer 2010 haben wir an folgenden Veranstaltungen und Begegnungen teilgenommen bzw. mitgewirkt:

- CSD-Gala-Abend
- Parade des CSD durch Stuttgart
- Hocketse der Aidshilfe mit eigenem Stand
- Sommerfest der Stuttgarter Elterngruppe
- Selbsthilfegruppentreffen in Stuttgart
- Podiumsdiskussion mit VHS-Tübingen
- Treffen mit der Schüler- u. Jugendgruppe im Schwul-lesbischen Zentrum Weissenburg
- Verleihung des „Rosa Detlef“ an unsere Gruppe durch die MCC-Kirche
- Weihnachtsfeier der Aidshilfe - Infoabend mit Podiumsrunde der Aidshilfe
- CSD-Neujahrsempfang - Aktionstag des LSVD in Stuttgart
- Treffen der Elterngruppe mit dem Völklinger Kreis .

Bei jedem Treffen lernen wir neue Menschen kennen und knüpfen Kontakte für unsere Elterngruppe. So können wir in Schule, Gesellschaft und Kirche präsent sein und uns einbringen. Interviews im Stuttgarter Wochenblatt, GAB-Magazin, Württembergischen Gemeindeblatt und im Radio machen uns bekannt und informieren Leser und Interessierte. Durch diese Medien, aber auch durch unsere Flyer und die Homepage, finden die Menschen zu uns und suchen Hilfe bzw. bringen sich in unserer Gruppe ein. Die Abende gestalten wir abwechslungsreich mit Referenten zu unterschiedlichen Themen, wobei auch die persönlichen Gespräche nicht zu kurz kommen.

Das Vernetzen unserer Gruppe mit den anderen entsprechenden Organisationen, die sich um die schwul-lesbische Community bewegen, beschäftigt uns sehr. Durch unsere vielen Aktivitäten sind wir auf regelmäßige Spenden angewiesen. Wir bemühen uns in letzter Zeit verstärkt bei diversen Stellen und Stiftungen um finanzielle Unterstützung bei unserer wichtigen Arbeit.

Kontakt:
Kontakt: Loni Bonifert, Tel. 07156-25483,
leitung@elterngruppe-stuttgart.de,
www.elterngruppe-stuttgart.de

Treffen: Jeden 4. Freitag des Monats von 19:30 bis 21:30 Uhr im KISS-Zentrum
Jeden 2. Donnerstag des Monats von 15:00-17:00 Uhr im Café Planie, Stuttgart

Gudrun Rögnvaldardottir Vorsitzende der isländischen Partnerorganisation FAS.



Dies war das dritte Mal, dass ich zum Bundeseltern-treffen dabei gewesen bin. Wie immer habe ich mich sehr willkommen gefühlt. Ich empfand ein Gefühl der Zusammengehörigkeit. Ich weiß, dass ich bei den Bundeseltern-treffen unter Freunden bin. In Island sind wir weiter vorangekommen als Ihr in Deutschland, was die Rechte von Homosexuellen angeht. Seit 1996 hatten wir die registrierte Partnerschaft, und die damit verbundenen Rechte wurden allmählich vergrößert (z.B. Adoption), bis es eigentlich nur noch eine Formalität war, ein einheitliches Ehegesetz einzuführen. Im Mai 2010 war es dann soweit: ein neues Ehegesetz, gültig sowohl für Homosexuelle als auch für Heterosexuelle, wurde ohne Gegenstimmen im Parlament angenommen und trat am 27. Juni 2010 in Kraft. Paare, die vorher in einer registrierten Partnerschaft lebten, können ihre Partnerschaft in eine Ehe umregistrieren lassen. Eines der Paare, die dies am ersten Tag taten, waren unsere Ministerpräsidentin Jóhanna Sigurðardóttir und ihre Frau, die Autorin Jónína Leósdóttir. Beim BET ist mir besonders aufgefallen, welcher starken Einfluß die Kirche(n) in Deutschland auf das Leben von Homosexuellen und deren Familien haben. Alle Diskussionen, wo immer sie auch beginnen, scheinen auf die Kirche zu zielen. Es ist für mich etwas merkwürdig, wahrscheinlich weil die evangelische Kirche in Island (der 80-85% der Bevölkerung angehören) nicht so einflussreich ist, weder in der Politik noch im täglichen Leben. Trotzdem hat die Kirche immer versucht, die Änderungen in der Gesetzgebung zu verzögern – teilweise mit Erfolg, sonst hätten wir seit Jahren das einheitliche Ehegesetz – aber am Ende war der Wille der Politiker und der Bevölkerung eben stärker. Ich selbst bin 2007 aus der evangelischen Kirche ausgetreten, wegen ihrer Stellung gegenüber den Rechten homosexueller Menschen. Ich war mit dem Hotel sehr zufrieden, und Berlin ist ja eine schöne und interessante Stadt. Für das nächste BET wäre es schön, wenn es gelingen würde, einflussreiche Politiker einzuladen, für eine ernsthafte Diskussion über die notwendigen gesetzlichen Änderungen, damit Homosexuelle die gleichen Menschenrechte bekommen wie Heterosexuelle. (gesendet am 24.04.2011)

Internet
<http://www.gayice.is/gay-guide/organizations/68-fas>
(in isländischer Sprache)

Kontaktmöglichkeit in deutscher und englischer Sprache:
<http://www.gayice.is/gay-guide/organizations/68-fas>

Beatrice Ott und Brigitte Schenker von unserer Partnerorganisation FELS in der Schweiz

Beatrice Ott von unserer Partnerorganisation FELS in der Schweiz besuchte das BET zum ersten Mal.

Mein Gesamteindruck vom BET ist top: sehr interessante Vorträge, ein dichtes Programm, hervorragende Organisation, eine ausgezeichnete Küche und FLOTTE MENSCHEN!

Besonders gut gefallen hat mir der Freitag-Abend. Die Geschichte von und die Begegnung mit Marcus Urban hat mich sehr berührt. SICHTBAR MACHEN ist auch mein „Zauberwort“: sich persönlich hinstellen, den Menschen hallo sagen, wir sind hier, es gibt uns und wir sind genau so normal wie ihr ... „Tatum Tatum Crack“ war urkomisch und es tat von Herzen gut, Tränen lachen zu können. Humor ist wichtig, danke, gab es Platz dafür.

Am meisten gefallen haben mir die persönlichen Begegnungen – das Bücher lesen kann sie nicht ersetzen! Gleichgesinnte, flotte Eltern aus Deutschland kennen zu lernen machte mich richtig glücklich. Sie haben mich sehr herzlich empfangen, wir hatten wertvolle Gespräche und am Samstag-Abend führten uns zwei Elternpaare auf einem kleinen Spaziergang „um die Häuserblöcke“, sodass ich einen ersten Eindruck von Berlin erhielt.

Weniger gut gefallen hat mir meine Konzentrationsfähigkeit und Aufmerksamkeitsdauer vor allem am Samstag. Ohne Notizen ist mir von diesen Vorträgen wenig geblieben.

Das Hotel war für mich lokal sehr gut gelegen. Die Menschen an der Rezeption und im Service zeigten sich sehr zuvorkommend und freundlich, was ich sehr schätzte. Mein Zimmer war so weit ok; aber in diesem Zimmer wurde offensichtlich geraucht, was mich etwas störte (es war durchaus auszuhalten, anders das Zimmer meiner Kollegin!). Der Sitzungsraum ließ (zu) wenig Tageslicht herein und die Klimaanlage ließ mich hin und wieder frösteln. Für das nächste BET wünsche ich mir mehr Gelegenheit zum persönlichen Austausch unter den Angehörigen, beispielsweise in kleinen Auflockerungsübungen zwischen den Referaten.

ICH BIN NACHHALTIG FROH, DABEI GEWESEN ZU SEIN UND DANKE NOCH EINMAL GANZ GANZ HERZLICH FÜR DIE EINLADUNG!!!

Beatrice Ott

Die Tagung hat mich, wie schon vor zwei Jahren in Stuttgart sehr beeindruckt. Vor allem der Kontakt zu den Eltern mit gleichgeschlechtlich liebenden Kindern gibt mir immer wieder sehr viel. Auch die Verbundenheit, dass wir uns alle für die gleichen Ziele einsetzen, gibt Kraft zum Weitermachen. Der Kontakt zu den Referenten und Teilnehmern war sehr interessant und gab Anregungen, um andere Methoden und Wege zu probieren.

Die Referate waren spannend und eindrucksvoll, für mich nur etwas zu gedrängt. Die Konzentration liess vor allem am SA merklich nach. Zwischendurch mal eine längere Pause, um frische Luft zu tanken, wäre sicher sinnvoll. Das Podiumsgespräch am SO war sehr lebendig und auffrischend.

Vielen Dank an die Befah für die Einladung, wir kommen gerne wieder. Unterdessen verbindet uns bereits eine Freundschaft.

Brigitte Schenker-Rietmann



Beatrice Ott (links) und Brigitte Schenker (rechts)

Internet
<http://www.fels-eltern.ch>

Uta Marziano aus Italien



Liebe sehr geehrte Frau Held,

mit Freude denke ich an die erfolgreichen Tage in Berlin. Es tat gut, dabei zu sein.

Noch ein großes Danke an Sie und Ihre Mitarbeiter.

Schöne Ostertage mit viel Sonnenschein wünscht Ihnen

Uta Marziano aus Italien

Elisabeth Müller-Heck,
Senatsverwaltung für Bildung,
Wissenschaft und Forschung, Berlin:

Sehr geehrte Frau Held,

herzlichen Dank auch von meiner Seite. Mich hat Ihr Engagement und das der anderen Beteiligten sehr beeindruckt. Ich wünsche Ihnen weiterhin viel Kraft und Energie die begonnene Arbeit fort zu setzen.

Mit freundlichen Grüßen

Elisabeth Müller-Heck



Kirstin Fussan,
Senatsverwaltung für Bildung,
Wissenschaft und Forschung, Berlin:

Liebe Frau Held,

vielen Dank für die „Blumen“. Es hat mir auch wirklich Spaß gemacht und die Teilnehmenden im Plenum mussten nicht aufgefordert werden, sondern haben schön mitgedacht und mitgemacht, da fällt eine Moderation leicht.

Wenn Sie wieder mal Bedarf haben, immer gerne.

Liebe Grüße

K. Fussan



Klaus und Wolfgang Köhn



Klaus und Wolfgang Köhn, langjährige Mitstreiter für die Rechte von Eltern, Freunden, und Angehörigen von Homosexuellen, meldeten sich ebenfalls per E-Mail:

Guten Tag, liebe Mitstreiter,

nun ist es mittlerweile schon Donnerstag, doch die Podiumsdiskussion geht uns einfach nicht aus dem Kopf. Fast jeden Tag sprechen wir über den „Bildungsminister“ der EKD und stellen erneut fest, dass sich seit den achtziger Jahren nichts geändert hat. Manfred Bruns hat sich bei der Expertenanhörung zum ELEM im Jahr 2000 von einem Göttinger Professor immer noch die Krankheitslehre anhören müssen. Dabei ist er dann aus der Haut gefahren und hat ihn zusammen gestaucht. Am letzten Sonntag wurde nun erneut die Ehe und Familie hervorgehoben und die Notwendigkeit der Fortpflanzung unterstrichen. Vielleicht merken diese Redner gar nicht, was sie den Familien und Freunden von Homosexuellen damit antun. Diese totale Ausgrenzung ist doch sicherlich gewollt. Unser Fazit kann nun nur lauten: Veränderungen sind nur politisch möglich. Der Kampf innerhalb der Kirchen bleibt weiterhin sinnlos. Auf ein Nischen-dasein in einigen „schönen“ Gemeinden können Wolfgang und ich gern verzichten.

Liebe Grüße aus Hornbostel
von Wolfgang und Klaus

Dorle Johannsen

Liebe Gudrun,

voll mit positiven und bewegenden Eindrücken nach 2 „Wohlfühl“-Tagen Befah-Elterntreffen in Berlin möchte ich dem Vorstand, den Mitgliedern, den Referenten und auch den Geldgebern von Herzen danken. Immer wieder bewundere ich, wie viel der Vorstand und die Elternvertreter in den Elterngroups und nicht zuletzt die Eltern selbst getan und geleistet haben und mit welchem Elan weitergearbeitet wird.

Die diesjährigen Referate beim Treffen in Berlin waren präzise, sachorientiert und äußerst informativ. Einige Aussagen haben mich dazu angeregt, meine eigenen Denkweisen zu überprüfen. Die kirchlichen Themen schienen besonders viele Teilnehmer interessiert zu haben. Sie wurden und konnten aus Zeitgründen und wegen der Thematik nicht zu einem befriedigenden Abschluss gebracht werden. Gerade bei diesem Thema kamen die Emotionen aber besonders hoch.

Schwierig war es für mich dieses Mal, mehr Kontakt zu anderen Eltern und Elternteilen zu bekommen. Vielleicht könnte man das noch etwas mehr steuern. Für eine der nächsten Veranstaltungen wären Themen zu Regenbogenfamilien mit all ihren Auswirkungen für mich sehr wichtig. Interessant und anregend wäre auch ein Überblick über die positiven Entwicklungen der Anerkennung und Akzeptanz von Homosexuellen.

Ganz fest habe ich vor, beim nächsten Mal wieder dabei zu sein. Darauf freue ich mich schon heute!

Vielen Dank und viele Grüße an alle und besonders an Dich

Deine Dorle



Fazit zum Bundeseltern-Treffen Renate Löhr



Ich habe viel dazu gelernt über

- die historische Entwicklung der Definition, des Umgangs, der Einordnung von Sexualität im Allgemeinen und von Homosexualität im Besonderen im Kontext anthropologisch-theologischer Erkenntnisse
- die Entwicklung kirchlich-theologischer Festschreibungen vor allem in der römisch-katholischen Kirche, die Homosexualität als Sünde definiert, wobei sie unterscheidet zwischen homosexueller Disposition und homosexueller Handlung. Die großen institutionalisierten Kirchen bewegen sich nicht, außer auf massiven Druck von außen
- die Auswirkungen der Tabuisierung des gesamten sexuellen Bereichs und der daraus sich ergebenden Ausgrenzung von Homosexualität auf die Gesundheit des Einzelnen und auf die Volksgesundheit (Aids, Geschlechtskrankheiten)
- Ausgrenzung und Diskriminierung als Arbeitsfelder der Erziehungswissenschaften (Pädagogik), in denen die Diskriminierung von Homosexuellen pädagogisch-methodisch zu bearbeiten ist
- konkrete Projekte zur Veränderung der Grundeinstellung in Kindertagesstätten, Schulen und Erwachsenenbildungseinrichtungen in einigen Bundesländern, wie z.B. NRW und Berlin. Es ist mehr als gar nichts, aber weniger als alles. Immerhin ein Anfang nach dem Motto: ‚Steter Tropfen höhlt den Stein‘
- über das Ziel einer Bewusstseinsänderung der Gesamtgesellschaft hin zur bedingungslosen Akzeptanz von Homosexualität, das am Horizont auftaucht, das aber noch einen langen Entwicklungsprozess fordert
- über die Tatsache, dass Tabuisierung und Diskriminierung zumindest seit Mitte des 19.Jh. sich nicht einfach vom Tisch wischen lassen, sondern die Bemühungen und die Visionen hin zu einer offenen, freiheitlichen Zukunft für jedermann und jedefrau begleiten

Wer die Vergangenheit nicht kennt, kann die Zukunft nicht neu gestalten.

Impressionen vom Bundeseltern-Treffen Renate Löhr

Was ich in Erinnerung behalten möchte aus dem Dazwischen.

Die Äpfel:

Im Foyer des Hotels Sylter Hof lagen sie auf einem silbernen Tablett. In 6 Reihen jeweils 8 Äpfel, rotgelb. Wer die Treppe benutzte und nicht den Fahrstuhl, lief direkt auf sie zu. Der Spiegel an der Wand verdoppelte den Eindruck. Eine Dekoration wie ein saftiges Sommerensemble. Zum Reinbeißen? Ich habe mich gescheut, davon zu nehmen, obwohl Äpfel mein Lieblingsobst sind. Das Bild wäre zerstört worden. Lieber auf den Apfel verzichten. Manchmal schien es, als hätte ein Gast nicht widerstehen können. Kurz darauf war die leere Stelle wieder aufgefüllt. Es war ein Stimmungsbild voller Schönheit, Gleichmaß und Ruhe, mit Geschmack angeordnet. Ich spürte das Süßsaure der Früchte auf meiner Zunge, ohne sie zu probieren. Mitten in dem Kommen und Gehen der Menschen mit ihren Koffern voller Geschäftigkeit und Business-Gewichtigkeit lag etwas vom Geschmack des Lebens – einfach so da. Äpfel – an sich nichts Besonderes und doch sehr besonders. Lebendiges Leben!! Ich dachte: Dieses Hotel weiß viel vom Leben und vom Lebensstil.

Die Frau an der Rezeption:

Im Laufe der drei Tage wechselten die Angestellten an der Rezeption. Eine von ihnen hat mir ihr Gesicht hinter lassen. Sie lächelte schon von weitem, als ich durch die Eingangstür schritt. Sie lächelte so, als kannte sie mich längst. Sie lächelte so, als hätte sie mich schon seit langem erwartet – mit Freude erwartet. Sie lächelte so, als wären wir alte Vertraute auf einem Wiedersehensfest. Ich war berührt von diesem persönlichen Willkommen. Sie regelte die Anmeldeformalitäten korrekt und doch so nebenbei, als wären sie nebensächlich, als wäre nur die Begegnung entscheidend. Sich wie Zuhause fühlen – in der landläufigen Werbung eine Banalität – wurde durch ihre zugewandte Art plötzlich zu einer beglückenden Wahrheit. Wann auch immer ich mich in den folgenden 3 Tagen bewegte in der Hotelhalle, sie nickte mir aufmunternd zu, grüßte mit meinem Namen und machte den Eindruck, als kannte sie meine Wünsche und Fragen, noch bevor ich sie ausgesprochen hatte. Sie gab der Durchgangsstation einer großen Hotelhalle in einer Großstadt ein menschliches Gesicht.

Der großräumige Speisesaal:

Es lag diese unverwechselbare Freude an einer guten Mahlzeit mit vielen Freunden/innen in der Luft. Dieser Duft von Freude – wie riecht eigentlich

Freude? – vermischte sich mit den typischen Gerüchen von Gebratenem, Gedünstetem, von frischem Gemüse und Suppen und Nachspeisencremes, von Espresso und Wein und Bier und Wasser – wie riecht eigentlich Wasser? – und den Parfums und After Shaves der Gesellschaft. Heiter waren sie alle. So als fielen zunächst die Anstrengungen des Zuhörens und des Mitdenkens und Begreifens von ihnen ab. So als hätten sie jetzt frei – Denkpause, Hörpause, Verstehenspause. Essens-Lust-Pause!! Und das, was sich auf den lang gestreckten Buffet-Tischen anbot, weckte in seiner farbig-bunten Vielfalt alle Geschmacksnerven. Und war, wie man so sagt, eine Augenweide. Wie schön, dass gemeinsam zu Tisch sitzen einfach beglückend sein kann! Und dabei auch noch satt macht!

Der große Fernsehbildschirm auf dem Flur vor dem Hörsaal:

Er war in den Pausen umlagert. Der Fukushima-Bildschirm! Die grau-schwarzen Explosionsgeschehnisse in den Atomreaktoren in Japan trugen das Entsetzen und die Furcht in die Tagung. Plötzlich bestimmte ein grausames Thema die Gefühle der Menschen mit. Jeder/jede wollte wissen, wie es weiter gehen würde und weiter geht. Bis heute wissen wir es nicht. Was haben Atomexplosionen und unser Sexualität-Thema miteinander zu tun? In Berlin trafen sie aufeinander. Draußen Fukushima, drinnen Sexualität. Dazwischen die Tagungsteilnehmer/innen mit ihren Sorgen um ihre schwulen Kinder und Enkel und mit ihren Ängsten um die Kinder und Enkel der ganzen Welt. So finden wir uns vor: Im Dazwischen! Ein Mutmach-Bonbon des Referenten Chmielorz nahm für einen Moment den Furchtgeschmack – nicht den Fruchtgeschmack – aus dem Herzen.

Die Autorin ist Mitglied im Beirat des BEFAH e.V

Verleihung des Bundesverdienstkreuzes an Ursula Schulze, Bremen 09. März 2011



Wiedergabe der Rede der Vorsitzenden Gudrun Held zur Verleihung des Bundesverdienstkreuzes an Ursula Schulze, Bremen 09. März 2011

Sehr geehrte Frau Senatorin Rosenkötter, Liebe Ursula Schulze, liebe Mitfeiernde!

Auf, lasst uns nach Bremen gehen! Das habe ich heute Morgen mit großer Freude und Spannung getan. Der Bundesvorstand der Eltern, Freunde und Angehörigen von Homosexuellen freut sich mit Dir, liebe Ursula, über diese öffentliche Würdigung Deiner Arbeit, und wir gratulieren Dir ganz herzlich dazu! Und ein bisschen stolz sind wir auch, dass Du zu uns gehörst! Dein Einsatz für die Akzeptanz von schwul-lesbischem Leben ist in der „Belle Etagé“ der Gesellschaft angekommen. Wie konnte es dazu kommen?

Bremen – da denke ich natürlich sofort an die Bremer Stadtmusikanten, die mir auf dem Marktplatz hier, und auf Postkarten und Werbeplakaten begegnen. Sie gehören zu Bremen – und sie gehören zu Dir, liebe Ursula Schulze und Du gehörst zu den Bremer Stadtmusikanten. Viel habt ihr gemeinsam.

Vier Tiere – ein Esel, ein Hund, eine Katze und ein Hahn – ziehen hier eines Tages in Bremen ein. So berichtet das Märchen. Kein Rudel marschiert hier auf, bei dem alle gleich aussehen und von der gleichen Art sind, alle dasselbe denken, fressen und tun. Eher sind es vier Individuen. Was aber verbindet die Vier? Warum schließen sie sich zusammen, diese vier Tiere, die sich doch eigentlich gar nicht aufs Fell und auf die Federn gucken mögen?

Der Esel, der Hund, die Katze und der Hahn, sie haben alle das gleiche Urteil gehört. Ein Urteil verbindet sie. Das Urteil lautet: du bist nichts Wert. Du leistest nichts und trägst nichts zur Produktivität bei. Du bist nicht so, wie wir das wünschen. Dich können wir nicht brauchen. Tod dem, der nichts leistet! Tod dem, der nicht unseren Vorstellungen entspricht!

Und hier kommst Du, liebe Ursula, in die Geschichte. Als Dein Sohn sich vor über 20 Jahren outete, da kanntest Du das jahrhundertealte Urteil der Hetero-gesellschaft: Schwule und Lesben dürfen nicht sein! Die sind nicht Gottgewollt, die bringen der Gesell-schaft keine Kinder ein. Die sind anders als wir.

Die wollen wir nicht! Die sind pervers. Tod dem, der nichts leistet für die Gesellschaft! Tod dem, der anders ist als wir.

Die Hetero-Gesellschaft, zu der wir ja auch gehören, bestimmt, wie Liebe, Verantwortung und Sexualität gelebt werden muss. Im Jahr 1989 gab es in unserem Land noch immer den § 175. Und Deine und meine Generation steht ja noch – zumindest mit einem Fuß – im Dritten Reich. Wir wissen um die unsägliche Verfolgung und den Mord an Menschen, die anders liebten als die Mehrheit. Da zieht sich eine Blutspur bis in unsere Tage. Auch wenn heute nicht mehr das Leben von Lesben und Schwulen ganz direkt – zumindest von Staatswegen gefährdet ist. Worte und Schweigen können ebenso verletzen und töten.

Das Urteil aus den Rathäusern damals lautete: die kommen nicht in unsere Standesämter! Unsere Türen bleiben zu. Und aus den Kirchentüren hallte es: die sollen draußen bleiben. Unseren Segen kriegen die nicht!

Wie die Tiere im Märchen hast Du dies Urteil nicht gelten lassen. Du hast Dich nicht den Wertvorstel-lungen der herrschenden Meinung gebeugt. Da trauest Du eher dem Märchenruf: „Etwas Besseres als den Tod findest Du überall. Auf, lasst uns nach Bremen gehen“ Aber das ist ja zuerst einmal ein sehr einsamer Mo-ment. Und ein sehr einsamer Weg. Das ist ein immen-ser Kampf mit sich selbst. Und es bedarf großen Mut, dem eigenen Urteil, der eigenen Liebe zu seinem Kind Recht zu geben und sich nicht der herrschenden Meinung in Kirche und Gesellschaft unter zu ordnen. Welch eine Kraft in Dir!

Die Tiere im Märchen brechen nach dem Urteilspruch auf und brechen aus. Und – sie suchen und finden einander. Der Esel, der Hund, die Katze und der Hahn, die ziehen nicht traurig und allein durch die Welt. Hätten sie das getan, sie stünden ganz sicher heute nicht auf dem Marktplatz hier.

„Etwas Bessres als den Tod findest du überall. Auf, lasst uns nach Bremen gehen!“ Mit diesem Ruf machen sie sich gemeinsam auf den Weg. Sie krallen sich aneinander fest, verbinden und verbünden sich gegen den Rest der Welt. Und die, die angeblich nichts leisten, entziehen sich

mit Witz und unter Einsatz der je eigenen Begabun-gen den vielfältigen Gefahren, die unterwegs auf sie lauern. Begabungen, die ihre Besitzer nicht gelten ließen, von denen sie nicht einmal etwas wissen wollten. Diese Begabungen erweisen sich mit einem Mal als Leben rettend.

Es muss mehr geben für mein Kind! Davon warst Du überzeugt. In dieser Welt muss Platz und Raum sein für die Vielfalt, auch der Liebe. Und so hast auch Du nach anderen „Tieren“ – nach anderen Menschen Ausschau gehalten. Wo sind die, die sich nicht dem Diktat der Mehrheits-Gesellschaft beugen? Und Du hast Menschen gefunden, denen es genauso ging wie Dir. Unermüdlich bist Du durch die Lande gezogen. Hast andere Mütter und Väter gefunden, die erst mal über Schwule und Lesben überhaupt etwas wissen wollten. Und die dann mit dir für Akzep-tanz und Wertschätzung für schwule und lesbische Menschen sich einsetzten.

Das war ein steiniger und dorniger Weg, damals 1989 – das Partnerschaftsgesetz war noch 12 Jahre entfernt. Die Diskussion über die gleichgeschlechtliche Liebe musste ja überhaupt erst einmal beginnen. Und Sprache musste gefunden werden und dann auch noch über die eigenen Lippen kommen.

Die Tiere im Märchen sind gegen das Urteil, das über sie gesprochen wurde, aufgestanden. Sie stellen sich sogar aufeinander – also ganz großer Aufstand.

So aufständig sind sie hier in Bremen angekommen. Und sofort fangen sie laut an zu singen. Das war gewiss keine Arie oder eine schöne Melodie. Ihr Schreien, Bellen, Miauen und Krähen verbindet sich zu einem Lebensgesang gegen das Todeslied! Und dieser Lebensgesang soll gehört werden. Den schreien sie den Menschen in die Ohren. Das hast Du mit den Tieren gemeinsam: Du bist hörbar geworden. Gegen das Todeslied der Hetero-Gesellschaft hast Du ein Lebenslied angestimmt. Akzeptanz und Wertschätzung für unsere Kinder! Und Du bist gehört worden. Gott sei Dank! Zuerst hier im Rat und Tat-Zentrum. Da habt Ihr offene Ohren und eine Anlaufstelle gefunden. Dann bist Du unermüdlich nach Nord und Süd und Ost und West gereist und hast Dich für andere Mütter und Väter, die auch gerade vom Coming-out ihrer Kinder erfahren haben, zum Gespräch zur Verfügung

gestellt. Und immer wieder für Akzeptanz und Wert-schätzung auch für diese Liebesart geworben. Und auch wir Eltern haben uns wie die Bremer Stadtmusikanten aneinander festgehalten. Haben uns Verbündete in der Politik und der Kirche gesucht. Gemeinsam sind wir stärker und können standfester gegen das Urteil der Hetero-Gesellschaft auftreten. Du hast dafür geworben, die sich gründenden Eltern-gruppen in den verschiedenen Städten zu vernetzen und auch auf Deine Initiative hin wurde 1997 in Hamburg der Bundesverband gegründet.

Immer noch müssen wir schreien und bellen und krähen, damit es uns Hetero-Menschen in den Ohren gellt: Ihr seid nicht allein auf der Welt! Ihr habt schwule und lesbische Geschwister. Wir haben von Dir und mit Dir gelernt, liebe Uschi, dass es sich lohnt, aufzubrechen, den Aufstand zu wagen. Etwas Besseres als den Tod findest Du überall. Auf, lasst uns nach Bremen gehen!

Eine kleine, persönliche Geschichte, soll sichtbar machen, wie auch durch Deinen Einsatz das Leben für Schwule und Lesben sich hier in Bremen verändert hat. Mein schwuler Sohn, er wollte evangelischer Pastor werden, hat 2003 hier in der Bremischen Kirche Asyl gefunden. Denn in der Hannoverschen Kirche, aus der er kam, hätte er nur sehr versteckt leben können. Und das wollte er nicht. Auch er hat sich aufgemacht nach Bremen. Seit vier Jahren ist er Pastor einer Gemeinde und wohnt seitdem mit seinem Partner im Pfarrhaus. Und am 1. Juli werden die Beiden hier im Rathaus und dann in seiner Kirche getraut werden. Hättest Du das 1989 für möglich gehalten? Hab Dank für Deinen Einsatz! Du hast Menschen verändert. Und dadurch haben Menschen Lebensraum gewon-nen. Du hast gegen das Todeslied ein Lebenslied ange-stimmt. Und wir werden es weiter singen, schreien und in die Welt krähen – solange es nötig ist!

Tatum Tatum Crack – Valter Rado und Tim von Kietzell



Eingeteilt in verschiedene Raum-Segmente durften die Zuschauer abschließend nach einer Übungsphase sich mit erotisch klingenden Geräuschen beteiligen, die von „Ahhh“, „Ohhh“ und „Ü“ bis zu einem lustvollen „Meeehr“ reichten. Das Publikum dankte mit rauschendem Applaus. Dafür eine Bildfolge zur Erinnerung mit einigen Titeln, die jeder für sich noch einmal zuordnen kann, um sich den schönen Abend in Erinnerung zu rufen.

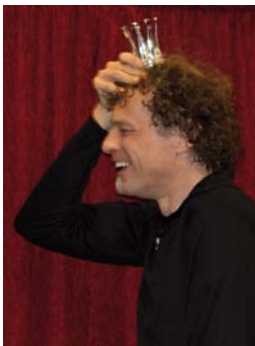
- Titel einiger Szenen**
- Liebe macht blind
 - Er liebt mich, er liebt mich nicht
 - Vielleicht bist Du meine Prinzessin
 - Liebesblitzschlag
 - Einsamkeit
 - Lora, ich liebe dich
 - Videogame love
 - Wir kommen zusammen
 - Frigide Zeiten
 - Was kostet mich deine Liebe
 - Ich liebe dich Dolly
 - 1. April 2038
 - Perversion
 - die paradiesische Orgie

Weiterführender Link:
www.valter-rado.de

(Das Kulturprogramm wurde vom BMFSFJ nicht als förderfähig anerkannt und allein vom BEFAH e.V. finanziert)



Eine Bühne fanden die Künstler im Hotel Sylter Hof nicht vor, dafür ein erwartungsvolles, aufgeschlossenes, begeisterungsfähiges Publikum. Und allen machte das Spiel in einfacher Kulisse sichtlichen Spaß. Es lachte über Amors Pfeil, der die Richtung verfehlte, den verzweifelten Liebhaber, der mit der Anzahl der Blütenblätter des Gänseblümchens Zählprobleme hatte. Auch die Verwendung von Mundspray beim Kuss des Froschkönigs machte aus diesem keine Prinzessin. Das Thema „Tierliebe“ erfuhr noch eine Steigerung: ein Papagei musste für jedes Körnchen, das er von Herrchen bekommt, „Ich liebe Dich“ krächzen – bis es dem Vogel zu bunt wurde, und er den Spieß einfach umdrehte. Herkömmliche Bilder und Metaphern der Liebe von ersten zarten Annäherungsversuchen bis hin zu Lust und Leidenschaft, Langeweile und Letzter Liebe wurden ganz neu und ungewöhnlich interpretiert. Für fast schon überkochende Stimmung im Saal sorgte die Szene mit Dolly, einer aufblasbaren Liebesdienerin (Rado), die im entscheidenden Moment Luft lässt.



Impressionen aus Berlin



Impressionen aus Berlin





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* Gütersloh und Paderborn haben sich zusammengeschlossen zur Elterngruppe OWL (Ost-Westfalen-Lippe)

Allgemeine Hinweise zu den Rahmenplänen für Unterricht und Erziehung in der Berliner Schule A V 27: Sexualerziehung

Neufassung

veröffentlicht in der Sammlung Luchterhand Schulrecht Berlin 147, November 2001

1. Ziele und Rahmenbedingungen schulischer Sexualerziehung

- 1.1 Kooperation von Eltern und Schule
- 1.2 Sexualerziehung in der multikulturellen Schule
- 1.3 Verschiedene Formen des Zusammenlebens
- 1.4 Rolle der Lehrerinnen und Lehrer in der Sexualerziehung

2. Aspekte schulischer Sexualerziehung

- 2.1 Sprache in der Sexualerziehung
- 2.2 Geschlechterrollen und Sexualerziehung
- 2.3 Gleichgeschlechtliche Lebensweisen und Sexualerziehung
- 2.4 Verschiedene Kulturen und Sexualerziehung
- 2.5 Behinderung und Sexualerziehung
- 2.6 Körper und Sexualität
- 2.7 Sexuelle Gewalt

1. Ziele und Rahmenbedingungen schulischer Sexualerziehung

Der gesetzliche Erziehungsauftrag der Schule schließt die Sexualerziehung als einen wichtigen und unverzichtbaren Teil der Gesamterziehung mit ein. Ihre Grundlagen bilden das Grundgesetz der Bundesrepublik Deutschland, die Verfassung von Berlin und das Schulgesetz für das Land Berlin.

Der Sexualerziehung liegt ein umfassender, ganzheitlich-personaler Begriff menschlicher Sexualität zugrunde. Sexualität ist eine Lebenskraft, die in allen Phasen menschlichen Lebens in körperlicher, geistig-seelischer und sozialer Hinsicht wirksam wird. Sie dient nicht nur der Weitergabe neuen Lebens, sondern ist eine Quelle von Lebensfreude und trägt zur Identitätsbildung bei. In der sozialen Beziehung zu anderen Menschen ermöglicht sie Erfahrungen von Nähe, Vertrauen, Geborgenheit, Lust, Zärtlichkeit und Liebe.

Schulische Sexualerziehung soll Kindern und Jugendlichen alters- und entwicklungsgemäß helfen, ihr Leben bewußt und in freier Entscheidung sowie verantwortungsvoll sich selbst und anderen gegenüber zu gestalten. Sie soll sie bei der Entwicklung eigener Wertvorstellungen unterstützen. Schülerinnen und Schüler sollen sich aber auch mit anderen kulturellen und religiösen Wertvorstellungen auseinandersetzen und unterschiedliche Lebensstile und Lebenssituationen kennenlernen. Sexualerziehung soll sie zu einem selbstbewußten Umgang mit der eigenen Sexualität befähigen, bei der Entwicklung der eigenen sexuellen Identität hilfreich sein und für ein partnerschaftliches Leben sensibilisieren.

Sexualerziehung fördert den freien und zugleich pädagogisch angeleiteten Zugang zu dem für ein Leben mit Sexualität notwendigen Wissen. Selbstbestimmtes und verantwortungsvolles Verhalten kann durch Klischees und Vorurteile behindert werden. Diese zu überwinden ist ein wichtiger Aspekt der Sexualerziehung.

Sexualerziehung in schulischer Verantwortung ist daher zunächst im ursprünglichen Sinn Aufklärung. Deren Ziel ist es, Schülerinnen und Schülern ein sachlich fundiertes Wissen zu Sexualität zu vermitteln. Dieses Wissen soll ihnen helfen, personale, partnerschaftliche, gesellschaftliche und kulturelle Zusammenhänge im Bereich der Sexualität zu verstehen und sich ein eigenes Urteil zu bilden. Sie sollen durch die Reflexion fremder und eigener Erfahrungen lernen, die Bedeutung ihrer Gefühle und ihres Verstandes für ihr eigenes Verhalten und das anderer zu verstehen. Dazu ist die Förderung der Kommunikationsfähigkeit unbedingt notwendig.

Das durch Sexualerziehung zu vermittelnde Wissen soll Schülerinnen und Schüler befähigen, sich kritisch mit den Darstellungen von Sexualität in den Medien auseinander zu setzen.

Sexualerziehung bezieht Veränderungen sexueller Einstellungen und Verhaltensweisen in unserer Gesellschaft mit ein. Das bedeutet, dass dem Sexualverhalten aller Menschen Respekt und Toleranz entgegengebracht wird, auch wenn es sich von der eigenen sexuellen Orientierung und dem eigenen Verhalten unterscheidet. Die Achtung vor der Würde jedes Menschen gebietet es, niemanden im Bereich der Sexualität für eigene Zwecke zu benutzen oder auf Teilaspekte seiner Persönlichkeit zu reduzieren. Sexualerziehung leistet einen wichtigen Beitrag dazu, Selbstbestimmung und Lebenskompetenz bei jungen Menschen zu entwickeln und der Gefahr körperlicher und seelischer Schädigung entgegenzuwirken.

1.1 Kooperation von Eltern und Schule in der Sexualerziehung

Sexualerziehung ist eine Aufgabe, die in der Familie und in der Schule gleichermaßen wahrgenommen werden muss, damit bei Kindern und Jugendlichen eine positive Einstellung zu Liebe und Sexualität wachsen kann. In den ersten Lebensjahren sind die Erziehungseinflüsse der Eltern und der Kindertageseinrichtungen entscheidend. Die frühkindlichen Erfahrungen sind grundlegend für die weitere sexuelle Entwicklung. Mit Schulbeginn ergänzt die schulische Sexualerziehung die der Eltern. Angesichts der Bedeutung der sexuellen Sozialisation und der sexuellen Identitätsfindung für die

Persönlichkeitsentwicklung muss die Schule gerade auf diesem Gebiet eng mit den Eltern kooperieren.

Eine Chance und Aufgabe von Schule und Eltern ist es, den Dialog mit den Kindern und Jugendlichen zu suchen und offenzuhalten, Standpunkte mit ihnen zu diskutieren und Ansichten gemeinsam zu überprüfen.

Erfahrungsgemäß wächst die Bereitschaft der Eltern zur konstruktiven Zusammenarbeit mit den Lehrerinnen und Lehrern in dem Maße, wie diese versuchen, Eltern rechtzeitig zu informieren. Das Recht der Eltern beinhaltet, konkret über die geltenden Richtlinien, die Inhalte und Methoden der Sexualerziehung in der Schule informiert zu werden. So haben die Eltern die Möglichkeit, mit ihren Kindern die jeweils zu behandelnden Themen vorher oder parallel zum Unterricht zu besprechen. Die Erziehungsberechtigten können ihre Erfahrungen und Vorstellungen in die schulische Arbeit einbringen, allerdings haben sie nicht die Möglichkeit, ihr Kind von der Sexualerziehung im Unterricht befreien zu lassen.

Die Legitimation für Sexualerziehung ist für viele, insbesondere Eltern nicht deutscher Herkunft, aus ihrer Biografie heraus nicht nachvollziehbar. Aus ihrer Sicht gehört die Auseinandersetzung über Sexualität ausschließlich in den privaten Bereich. Sie befürchten, dass Sexualerziehung ihre Kinder zu frühzeitiger sexueller Aktivität verführt.

Gerade deshalb ist eine vertrauensvolle Zusammenarbeit zwischen Schule und allen Eltern notwendig. Diese kann durch Elternabende geleistet werden, auf denen Literatur und andere Medien zur Sexualerziehung vorgestellt werden und bei denen es zu einem Gedankenaustausch kommt. Die Schule kann ergänzend auch Veranstaltungen für Lehrer/innen, Schüler/innen und Eltern mit Fachleuten von außen organisieren, die den konstruktiven Dialog der Beteiligten fördern.

1.2 Sexualerziehung in der multikulturellen Schule

In Berliner Schulen lernen heute immer mehr Kinder und Jugendliche unterschiedlicher kultureller Herkunft miteinander. Etwa 20% aller Schülerinnen und Schüler sind Kinder aus binationalen oder nicht deutschen Partnerschaften. So widerspiegelt die Schule die Vielfalt der Normen und Werte in unserer Gesellschaft. Gerade in der Sexualerziehung werden diese Unterschiede deutlich: Hier prallen sehr verschiedene religiöse, kulturelle und ethische Moralvorstellungen aufeinander. Schule hat die schwierige Aufgabe, Sexualerziehung so zu gestalten, dass sich alle Schülerinnen und Schüler angesprochen fühlen.

Ein integrativer Ansatz nimmt diesen Auftrag ernst, indem er in einer Atmosphäre gegenseitiger Achtung die Unterschiedlichkeiten sichtbar macht und sie erläutert. Sexualerziehung kann einen Beitrag zur Verständigung untereinander und über die eigenen kulturellen Grenzen hinweg leisten.

1.3 Verschiedene Formen des Zusammenlebens

Ca. 60 % aller Kinder und Jugendlichen in Berlin leben mit ihren verheirateten Eltern zusammen. Mindestens 40 % dagegen leben in anderen familialen Formen, die durch ledige Elternschaft, Trennungen, Scheidungen, Stiefelternschaft, durch das Aufwachsen von Kindern in gleichgeschlechtlichen Familienformen und durch Unterbringung außerhalb der Herkunftsfamilie entstehen. Auch in der traditionellen „Zwei-Eltern-Familie“ werden neue und vielfältige Weisen der Kooperation und Aufgabenverteilung erprobt, in denen Eltern und Kinder ein neues Verständnis von Partnerschaft und gemeinsamem Leben zu verwirklichen versuchen. Somit reicht der Wandel in den Formen des Zusammenlebens von Erwachsenen und Kindern über die Veränderungen, die man an Zahlen über das Auftreten unterschiedlicher Familienstrukturen ablesen kann, weit hinaus. Die verschiedenen Lebenssituationen der Kinder und Jugendlichen müssen im Unterricht thematisiert werden, ohne dass die Unterschiedlichkeiten einer moralischen Wertung unterzogen werden. Sie sind als gesellschaftliche Realität zu akzeptieren, als gleichwertig zu betrachten und als Möglichkeiten für die eigene Lebensplanung der Schülerinnen und Schüler zu behandeln.

1.4 Die Rolle der Lehrerinnen und Lehrer in der Sexualerziehung

Sexualerziehung ist ein fächerübergreifend zu unterrichtendes Thema. Daher sind in jeder Schule Lehrerinnen und Lehrer aufgefordert, sich mit dieser Thematik zu beschäftigen. Sexualität bedarf in allen pädagogischen Zusammenhängen einer besonders sensiblen Behandlung. Schulische Sexualerziehung berührt einen sehr persönlichen Bereich der Schülerinnen und Schüler, daher ist hier besonderes Verantwortungsbewusstsein und Taktgefühl seitens der Lehrkräfte nötig. Sie erleben in diesem Unterricht, dass sie mehr als in jedem anderen Fach mit dem Nähe-Distanz-Problem konfrontiert sind. Von ihnen werden Glaubwürdigkeit und die Bereitschaft zu persönlicher Stellungnahme erwartet, an der sich Schülerinnen und Schüler orientieren können. In diesem Sinne haben Lehrerinnen und Lehrer Modellfunktion. Dabei dürfen sie ihren Schülerinnen und Schülern aber nicht bestimmte Auffassungen oder Konzepte einer ihrer Meinung nach gelungenen Sexuallebens aufdrängen. Es ist unabdingbar, dass die Lehrkräfte für Schülerinnen und Schüler deutlich zwischen der Weitergabe fundierten Wissens und kritisch-ethischer Reflexion einerseits und der Äußerung ihrer persönlichen Überzeugung andererseits unterscheiden. Persönliche Einschätzungen, Wertungen und Urteile der Lehrerin oder des Lehrers müssen sehr behutsam erfolgen, dabei ist die Intimsphäre der Kinder und Jugendlichen, ihre unterschiedliche Entwicklung, ihre Scham und ihre Unsicherheit zu achten.

Sexualerziehung in der Schule kann nur in einer Atmosphäre gegenseitiger Rücksichtnahme und Achtung gelingen. Für eine sinnvolle Kommunikation ist eine Vertrauensbasis notwendig, in der alle Respekt vor der Intimsphäre des jeweils anderen und damit auch der Lehrkraft zeigen.

Lehrerinnen und Lehrer brauchen für die Sexualerziehung

- die Fähigkeit, eigene Einstellungen, Schamgrenzen, Unsicherheiten und Werte zu reflektieren, damit jede einseitige Beeinflussung der Schülerinnen und Schüler vermieden werden kann,
- soziale Kompetenz, um Kommunikationsprozesse zu initiieren und zu steuern, eine Vertrauensbasis zu schaffen, auf Konflikte in der Schüler/innen-Gruppe angemessen zu reagieren und
- das nötige Wissen über biologische, sexualwissenschaftliche und sozialpsychologische Zusammenhänge.

Um sich selbst zu entlasten und um Schülerinnen und Schülern ein breites Wissens- und Erfahrungsspektrum zu ermöglichen, bietet die Zusammenarbeit mit Beratungsstellen und Selbsthilfeorganisationen den Lehrkräften eine konkrete Unterstützung. Ebenso ist die Teilnahme an Fortbildungsveranstaltungen hilfreich.

2. Aspekte schulischer Sexualerziehung

2.1 Sprache in der Sexualerziehung

Kommunikation über Sexualität fällt trotz der starken medialen Präsenz sexueller Themen noch immer schwer und findet nur in geringem Umfang statt. Sprache ist das bedeutendste Medium des Unterrichts. Sie kann das Verstehen und das Verstanden-Werden fördern. Sie kann Gefühle, z.B. Zuneigung und Lust ausdrücken, sie kann aber auch verletzen, demütigen und diskriminieren. Diese Funktionen von Sprache im Unterricht mit Kindern und Jugendlichen zu reflektieren, dient im Bereich des Sexuellen der eigenen Standortfindung und dem Erwerb kommunikativer Kompetenz, die dazu beitragen kann, Vertrauen zu schaffen und Intimität zu schützen.

So meinen verschiedene Bezeichnungen für „Geschlechtsverkehr“, vom lateinischen Fachwort bis zu umgangs- und vulgärsprachlichen Ausdrücken ungefähr dasselbe, besitzen aber jeweils unterschiedliche Signalwirkung.

Die Anforderungen an die Sprachkompetenz von Kindern und Jugendlichen sind vielfältig und unterscheiden sich strukturell häufig nach den Adressaten: In der Kommunikation mit Gleichaltrigen des eigenen Geschlechts wird ein anderer Sprachcode gewählt als in der Kommunikation mit Gleichaltrigen des anderen Geschlechts. Das Gespräch mit Erwachsenen macht abermals eine andere Wortwahl und einen anderen Sprachstil erforderlich, um verstanden und akzeptiert zu werden. Nicht immer ist das jedoch ihr Ziel: Kinder und Jugendliche benutzen Sprache auch zur Abgrenzung und Provokation. Gleichzeitig reagieren sie durchaus empfindlich, wenn Erwachsene sich ungebeten in ihre Sprachkultur einmischen oder sich sprachlich anzubiedern versuchen.

Für den Umgang mit Sexualität und Sprache in der Sexualerziehung stellen sich folgende Aufgaben:

- Die in der Sexualerziehung verwendete Sprache ist daraufhin zu prüfen, ob sie deutlich, wahrhaftig, lebensnah, sexualfreundliche sowie der Aufklärung dienlich ist und nicht diskriminiert.
- Das eigene Sprach- und Redeverhalten ist zu reflektieren auch im Hinblick auf Botschaften, die „zwischen den Zeilen“ durch Wortwahl, Tonfall, Sprachfluss, Pausen, Gestik und Mimik vermittelt werden.
- Lehrerinnen und Lehrer sollen der Sprachvielfalt von Kindern und Jugendlichen gegenüber offen sein und sie nicht mit dem Gebot der „ordentlichen“ Sprache überreden oder mundtot machen. Sprachlichen Provokationen gegenüber gilt es, authentisch zu bleiben: ihnen möglichst gelassen zu begegnen, aber auch eigene Standpunkte und Grenzen deutlich zu machen.
- Mit den Schülerinnen und Schülern ist gemeinsam ein Konsens über die sprachliche Kommunikation im Unterricht zu entwickeln.
 - Im Unterricht sollen Erprobungsfelder für sprachliche Kommunikation über Sexualität bereitgestellt werden. Es soll den Schülerinnen und Schülern bewusst werden, dass Sprache situationsbezogen ist und dieselbe Aussage in einer intimen Situation anders wirkt als in der Öffentlichkeit.

2.2 Geschlechterrollen und Sexualerziehung

Sexualerziehung erfolgt in der Schule grundsätzlich koedukativ. Es ist wichtig, die unterschiedlichen Bedürfnisse und Interessen von Mädchen und Jungen zu berücksichtigen, die z.B. in Sprache, Idolen, Mode, Verhalten und Umgang miteinander zum Ausdruck kommen. Es bietet sich an, ihre spezifischen Fragen und Äußerungsformen als Motor für lebendiges Lernen in den Mittelpunkt des Unterrichts zu stellen.

Eine geschlechtsdifferenzierte Sexualerziehung bietet die Chance, die sexuelle Identität der Kinder und Jugendlichen zu stärken, gegenüber dem anderen Geschlecht zu sensibilisieren und zur Gleichberechtigung von Frauen und Männern in der Gesellschaft beizutragen. Sie zielt ab auf ein reflektiertes Rollenverhalten in Bezug auf Eigenschaften und Verhaltensweisen, die als „typisch männlich“ oder „typisch weiblich“ bezeichnet werden. Das Infragestellen dieser erlernten und verinnerlichten Rollenzuweisungen kann für Mädchen und Jungen eine gute Gelegenheit sein, die eher dem anderen Geschlecht zugeschriebenen Verhaltensweisen für sich zu überprüfen und gegebenenfalls ins eigene Repertoire zu übernehmen.

Um der partiell unterschiedlichen psychosexuellen Entwicklung von Mädchen und Jungen gerecht werden zu können, ist ein zeitweiliger Unterricht in geschlechtshomogenen Gruppen vorteilhaft. Dieser geschützte Rahmen ist besonders geeignet für das Persönlichkeitslernen, da hier kultur- und geschlechtsspezifische

Empfindungen von Mädchen und Jungen, insbesondere das Schamgefühl, angemessener berücksichtigt werden können. Es fällt leichter, so genannte „heiße Eisen“ wie Selbstbefriedigung, Jungfräulichkeit, Homosexualität, sexuelle Gewalt und Pornografie mit einer Lehrperson des eigenen Geschlechts zu thematisieren.

In der Mädchen und Jungenarbeit sollen

- die Themen Körper, Gefühle und sexuelle Wünsche behandelt werden,
- Ängste und Aggressionen berücksichtigt werden,
 - Schülerinnen und Schülern die Möglichkeit gegeben werden, Verhaltensweisen zu erproben, die klassischerweise als eher männlich gelten wie Aggressivität und Durchsetzungsvermögen oder als eher weiblich wie Nachgiebigkeit und Sensibilität.

2.3 Gleichgeschlechtliche Lebensweisen und Sexualerziehung

Mindestens 5 % aller jungen Menschen entwickeln eine gleichgeschlechtliche sexuelle Identität, ein weitaus größerer Anteil macht gleichgeschlechtliche sexuell-emotionale Erfahrungen oder orientiert sich bisexuell. Aufgrund von Tabuisierung, überholten Wertevorstellungen und früherer Kriminalisierung bestehen Vorurteile gegenüber Lesben, Schwulen, Bi- und Transsexuellen, die zu Abwertung und Diskriminierung bis hin zu Gewalttaten führen. Demgegenüber dient die schulische Sexual- und Sozialerziehung der Ausbildung und Förderung von Toleranz, Offenheit und Respekt vor dem Leben und der Lebensweise aller Menschen, unabhängig von ihrer sexuellen Orientierung.

In der Auseinandersetzung mit unterschiedlichen sexuellen Lebensweisen besteht die Chance, die eigene Sexualität und die anderer zu reflektieren und eine eigene sexuelle Identität zu finden. Auch in diesem Zusammenhang bietet es sich an, starre Bilder von Weiblichkeit und Männlichkeit zu hinterfragen. In der Sexualwissenschaft besteht Konsens darüber, dass sich menschliche Sexualität auf vielfältige Weise ausdrückt. Hetero-, Bi- und Homosexualität sind Ausdrucksformen des menschlichen Empfindens und der sexuellen Identität, die, ohne Unterschiede im Wert, zur Persönlichkeit des betreffenden Menschen gehören. Die Frage nach den Ursachen verschiedener sexueller Orientierungen ist wissenschaftlich nicht geklärt.

Die Gesellschaft gibt bisher überwiegend heterosexuelle Leitbilder vor. Die Entwicklung der sexuellen Identität von Kindern und Jugendlichen, die sich lesbisch, schwul oder bisexuell entwickeln, wird dadurch erschwert. Deshalb ist es wichtig, gleichgeschlechtliche Lebensweisen in ihrer Vielfalt darzustellen und altersgemäß zu vermitteln. Themen sind:

- die Lebensformen: gleichgeschlechtliche Paare, Familien mit einem homosexuellen Elternteil, offene Beziehungen,
- lebensgeschichtliche und gesellschaftliche Erfahrungen: Coming-out, Reaktionen von Eltern und Freunden, Vorurteile und Diskriminierungen, rechtliche Anerkennung, Verfolgung in der Geschichte und in anderen Ländern,
- kulturelle und subkulturelle Lebensräume: Emanzipationsbewegung und -projekte, verschiedene sexuelle Ausdrucksformen.

Transsexualität und Transvestitismus sind als eigene Formen sexueller Identität nicht mit Homosexualität zu verwechseln.

Für ihre sexuelle Entwicklung brauchen Kinder und Jugendliche ein Klima, das die Vielfalt sexueller Möglichkeiten achtet. Vorurteilsfreie Information kann junge Lesben, Schwule und Bisexuelle in ihrer Identitätsentwicklung fördern. Gerade in der Zeit, in der die Heranwachsenden sich über ihre gleichgeschlechtliche sexuelle Orientierung klar werden und dies auch nach außen deutlich machen (Coming-out) benötigen sie ein akzeptierendes Umfeld, Informationen und Ansprechpartner/innen. Wichtig sind persönliche Vertrauensbeziehungen und Vorbilder. Offen homosexuell lebende Lehrkräfte und deren Akzeptanz im Kollegium tragen zu einer schulischen Atmosphäre bei, die die sexuelle Identitätsentwicklung von Schülerinnen und Schülern erleichtert. Hilfreich ist es, den Rat

von Fachleuten, z.B. aus lesbisch-schwulen Projekten, einzuholen und diese in den Unterricht einzuladen.

2.4 Verschiedene Kulturen und Sexualerziehung

Sexualität und Partnerschaft sind zentrale Bestandteile der menschlichen Existenz. Bei ihrer Gestaltung üben die von der Herkunftskultur vorgegebenen sowie durch Erziehung verinnerlichten Normen einen großen Einfluß aus. Die Sexualerziehung in einer multikulturellen Schule berücksichtigt dies, in dem sie die verschiedenen Wertvorstellungen sichtbar macht, sie für alle Kinder und Jugendlichen erläutert und ihnen die Chance bietet, sich konstruktiv mit eigenen und fremden Ansichten hinsichtlich Sexualität und Partnerschaft auseinander zu setzen. Kinder und Jugendliche nichtdeutscher Herkunft erhalten dadurch einen Zugang zu dem in Deutschland verbreiteten Norm- und Wertesystem.

Lehrkräfte im Bereich der Sexualerziehung bei einer multikulturell zusammengesetzten Lerngruppe stehen u.a. vor folgenden Schwierigkeiten: Die Kinder und Jugendlichen befinden sich auf unterschiedlichem kognitivem Niveau bezüglich der Körper- und Sexualaufklärung. Schülerinnen und Schüler nichtdeutscher Herkunft, die seit der Einschulung die deutsche Schule besuchen, haben meist mehr Informationen über Sexualität und Partnerschaft und haben anderes hinsichtlich der Bewertung von Sexualität, Geschlechterrollen und Geschlechterbeziehung erfahren als andere, die zu einem späteren Zeitpunkt nach Deutschland gekommen sind. Zwischen Kindern deutscher und nicht deutscher Herkunftssprache bestehen strukturelle Unterschiede in der Fähigkeit, über Sexualität zu kommunizieren. Verantwortlich dafür sind sowohl traditions- und kulturbedingte Erfahrungen als auch sprachliche Missverständnisse aufgrund unterschiedlicher Bedeutung und Verwendung sexueller Begriffe.

Um die Sexualerziehung interkulturell auszurichten, ist eine wertschätzende Atmosphäre in der Lerngruppe von besonderer Bedeutung. Deshalb ist es wichtig, dass sich Lehrerinnen und Lehrer mit eigenen und fremden kulturellen Werten und Normen bezüglich Sexualität und Partnerschaft kritisch auseinandersetzen und sich kulturspezifisches Wissen über die Herkunftsländer ihrer Schülerinnen und Schüler zu dieser Thematik aneignen.

Im Unterricht sollen vor allem folgende Aspekte berücksichtigt werden:

- Vermittlung der Unterschiede und Gemeinsamkeiten verschiedener Kulturen in ihrer Bewertung von Sexualität und Partnerschaft;
- Anerkennen der Schülerinnen und Schüler als authentische Vertreter der eigenen Herkunftskultur
- Arbeiten in geschlechtsgetrennten Gruppen mit einer Ansprechperson des gleichen Geschlechts
- Einbeziehen von muttersprachlichen Formulierungen aus dem Bereich der Sexualität
- Arbeiten mit nonverbalen und kreativen Methoden (z.B. Malen, Zeichnen, Kneten)
 - Nutzen von Wissen und Erfahrungen spezieller Beratungsangebote von und für Migrantinnen und Migranten.

2.5 Behinderung und Sexualität

Hinsichtlich ihrer körperlichen Entwicklung gibt es zwischen Menschen mit und ohne Behinderungen keine grundsätzlichen Unterschiede. Sexuelle Wünsche und Empfindungen sind in beiden Gruppen vorhanden, bei Menschen mit geistiger Behinderungen manchmal jedoch erst zeitversetzt erkennbar. Homosexualität und Heterosexualität treten in ähnlicher Verteilung auf wie bei Menschen ohne Behinderungen.

Kinder und Jugendliche mit Behinderungen benötigen zur Ausbildung ihrer Persönlichkeit ebenso wie alle anderen von Geburt an die Unterstützung und Förderung ihrer psycho-sexuellen Fähigkeiten. Das Recht auf sexuelle Selbstbestimmung wird Menschen mit Behinderungen mittlerweile zugestanden, die Umsetzung im Erziehungsalltag ist jedoch noch mit Schwierigkeiten verbunden. Bei der Erziehung von Menschen mit Behinderungen besteht die Gefahr, dass sie sich kaum an deren Wünschen und Bedürfnissen orientiert, sondern von den Befürchtungen und Ängsten der Betreuerinnen und Betreuer bestimmt ist. Menschen mit geistigen Behinderungen, die in starken Abhängigkeiten von ihren Bezugspersonen stehen, sind darüber hinaus stärker als andere durch sexuelle Übergriffe gefährdet.

Häufig besitzen Kinder und Jugendliche mit Behinderungen ein reduziertes Körper- und Selbstbild, das mit einem geringen Selbstwertgefühl verbunden ist. Gerade diese Kinder und Jugendlichen bedürfen deshalb einer besonderen Unterstützung in der Weiterentwicklung ihrer sozialen Kompetenzen, der realistischen Einschätzung ihrer Möglichkeiten und der Entwicklung von Handlungsperspektiven.

Die Unterrichtsziele in der Sexualerziehung sind für Kinder und Jugendliche mit und ohne Behinderungen prinzipiell identisch. Es ist erforderlich, die sexuellen Wünsche und Bedürfnisse von Kindern mit und ohne Behinderungen gleichermaßen zu akzeptieren und in den Unterricht zu integrieren. Bei der Vermittlung der Unterrichtsinhalte ist der Stand der psycho-sexuellen, der psycho-sozialen und der kognitiven Entwicklung zu berücksichtigen. Je nach Art und Ausmaß der Behinderungen sind geeignete -auch nichtverbale - Methoden zu entwickeln und einzusetzen.

Themen von besonderer Bedeutung sind:

- Partnerschaften von Menschen mit geistiger Behinderung,
- Kinderwunsch und Elternschaft
- Chancen der Realisierung sexueller Wünsche und deren Umsetzung, einschließlich der Diskussion über Möglichkeiten der sexuellen Assistenz.

Eine vertrauensvolle Zusammenarbeit mit den Eltern darf nicht außer Acht gelassen werden.

2.6 Körper und Sexualität

Kinder und Jugendliche sollen rechtzeitig, umfassend und sachlich über Sexualität informiert werden. Es ist Aufgabe schulischer Sexualerziehung, diese Informationen altersangemessen von der Grundschule bis zur Oberschule zu vermitteln.

Ausreichende Kenntnisse helfen Kindern und Jugendlichen, Veränderungen in ihrer körperlichen, psychischen und sexuellen Entwicklung vorbereitet zu erleben und sich, wo dies nötig ist, ausreichend zu schützen. Die Schule ist zu einem Lernangebot verpflichtet, das Schülerinnen und Schülern den Erwerb des notwendigen Wissens über humanbiologische, medizinische, hygienische, psychologische und sexualwissenschaftliche Grundlagen ermöglicht. Es soll sowohl Sachinformationen über die körperliche Entwicklung und die damit verbundenen Veränderungen im emotionalen Bereich enthalten, als auch sexuelles Erleben und sexuelle Verhaltensweisen reflektieren und diskutieren. Neben den Grundlagenthemen sind zentrale Inhalte :

- die Förderung eines positiven Körperbewußtseins und Körpergefühls,
- die kritische Auseinandersetzung mit vorherrschenden Schönheitsidealen,
- die Bedeutung der Selbstbefriedigung für Kinder, Jugendliche und Erwachsene,
- Orgasmus im Spannungsfeld zwischen Leistungsanforderung und individuell unterschiedlichem Lustempfinden,
- partnerschaftliche Sexualität einschließlich „petting“, „das erste Mal“ und Geschlechtsverkehr in hetero- und homosexuellen Beziehungen,
- Kondome als Schutz vor sexuell übertragbaren Krankheiten einschließlich HIV/ AIDS- Infektionen,
- Empfängnisverhütung und jugendliche Schwangerschaften.

2.7 Sexuelle Gewalt als Thema in der Sexualerziehung

Sexueller Missbrauch und sexuelle Belästigung sind Formen sexueller Gewalt und kommen in allen Schichten der Bevölkerung vor. Die Ausübung sexueller Gewalt wird durch die Abhängigkeit des Opfers vom Täter/der Täterin begünstigt. Beim sexuellen Missbrauch gehen Fachleute von einer sehr hohen Dunkelziffer aus. Viel häufiger als durch fremde Täter geschieht sexueller Missbrauch im Nahbereich der Familie. Daher wird er meist besonders sorgfältig geheimgehalten. Sexuelle Belästigungen und Übergriffe kommen auch zwischen Jugendlichen und Kindern vor.

Die Einflussmöglichkeiten der Schule liegen vor allem in der Primärprävention. Dabei sind allgemeine Warnungen vor „Sittenstrolchen“ oder „fremden, bösen Männern“ eher geeignet, Kindern Angst zu machen, als ihnen zu helfen. Vielmehr kann durch Förderung der Ich-Stärke von Kindern und Jugendlichen die Gefahr reduziert werden, Opfer sexueller Gewalt zu werden. Ich-Stärke dokumentiert sich u.a. in folgenden Fähigkeiten:

- den eigenen Körper bewußt wahr zu nehmen,
- über den eigenen Körper selbst zu bestimmen, klar „ja“ und vor allem auch „nein“ sagen zu können,
- eigenen Gefühlen zu trauen und angenehme von unangenehmen Gefühlen zu unterscheiden,
- offen über Sexualität kommunizieren zu können.

Es muss jedoch immer wieder deutlich gemacht werden, dass Kinder - unabhängig von ihrer Ich-Stärke - nicht für sexuelle Übergriffe von Erwachsenen oder älteren Jugendlichen verantwortlich sind. Sexuelle Belästigungen, die in der Schule stattfinden, sind zu thematisieren.

In Konfliktfällen ist es für Kinder und Jugendliche wichtig zu wissen, von wem sie Unterstützung erhalten können. Hier hat die Schule eine Informationspflicht. Haben Lehrerinnen und Lehrer den begründeten Verdacht, dass ein Kind oder Jugendlicher sexuell missbraucht wird, entsteht die Pflicht der Schule zur sekundären Prävention, d.h. zur Nutzung professioneller Hilfe. Keinesfalls sollten Lehrerinnen und Lehrer kriminalistische Nachforschungen anstellen, auffällige Verhaltensweisen eigenständig deuten oder gar therapeutische Maßnahmen durchführen. Bevor Lehrerinnen und Lehrer sekundärpräventiv handeln, sollten sie sich mit Vertrauten über die beobachtete Situation austauschen, um Sicherheit in ihrem Urteil zu gewinnen.